



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, April 6, 2016, 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>Anne Lynch</b>	—	<b>Commissioner</b>
<b>Michael O'Rourke</b>	—	<b>Commissioner</b>
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<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

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

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

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATION/REPORTS:**

1. **Proclamation In Honor of Commissioner Kathleen Rapoza**

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. **Town Commission and Planning & Zoning Board Mixed-Use Corridor**

- |            |   |               |
|------------|---|---------------|
|            | <b>Workshop Minutes of March 1, 2016</b>  | <b>Tab 2</b>  |
| <b>3.</b>  | <b>Regular Commission Meeting Minutes of March 16, 2016</b>   | <b>Tab 3</b>  |
| <b>4.</b>  | <b>Special Call Commission Meeting Minutes of March 21, 2016</b>  | <b>Tab 4</b>  |
| <b>5.</b>  | <b>Amendment of the License Agreement between the Town of Lake Park and The Burt Reynolds Institute of Film and Theatre (BRIFT)</b>   | <b>Tab 5</b>  |
| <b>F.</b>  | <b><u>PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:</u></b>   |               |
|            | None  |               |
| <b>G.</b>  | <b><u>PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:</u></b>  |               |
|            | None  |               |
| <b>H.</b>  | <b><u>NEW BUSINESS:</u></b>   |               |
| <b>6.</b>  | <b>Resolution No. 15-04-16 Valic 401k- Retirement Savings Plan Revised Adoption Agreement</b>   | <b>Tab 6</b>  |
| <b>7.</b>  | <b>ICMA-RC 401k- Retirement Savings Plan Revised Adoption Agreement</b>   | <b>Tab 7</b>  |
| <b>8.</b>  | <b>Resolution No. 16-04-16 Authorizing Execution of an Agreement between the Town of Lake Park and Craven Thompson &amp; Associates for Engineering Services Related to the Replacement of the Town’s Stormwater Outfall Structures Adjacent to 541 Northlake Boulevard</b> | <b>Tab 8</b>  |
| <b>9.</b>  | <b>Resolution No. 17-04-16 Resolution Authorizing the Submittal of an Application to the Florida Inland Navigation District Waterways Assistance Program for Fiscal Year 2016 for the Installation of Boat Lifts at the Lake Park Harbor Marina</b>                         | <b>Tab 9</b>  |
| <b>10.</b> | <b>Community Development Block Grant (CDBG) Grant Preparation</b>   | <b>Tab 10</b> |
| <b>11.</b> | <b>Nomination of Small Business of the Year to the Northern Palm Beach County Chamber of Commerce</b>   | <b>Tab 11</b> |
| <b>12.</b> | <b>Distribution of the Annual Town Manager Performance Evaluation Form to the Town Commission</b>   | <b>Tab 12</b> |
| <b>I.</b>  | <b><u>TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:</u></b>   |               |
| <b>J.</b>  | <b><u>ADJOURNMENT</u></b>   |               |

**Next Scheduled Regular Commission Meeting will be held on Wednesday, April 20, 2016**

# **Special Presentations /Reports**

# Proclamations

# TAB 1



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016

Agenda Item No. *Tab 1*

Agenda Title: Proclamation in Honor of Commissioner Kathleen Rapoza

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

Approved by Town Manager *[Signature]* Date: *3-22-16*

*Bonnie McKittrick Turner*  
 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>  Copy of Proclamation
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	<b>Yes I have notified everyone</b> <u><i>BMT</i></u> OR Not applicable in this case _____ <b>Please initial one.</b>

Summary Explanation/Background:

**PROCLAMATION  
IN HONOR OF COMMISSIONER KATHLEEN RAPOZA**

**WHEREAS;** *Kathleen Rapoza* has been an outstanding citizen of the Town of Lake Park and an integral member of this community; and

**WHEREAS;** *Kathleen Rapoza* has served both as a friend and neighbor to all who have had the privilege of knowing her, and as an individual who has demonstrated her civic enthusiasm and concern for the Town of Lake Park and its citizens; and

**WHEREAS;** in 2013 *Kathleen Rapoza* was elected to the Lake Park Town Commission where she has served the citizens of the Town of Lake Park with honor and distinction; and

**WHEREAS;** *Kathleen Rapoza* has continuously drawn upon her background as a successful business owner to provide significant input in matters pertaining to business development in the Town of Lake Park; and

**WHEREAS;** *Kathleen Rapoza* has also solicited and obtained donations from the Kiwanis Club of Lake Park and several private sector businesses in support of the Lake Park Summer Camp Program, the Friends of the Lake Park Public Library, and initiatives such as the Blessings in a Backpack Program for Lake Park Elementary School, and has been supportive of the nonprofit community in the Town of Lake Park; and

**WHEREAS;** as a public servant *Kathleen Rapoza*'s decisions have resulted in the Town of Lake Park becoming a better community than it was before she commenced her service as a Town Commissioner; and

**WHEREAS,** the Town of Lake Park wishes to publicly recognize and honor *Kathleen Rapoza* for her contributions as a dedicated public official.

**NOW, THEREFORE,** on behalf of the citizens and Commission of the Town of Lake Park, I, James DuBois, Mayor of the Town of Lake Park, do hereby publicly commend *Kathleen Rapoza* and express our sincere and enduring gratitude for the services that she has rendered to this community.

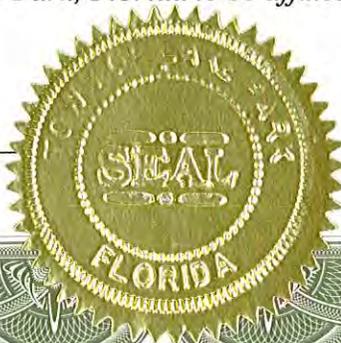
**IN WITNESS WHEREOF,** I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 6<sup>th</sup> day of April, 2016.

BY:

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

ATTEST:

\_\_\_\_\_  
*Vivian Mendez, Town Clerk*



# **Consent Agenda**

# TAB 2



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016

Agenda Item No. Tab 2

Agenda Title: Town Commission and Planning & Zoning Board Mixed-Use Corridor Workshop Minutes of March 1, 2016

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

Approved by Town Manager *J. J. Cyster* Date: 3-24-16

*Vivian Mendez - Town Clerk*

Name/Title

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Clerk</b></p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Agenda meeting minutes</b> <b>Exhibits "A - B"</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 <u><i>UM</i></u> <b>Please initial one.</b>

Summary Explanation/Background:

Recommended Motion:

To approve the Town Commission and Planning & Zoning Board Mixed-Use Corridor Workshop Minutes of March 1, 2016.



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Town Commission and  
Planning and Zoning Board  
Mixed-Use Corridor Workshop  
Tuesday, March 1, 2016, 6:00 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>
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<b>Judith Thomas</b>	—	<b>Board Member - Chair</b>
<b>Martin Schneider</b>	—	<b>Board Member – Vice-Chair</b>
<b>Michele Dubois</b>	—	<b>Board Member</b>
<b>Anne Lynch</b>	—	<b>Board Member</b>
.....		
<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
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- A. **CALL TO ORDER/ROLL CALL:**
- B. **PLEDGE OF ALLEGIANCE:**
- C. **DISCUSSION:**
1. Introductions
  2. Recap on Mixed-Use (Goal; Process; and Applicability)
  3. Capacity Analysis
  4. Land Development Regulations (using Visuals)
  5. Open Discussion and Next Steps
- D. **ADJOURNMENT**



**Minutes**  
**Town of Lake Park, Florida**  
**Town Commission and**  
**Planning & Zoning Board joint**  
**Mixed-Use Corridor Workshop**  
**Tuesday, March 1, 2016, 6:10 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a joint workshop with the Planning and Zoning Board to discuss the Mixed-Use Corridor on Tuesday, March 1, 2016 at 6:10 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Board Members Judith Thomas (Chair), Martin Schneider (Vice-Chair), Michele Dubois, and Anne Lynch, Community Development Director Nadia DiTommaso, Town Manager John O. D'Agostino and Town Clerk Vivian Mendez.

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

**DISCUSSION AND PUBLIC COMMENT:**

- 1) Welcome/Introduction**
- 2) Recap on Mixed-Use (Goal; Process; and Applicability)**
- 3) Capacity Analysis**
- 4) Land Development Regulations (using Visuals)**
- 5) Open Discussion and Next Steps**

Mayor DuBois welcomed the Planning and Zoning Board members, the public, Commissioners, and staff for attending the workshop. He introduced Community Development Director Nadia DiTommaso who thanked everyone for attending what could be the final public workshop regarding the mixed-use initiative. She asked that everyone sign in (see Exhibit "A"). She explained the purpose for the workshop was to bring together the concepts discussed over the past several workshops. She explained that the last workshop was technical and this workshop would be visual and graphical. She introduced Town Manager John D'Agostino who welcomed everyone. He provided a brief explanation of the route one corridor and its significance to the Town. He explained a recent visit to Tallahassee to request funding for the drainage improvements needed on Lake Shore Drive. He stated that the sentiment during the meeting in Tallahassee was that the Town needed to "pull themselves up off their bootstraps". He explained that limited funds have hindered the Town from making its own repairs to large infrastructure projects. He explained that 39 percent of residents live in poverty and therefore the Town has ideas, which could prove to generate revenue for the Town. He stated that mixed-use was one of those ideas. He explained that the workshops intent was to solicit resident input, ideas, and suggestions.

A member of the audience asked if the workshop was strictly for the purpose of rules and regulations and adopting a master plan or was the Town investing in the area. Town

Manager D'Agostino explained that the Town would not be investing in projects because the Town does not have the financial capacity to invest. Any investments in the area would be by a private investor.

Judy Sarkozy asked if there was a timeline for this project. She asked if it were a five, ten, fifteen, or twenty year plan. Town Manager D'Agostino stated that there were no timelines as to when investors would invest. He stated that investors are interested in the Town. He stated that the Planning & Zoning Board and the Town Commission would review the proposed mixed-use zoning language over the next six to eight months. He explained that after the mixed-use zoning language was updated investors would have the ability to propose mixed-use development for the area.

A member of the audience asked if the Town would be working with neighboring communities regarding the proposed development of the Town. Town Manager D'Agostino stated that the Town would be collaborating with neighboring communities to create uniformity on US1. The member of the audience asked for statistical information regarding filling the property vacancies and enticing development to the area. She expressed concern that buildings would be built and then remain vacant. Town Manager D'Agostino explained that the presentation would answer many questions. Mayor DuBois explained that many of the statistical information requested appears in the yearly Comprehensive Annual Financial Report (CAFR), which was available on the Town's website.

Community Development Director DiTommaso asked the audience members to introduce themselves and explain their interest in mixed-use. Members of the audience introduced themselves and expressed interest and concerns regarding the mixed-use concept. She thanked everyone for their comments. Staff introduced themselves. She responded to questions raised during the last workshop, which has been included in the packet (see Exhibit "B").

She explained that the purpose of the workshop was to establish language that would allow for mixed-use in the US1 corridor. She emphasized that staff was not proposing a specific development type. Staff's goal was to include mixed-use development language in the Town Code that would allow for different types of development throughout the corridor. She explained that the "Complete Streets Initiatives" would be included in the presentation. She explained that several Palm Beach County entities were collaborating to create uniformity throughout US1 and not conduct piecemeal projects. She stated that the proposed architectural mixed-use language would eliminate blank walls on development projects. She explained that the proposed language would be refined during the public hearing processes. She invited the audience to share comments, concerns, and recommendations, etc. during the workshop.

Ms. Mary Kay, a member of the audience asked how the mixed-use development would affect the traffic on Park Avenue. Community Development Director DiTommaso explained that staff could not predict how the mixed-use development would affect the traffic on Park Avenue because the Town could not predict the type of development on US1 or the traffic counts associated with those developments. She explained that traffic count analysis are required for development. She stated that the Town's consultant

prepared an analysis, which included what the maximum possible development would mean to Town roads. She explained that the analysis indicated that the Town's road would sustain an increase in traffic. She stated that the Town has a great grid street pattern, which allows traffic to travel on all of the streets with disbursed traffic circulation. Ms. Kay expressed concern with the speed limit on Park Avenue and the lack of parking.

Community Development Director DiTommaso turned the presentation over to Mr. Alex David of Bell David Planning Group, Inc. to discuss the density and intensity component of the proposed mixed-use language. He explained that when they began working on the project they considered lower densities for the Urban Neighborhood Edge. He stated that 40 units per acre made sense for that area, which would include several residential levels above the mixed-use commercial level. He explained that a calculation called the "Floor Area Ratio", which means for every acre - two ½ times the area could be built on the site. He explained that the proposed language included the maximums densities, which were not expected by developers. He then explained the proposed language for the eastside of the corridor. He stated that the denser levels were proposed for the Urban Edge District. The area would include 60 units per acre, which equal four-times the lot. He explained that the highest density was proposed for the Urban Waterfront Edge at 80 units per acre and a Floor Area Ratio of six-times the area.

Mr. Camillo Lopez of Bell David Planning Group, Inc. explained the Town's overall vision for the corridor if it were built to the maximum. He reiterated that the Town was not proposing development but were proposing mixed-use language to allow development of the area. He referred to the visuals included in the presentation (see Exhibit "B"). Community Development Director DiTommaso explained that it were highly unlikely that the entire corridor would develop at the maximums.

A member of the audience expressed concern with the proposed development language for the Urban Waterfront Edge, which was located directly in front of the Lake Park Marina. In his opinion that would be the first area to develop because of its location. He expressed concern that the Town and Palm Beach County purchased that piece of property for the use of additional parking for boaters. Community Development Director DiTommaso explained that certain limitations were associated with the corner lot (Silver Beach Road and US1); however, the adjacent properties could be developed, if a developer proposed development on that section of the Urban Waterfront Edge and could potentially incorporate the corner lot. She stated that several considerations and discussions with Palm Beach County for the corner lot would be necessary.

Mr. Lopez continued the presentation and stated that the intent was to have internal parking along the corridor to allow for pedestrian connectivity.

Planning & Zoning Board member Chair Judith Thomas clarify that Earl Stewart Toyota Dealership was developing the parcel on the corner of Palmetto Road and US1 and that the roadway on E. Jasmine Drive between US1 and Lake Shore Drive no longer exists. Community Development Director DiTommaso thanked Chair Thomas for the correction.

Community Development Director DiTommaso referred to the presentation and the maximum height intensity allowable in the corridor.

A member of the audience asked what were the height levels for 301 Lake Shore Drive. Community Development Director DiTommaso stated that 301 Lake Shore Drive was an eight-story structure. Mr. Lopez stressed that the proposed language states that after three-stories the building would recess back and continues a stepping back development so that the building would not look as large from the ground level.

Vice-Mayor Glas-Castro asked if the step back was on US1 and Lake Shore Drive sides of the building. Community Development Director DiTommaso explained that the proposed language included that the development would step back on both US1 and Lake Shore Drive.

Planning & Zoning Board member Martin Schneider asked if the side streets were included in the step back development. Community Development Director DiTommaso explained that the provisions for the side streets include an architectural requirement for the projections of the recess elements to avoid the appearance of blank walls. Mr. Lopez suggested that the side streets could have balconies or different projections on the building.

Ms. Jackie DuKevich expressed concern that massive parking lots were proposed for US1.

Ms. Diane Bernhard asked if the plans were generated by staff or were there outside developers who gave the Town the idea. Community Development Director DiTommaso stated that staff and the Town's consultant developed the proposed mixed-use corridor. Ms. Bernhard asked if staff was familiar with the Seven-Cities North Palm Beach County US1 Corridor Study. Community Development Director DiTommaso was familiar with the study that was done several years ago, which included a Lake Park component. Ms. Bernhard asked if any of the components from the study were taken into consideration. Community Development Director DiTommaso explained that the Complete Streets component was taken from the study. It included the US1 corridor that identified streetscape improvements within all of the adjacent municipalities. She explained that those initiatives were included in the Town's Complete Street initiative. Ms. Bernhard asked if the slides represented buildings. Community Development Director DiTommaso stated "yes".

Commissioner O'Rourke commented that the depiction in the slides were not representative of what the Town expected the development to look like; instead it represented the height of possible development.

Commissioner Flaherty asked if the parking garages would have architectural requirements so that they did not appear as parking garages; and how would they be maintained. Community Development Director DiTommaso explained that maintenance requirements are currently in the Town Code and would remain for the mixed-use initiative. Commissioner Flaherty asked if blank walls were allowable. Community

Development Director DiTommaso stated that blank walls would not be allowable per the proposed language.

Town Planner Scott Shultz explained that public hearings regarding the Complete Streets Initiative were expected in the future. He explained that Complete Streets was a national movement where policy makers, such as the Commission, would be presented with ideas for designing roadways. He stated that in the past roadways were designed to move vehicles, now roadways are being designed with pedestrians in mind. He stated that examples of Complete Streets needs were narrower streets, wider sidewalks, bike lanes, and possibly improved crosswalks. Public recommendations, staff, Board recommendations, and the Commission would determine the language. He explained that a policy fund to help fund the initiatives could be set up as part of the implantations. Community Development Director DiTommaso explained that staff was introducing the complete streets concept at this stage as an added component to the corridor.

Chair Thomas asked for elaboration on the policy fund for the street improvement. Community Development Director DiTommaso stated that staff identified it, but it was not explained on purpose. She stated that it would be important to have a development fund that developers would contribute to considering that development would be expected before the Complete Street initiative was incorporated along the entire corridor. She stated that there were no specifics for the fund at this time because it was a consideration at this point. Chair Thomas asked if the funds would be used throughout the Town or only in the corridor. Community Development Director DiTommaso explained that the Complete Streets initiative was being considered throughout the entire Town; therefore, the contributions would be for the entire Town.

Ms. Joanne Robin asked if bike paths were proposed for the Complete Street Initiative. Town Planner Schutz stated “yes” if the Town deemed it appropriate.

A member of the audience questioned what the visuals demonstrated on page 10 of the presentation. Community Development Director DiTommaso explained that the visuals demonstrated landscape median, narrower streets, reduced drive isles, interior landscape, and crosswalks. She explained that the demonstration brings together the components of Complete Streets, which the Town has not developed a policy for Complete Streets.

A member of the audience expressed concern with the cost involved regarding the maintenance of the Complete Streets concept. Community Development Director DiTommaso explained that the Town efforts were to create a Complete Streets policy because funding opportunities could become available. The audience members concerns was not about funding the project, but rather the maintenance expense the Town would inherit. Community Development Director DiTommaso explained that the Town would not have the funds to support an initiative today, but in the future, we could have the funding available to support the initiative. The initiative would support roadways as well.

Ms. Susan Ray asked what was the best way to generate revenue; was it high-end condominiums, or attracting small businesses. She expressed concern with small businesses struggling in the Town. Community Development Director DiTommaso explained that the mixed-use concept allows for a live, work and play atmosphere. She

explained that developers would conduct a market analysis to see what was viable for the area.

Town Manager D'Agostino explained that this design would provide maximum investment opportunities; therefore, the Town may end up with a higher-end real estate value that would end up moving to the area. He stated that the Town wants to be in a position where it could afford to maintain the Complete Streetscape Initiative.

A member of the audience asked if there were regulations for restaurants with liquor licenses factored into the language. Community Development Director DiTommaso explained that all the uses mentioned would fall under the commercial component. She stated that the development would not be limited to a certain type, but instead leaving it open for the commercial use. She stated that it would be up to the developer to figure out what would be the best fit for the area.

Mr. James Sullivan explained that developers would not invest if they felt that they would not get a return on their investment.

Community Development Director DiTommaso explained that the Town would not be limiting the architectural style. Mr. Lopez explained slide 15 labeled the Urban Neighborhood Edge. The slide shows landscape buffers, parking in the rear, and wide sidewalks. On slide 16, it reflects the maximum heights, and inner parking. Commissioner O'Rourke explained that there are three sections of the project; currently they were showing the western side of USI.

Mr. Lopez explained slide 17 would incorporated the landscape buffers, larger ground floor areas, and recess requirements, maximum of 65-feet (or six story) buildings. Community Development Director DiTommaso explained that there are additional flexible provision throughout all sub areas that allow for any type of architectural feature extension beyond the roof plain.

Mr. Lopez showed a few slides which depicted the area. Community Development Director DiTommaso explained that all development would be subject to the site plan approval process for the purposes of mixed-use development because they allow for a significant amount of flexibility. The language could include a requirement of a preliminary workshop before the process began to be sure that a developer were headed in the right direction for their particular development.

Mr. Lopez explained slide 23 as an Urban Edge design with mixed-use development facing Kelsey Park. Commissioner O'Rourke asked if the developer wanted to angle their building so that the direct view was through Kelsey Park and into the intercostal, it would seem more appealing. Community Development Director DiTommaso stated "absolutely". She explained that the design on page 23 highlights the setbacks, landscape buffers, intensity, internal parking.

Mr. Lopez explained that the maximum height in the Urban Edge design would be 10-levels or 115-feet high. Community Development Director DiTommaso stated that slide 27 was the only slide that was not consistent with the development style. The design does

not allow for ground floor uses, visual parking garage structure from the street front, no screening requirements were included and it incorporates blank walls. She stated that the slide was included as a comparison to the types of mixed-use developments that are not in line with what was proposed.

Community Development Director DiTommaso introduced the Urban Waterfront Block (see slide 30) as the block adjacent to the Lake Park Marina. She explained that in the design they have introduced internal parking, landscape buffers, and pedestrian walkway activity areas. She explained that the development would include an intense development that could reach up to 15-storys, and if the Transfer of Development Rights were used, the development could go higher. She reemphasized that the Transfer of Development Rights protects the historical designated properties, but it also allows the transfer to occur. She stated that maximum heights have been incorporated should a transfer to this particular site of the Urban Waterfront Edge block. She stated that the earlier someone brought up the corner parking lot on Silver Beach Road and US1. She stated that if any development were proposed for the corner lot the Interlocal Agreement with Palm Beach County vehicle and boat trailer parking requirements would be reviewed. Mr. Lopez explained that as an asset to the Town, the Marina block proposed design (see slide 33) could develop with commercial on the ground level and residential on the top. Community Development Director DiTommaso explained that this was the only sub area that allows those commercial ground floor uses to face Lake Shore Drive. She explained that the last visual was of an intense development, which was built on 5-acres. She explained that with all the parcels combined, the Urban Waterfront Edge are not that large.

A member of the audience asked how much it cost the Town to put together the study. Community Development Director DiTommaso stated that it was a combination of staff and the consultant. She stated that the consultant contract caps out at \$8,000 and the Town has not reach that amount for the entire initiative.

Ms. Diane Bernhard asked if Lake Shore Drive would be changed. Community Development DiTommaso stated “no”. She stated that no changes are being proposed for Lake Shore Drive. Ms. Bernhard asked how the roadway flooding would be handled along the Marina and Lake Shore Drive. Town Manager D’Agostino explained that the Town has lobbied the State to provide funding for the drainage improvements to the area. He stated that the flooding was along the entire roadway, and a developer would be required to pay for their piece of the drainage improvements. Ms. Bernhard asked if the water that has flooded Lake Shore Drive would be drained into the inter-coastal. Commissioner O’Rourke explained that water could not be drained directly into the inter-coastal; it would be drained into a pump.

Board member Schneider expressed concern with the proposed language for the western part of US1. He stated that 6-storys seems to be high. He suggested a transition of two-story to four-story’s along the back. He explained that transitioning the development across US1 with a four-story façade. He agreed with the 10-storys as long as there was a step-back development. He expressed concern with the bulk when a building that was an entire block long could use a view corridor so the building does not seem to be bulky.

Chair Thomas thanked the consultants for listening and providing more specifics for the mixed-use development could look. She stated that her questions were addressed during the presentation.

Board member Lynch thanked everyone for their efforts. She expressed concerns regarding keeping the small Town identity regardless of what progresses. She expressed concern with how development would impinge those that live close to the corridor. She suggested that during the beginning that the projects be scaled back the heights and breaking up the development with space in-between with bikeways. She explained that the Town needs to generate revenue and the projects should be done gradually.

Commissioner Flaherty agreed with the Mediterranean style. He agreed to lower the intensities a few stories. He felt that US1 was a highly viewable road. He stated that Park Avenue would need to be monitored.

Commissioner Rapoza thanked everyone that worked on the project. She recognized that this was a template for future development for the Town and agreed with progress. She could relate to the residents' fears. She suggested compromising with developers without losing the small Town feel while increasing property values and lower the tax burden.

Commissioner O'Rourke explained that the tax base would need to be broaden to support wider streets, bikeways, street calming, road improvements, recreational programs, and more parking. He explained that if the residents want those types of improvements, then the Town would not continue to be a sleepy Town. He stressed that we had to make this project work in order to not increase the millage rate. He responded to some concerns expressed during the workshop. He requested that the cell tower concerns be included as part of the presentation for the Marina area. He expressed concern that Transfer of Development Rights could increase the intensity heights for the Marina area to over 20-storys. He suggested that the heights be lowered with a maximum of 15-storys. He suggested that the Historically designated buildings on US1 be preserved. He asked if the mixed-use area could be expanded to include the first block on Silver Beach Road on the west side of US1. He thanked everyone for attending and staff for the presentation.

Vice-Mayor Glas-Castro agreed that open space should be incorporated with rooftop terraces or gardens. She agreed that a transition between the residential properties on the west side of US1 and the proposed mixed-use development was important. She stated that buffers would be necessary instead of looking at the back of a building. She agreed with the step-back development and the intensity on US1. She encouraged staff to move forward with the Complete Streets Initiative because it shows the Town commitment that could drive interest and investment in the corridor. She wants to avoid what occurred on Park Avenue by developing the street and then not having the funds to maintain the roads. She explained that this was a thirty-year plan and dependent on private investors. She explained that the Town does not have the funds to buy property and seek redevelopment that way. She stated that the best staff could do was provide regulatory framework and flexibility that would attract investors. She stated that US1 has the traffic to sustain the commercial; the Town needs the residential component to support development. She explained that the majority of the Town's residents are not the customers for what was being planned. She explained that it would take neighborhood

workshops to make sure that it fits into the context of the Town. It would be a slow process. She encouraged everyone to be open to change and not expect it to happen overnight.

Community Development Director DiTommaso explained that the next steps are to respond to all the comments and work towards the first public hearing before the Planning & Zoning Board in the next few months and before the Commission by the end of the year. She was available for comments through email or by calling her office. She stated that staff was still open to any suggestions or recommendation. She thanked everyone for attending.

**ADJOURNMENT**

There being no further business to come before the Town Commission and Planning and Zoning Board and by unanimous decision, the meeting adjourned at 8:25 p.m.

---

Mayor James DuBois

---

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this \_\_\_\_\_ of \_\_\_\_\_, 2016



Exhibit "A"

TOWN OF LAKE PARK

Federal Highway Mixed Use Workshop  
 Mixed-Use Zoning (MUZ) Overlay District

SIGN-IN SHEET

March 1, 2016 - 6:00 p.m. - 8:00 p.m.  
 Town Hall - Commission Chambers  
 535 Park Avenue

NAME	PHONE	E-MAIL ADDRESS	INTEREST (Property Owner, Business Owner, Resident, Other)
JULIE SARKAZI	561 340081	juliesarkazi@comcast.net	Property Owner
WYNNE CLARK	561 371 7977	211 051	P.O.
DAVID BARNES	954-612-7007	220 Lake Shore	
CLIFF ROBENS	617 680 4172	302 Lake Shore	Property Owner
Anne Talafous	937-307-6829	301 Lakeshore Dr.	
Gina Burt	818-653-2430	301 Lakeshore Dr.	Mixed-use
Jackie Duckens	561-370-4768	217 Park Ave.	owner
Mary Taylor	561 845 2601	209 Park Ave	property owner

NAME	PHONE	E-MAIL ADDRESS	INTEREST <small>(Property Owner, Business Owner, Resident, Other)</small>
Sue Duchene	561 881 7201	S.duchene@att.net	Resident
Ernie O'Mahony	561 515 9557	ernie@2gho.com	Partner
Dodi Guss	"	dodi@2gho.com	"
Michael DeSora	561-842-8882	MIKEP@BellSouth.com	Asst. Mgr.
Charles Hallder	561 287-9893	challder@jmo.com	Resident
Richard Harvey	561 425 5680	spikeharver@msn.com	Prop. Inv.
Susan Bg	301 892-1111		
Bronth Dobu Headon	561.315.4801	Bronth@eyahoo.net	Prop. Owner
Toni Mele	561-329-1324	jmle3@comcast.net	"
Stephanie Korka	561-339-4443	Steph863@aol.com	Resident
Claudia Wendel	302-540-2979	claudia.j.wendel@gmail.com	Resident
Craig Koverl	302-540-2979		Resident
Kay Heisler	302-540-2979		Resident
Barry Heisler	302-540-2979		Resident
Karen Petrus	302-540-2979		Resident
Davis Petrus	302-540-2979		Resident
Pierre L'AUBERNE	561.629.1524		Prop. Owner

NAME	PHONE	EMAIL ADDRESS	INTEREST (Property Owner, Business Owner, Resident, Other)
D. SPETHNER	8481635	Resplend@comcast.net	Resident
Karen Holm	8713331	Kholm@quest.com	Resident
Joshua	484 758 5108	joshua@comcast.net	Resident
Lance Barnes	501-236-9617	lancebarnes@cycloo.com	Prop Owner
Mrs. Deborah Holm	603-938-5395	pam@netcomcast.net	Prop Owner
Caroline Burnside	501-310-3764	cbsquared64@aol.com	Resident
K.			
Doris Sullivan	561-863-544		
James Sullivan	LI		
Joyce Westfahl			



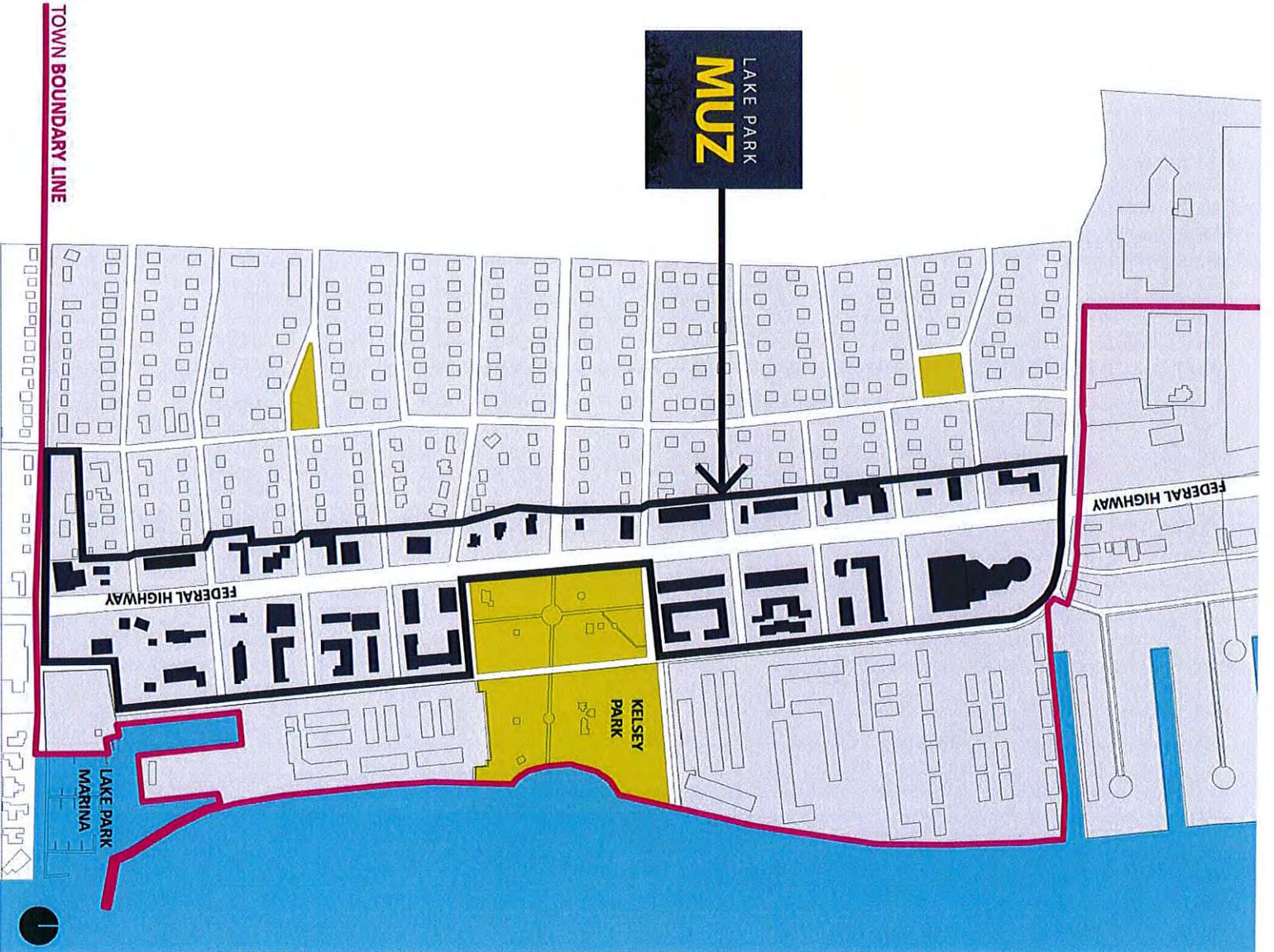
*Exhibit "B"*

**Visuals**

03.01.16



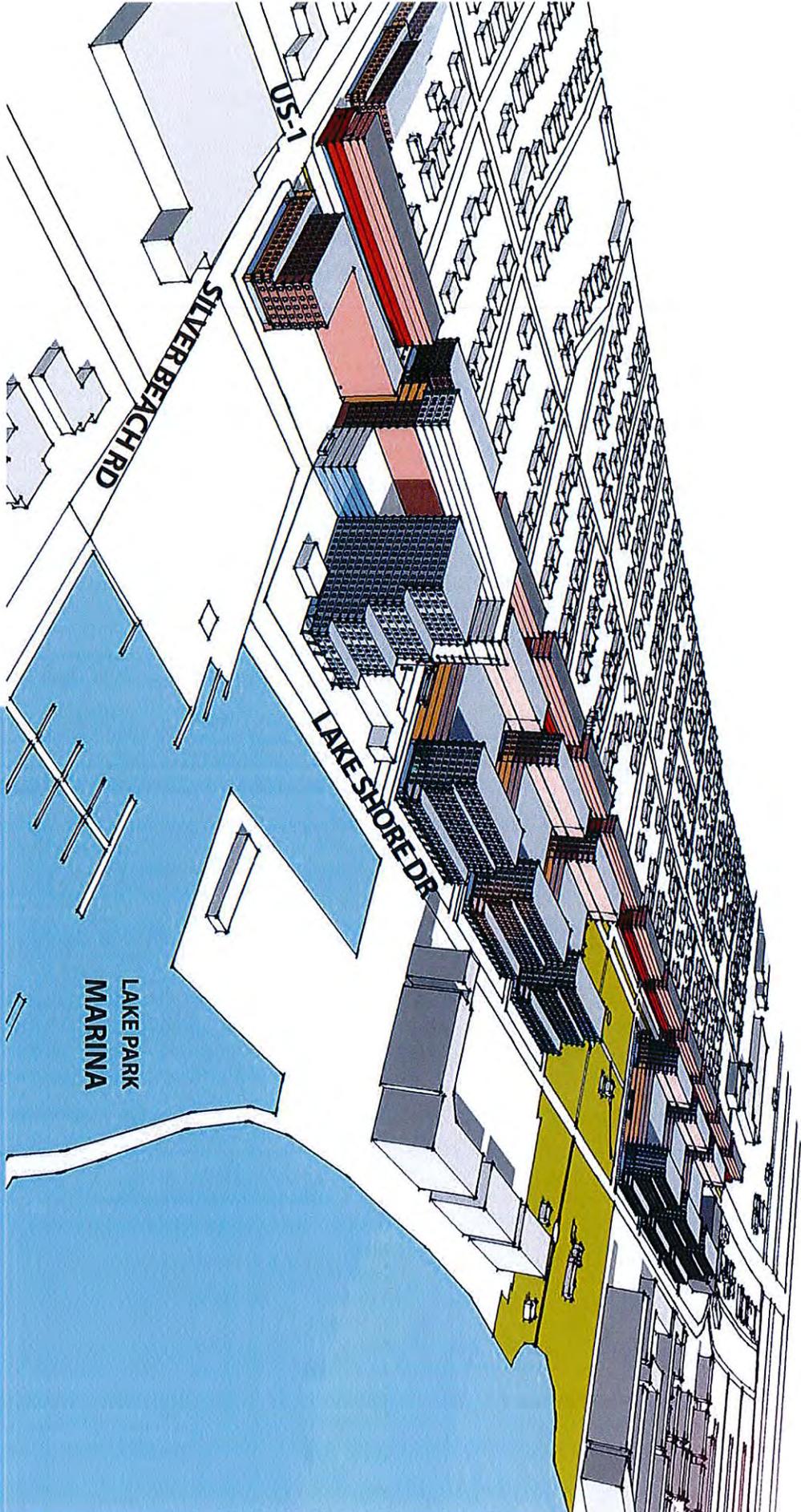
# Site Location





# Corridor Build-out Example

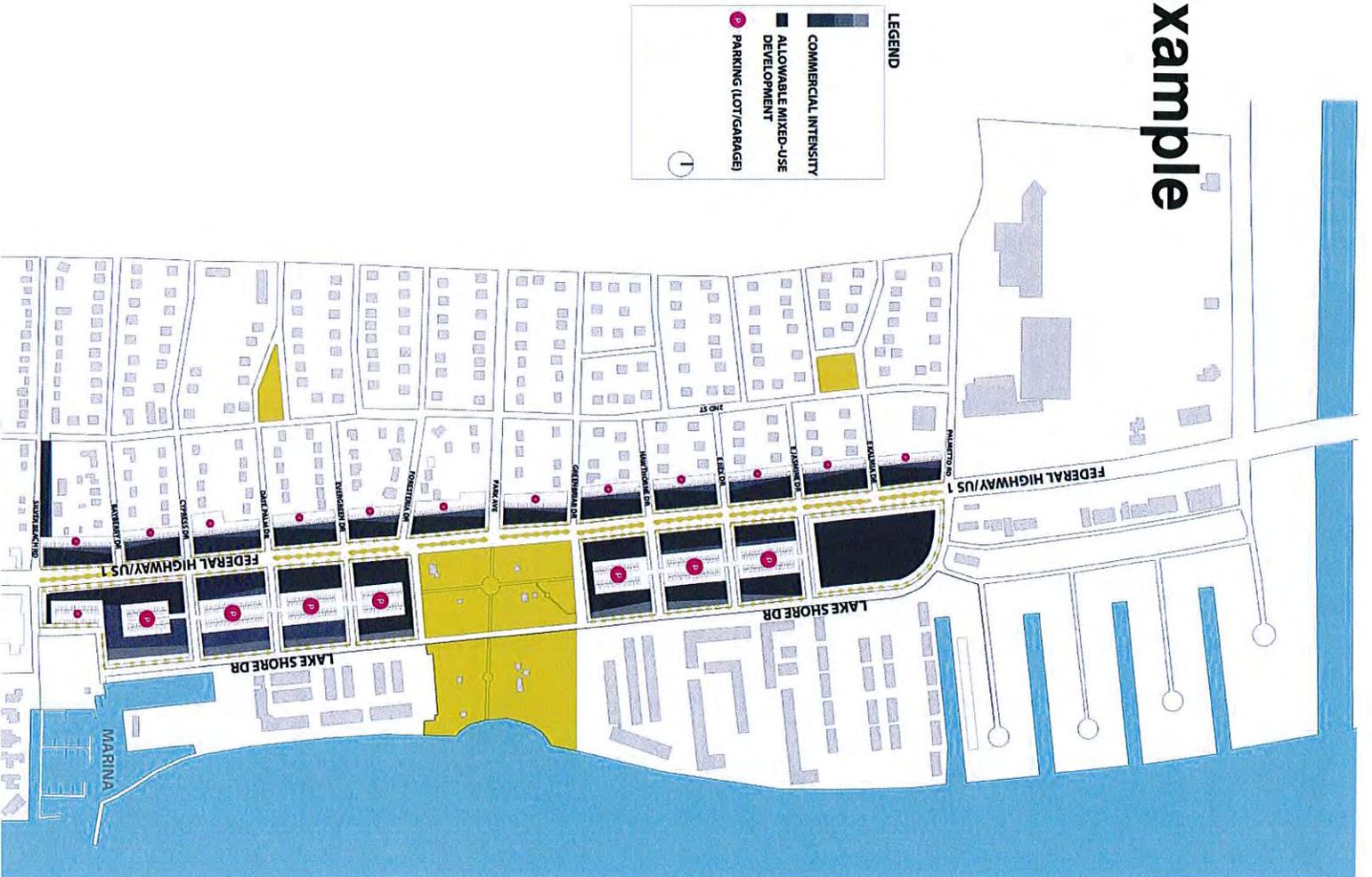
Birds Eye



# Corridor Build-out Example

## Master Plan

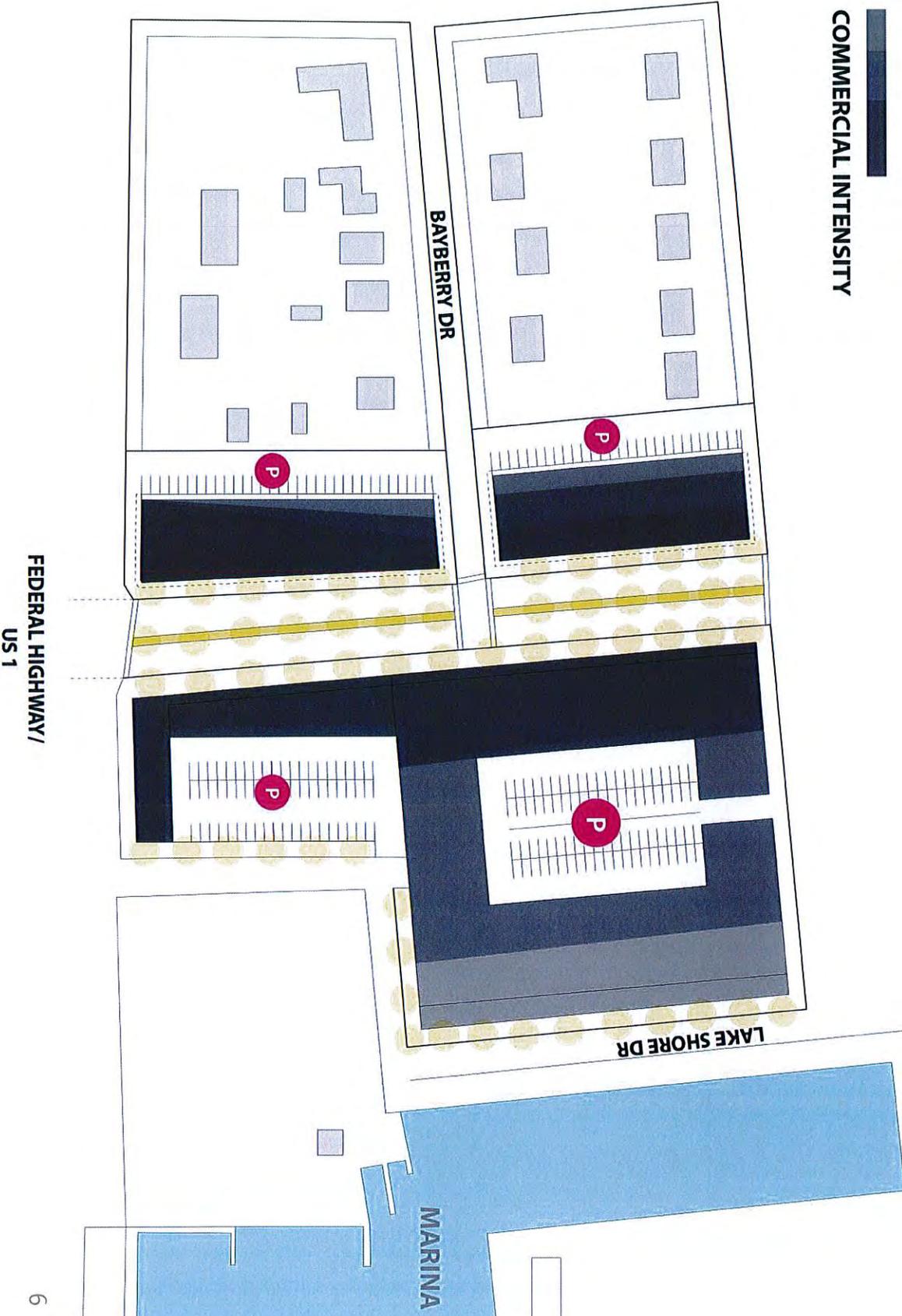
- +Strong Edges
- +Ground Floor Commercial
- +Internalized Parking



# Lot Configuration

Sample

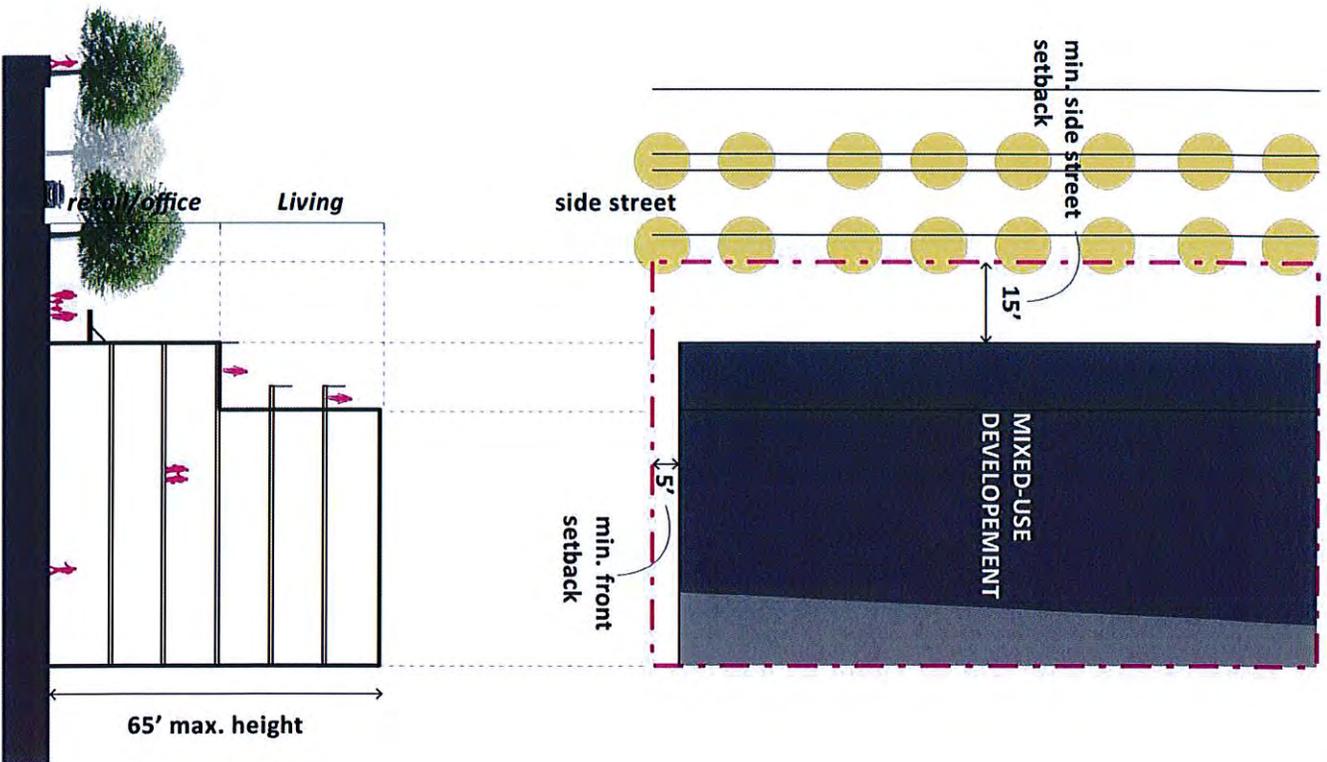
COMMERCIAL INTENSITY





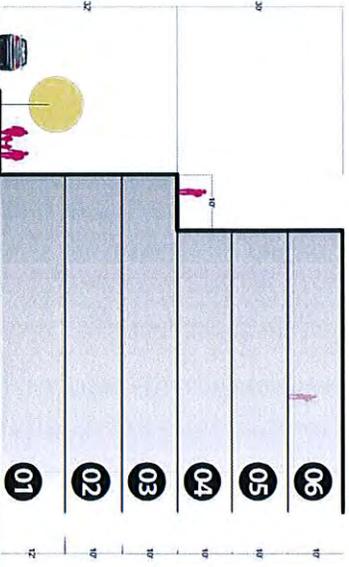
# Mixed Use District

MUD



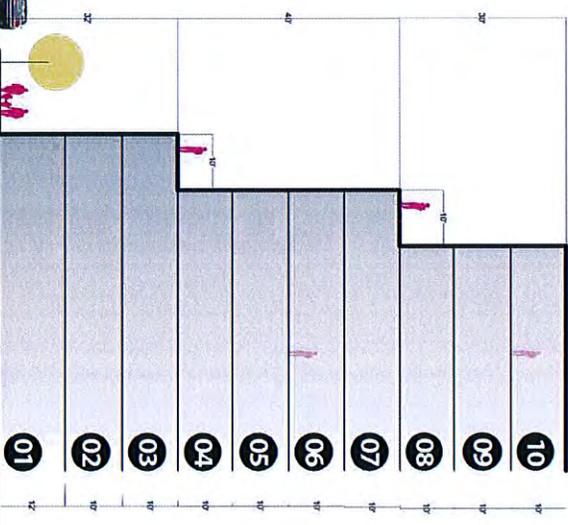
# Sub Districts Densities Heights

Max. 170'



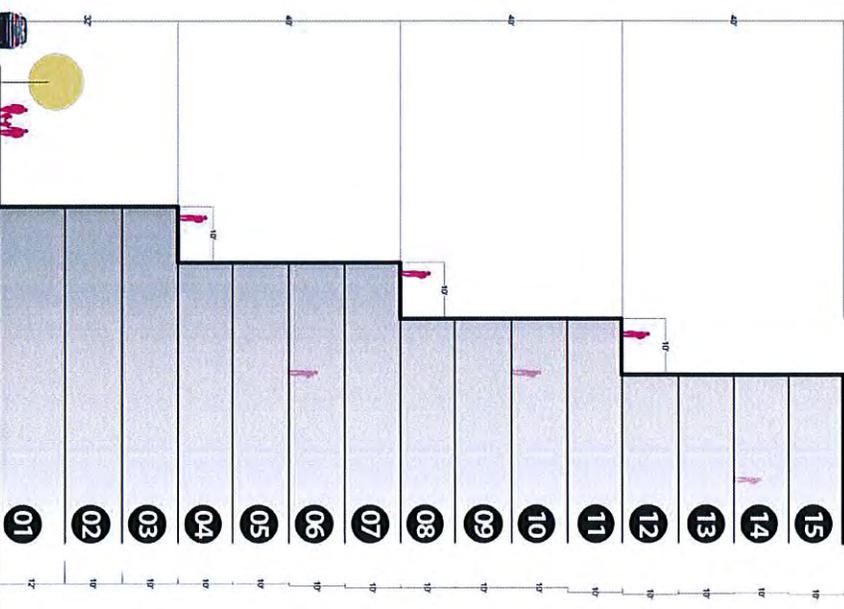
Max. 65'

**6 Stories**  
40 dufs per acre



Max. 115'

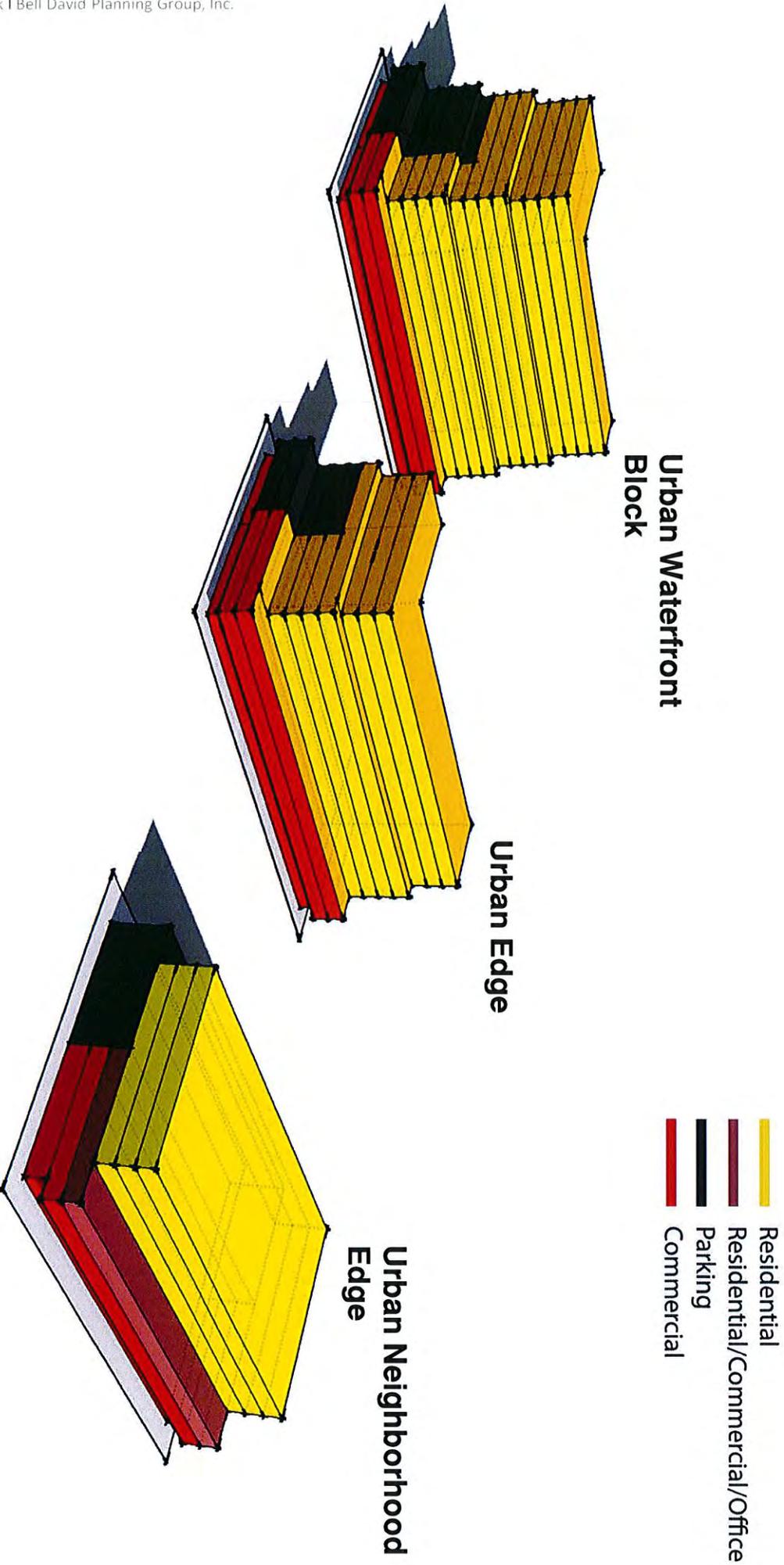
**10 Stories**  
60 dufs per acre



**15 Stories**  
80 dufs per acre

# Sub Districts Massing

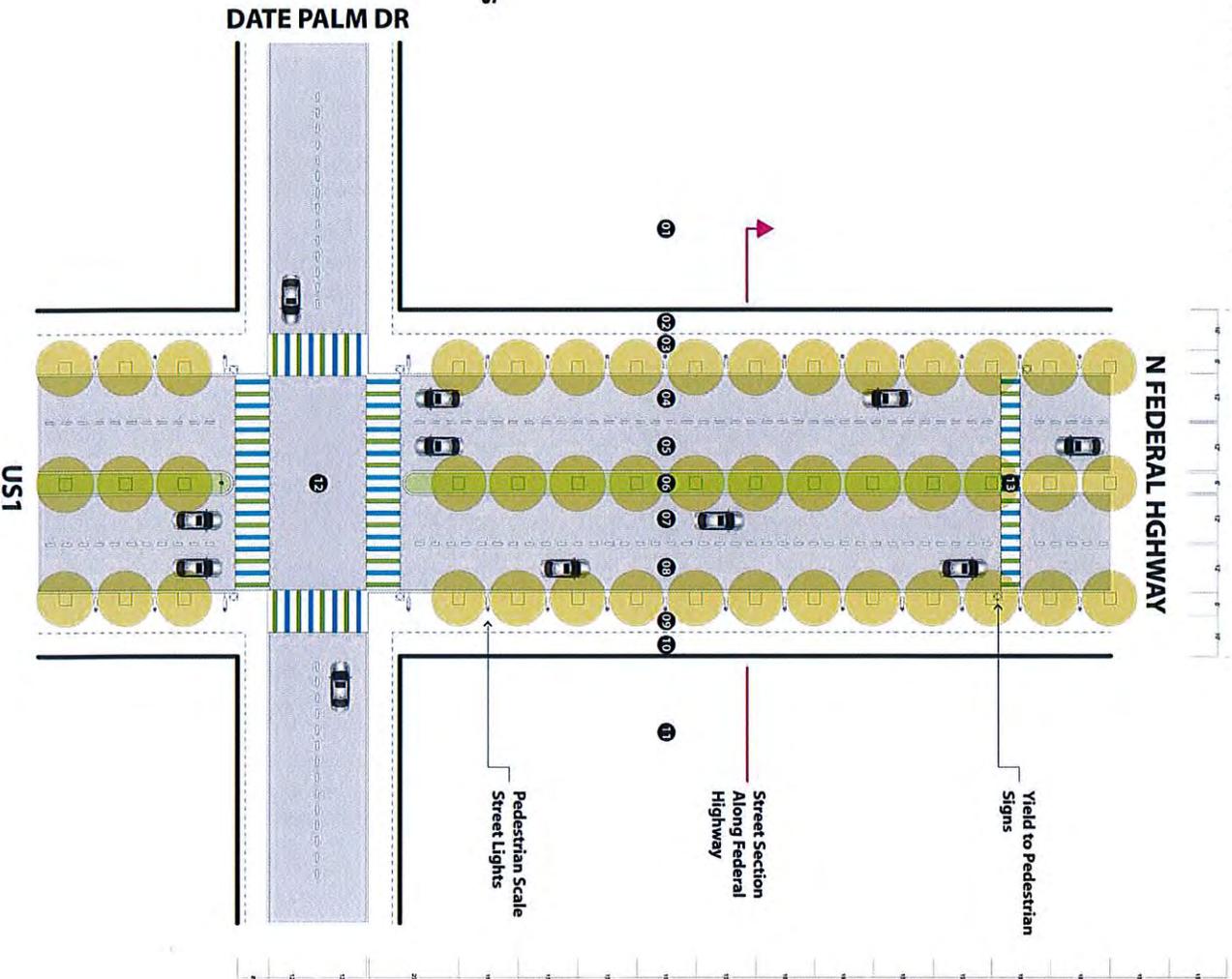
Programmatic



# Complete Streets Initiative

## Design Elements

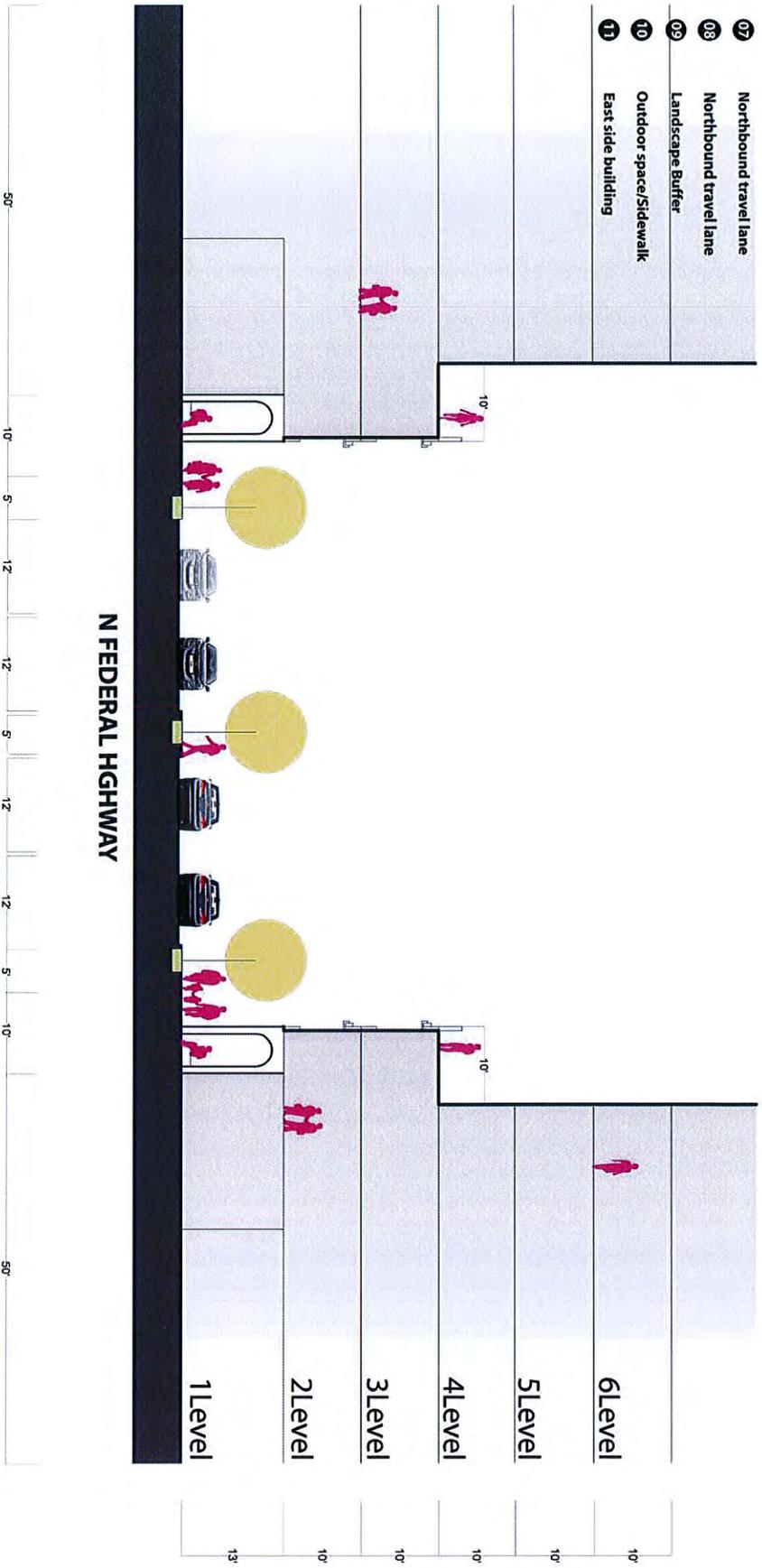
- 01 West side building
- 02 Outdoor space/Sidewalk
- 03 Landscape Buffer
- 04 Southbound travel lane
- 05 Southbound travel lane
- 06 Center green median
- 07 Northbound travel lane
- 08 Northbound travel lane
- 09 Landscape Buffer
- 10 Outdoor space/Sidewalk
- 11 East side building
- 12 Improve crosswalks at intersections
- 13 Mid-point crosswalks



# Complete Streets Initiative

## Design Elements

- 01 West side building
- 02 Outdoor space/Sidewalk
- 03 Landscape Buffer
- 04 Southbound travel lane
- 05 Southbound travel lane
- 06 Center green median
- 07 Northbound travel lane
- 08 Northbound travel lane
- 09 Landscape Buffer
- 10 Outdoor space/Sidewalk
- 11 East side building

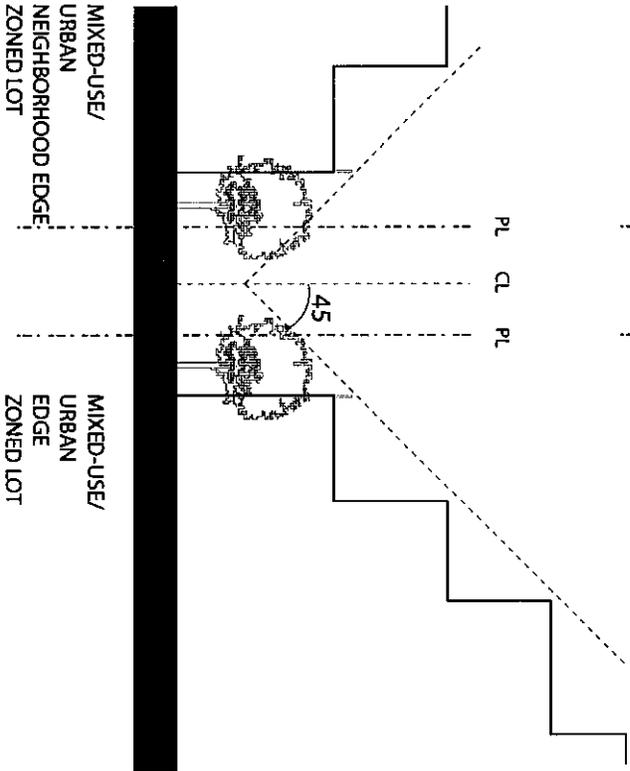
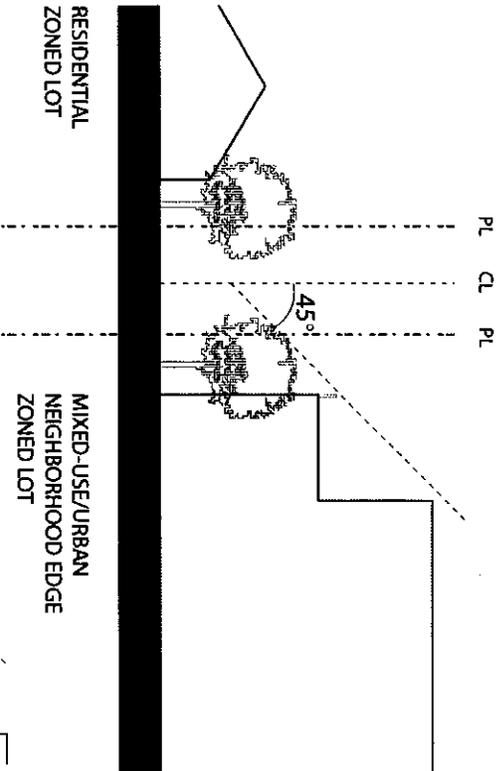


- 01
- 02
- 03
- 04
- 05
- 06
- 07
- 08
- 09
- 10
- 11

# Recess Calculation

Urban Comfort

+Pedestrian Scale  
+Systematic Calculation

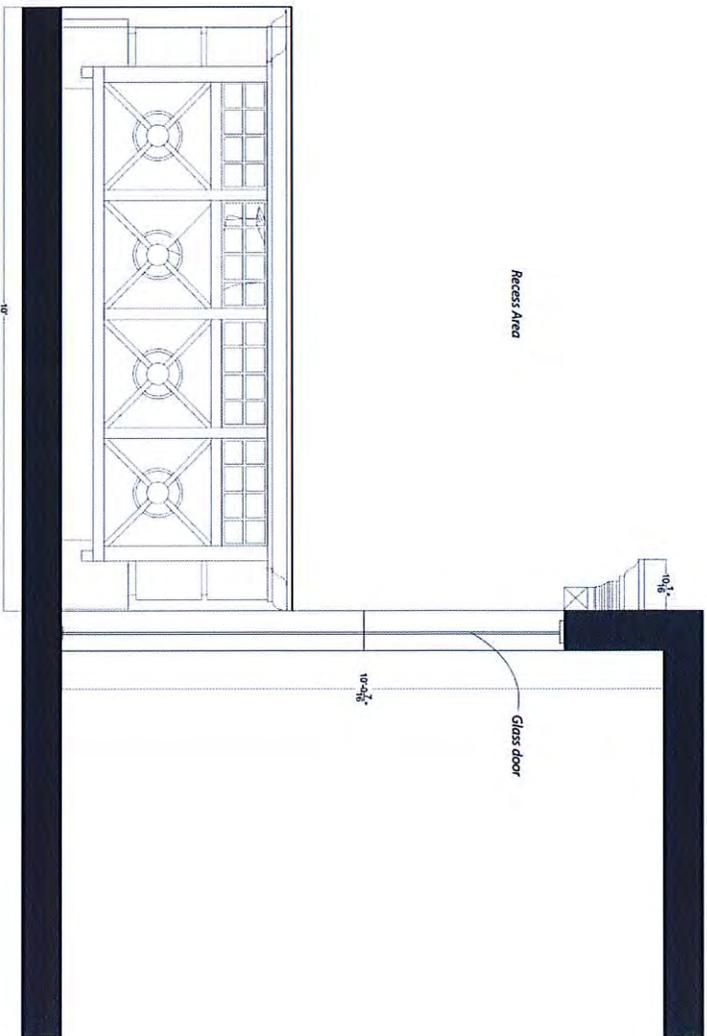
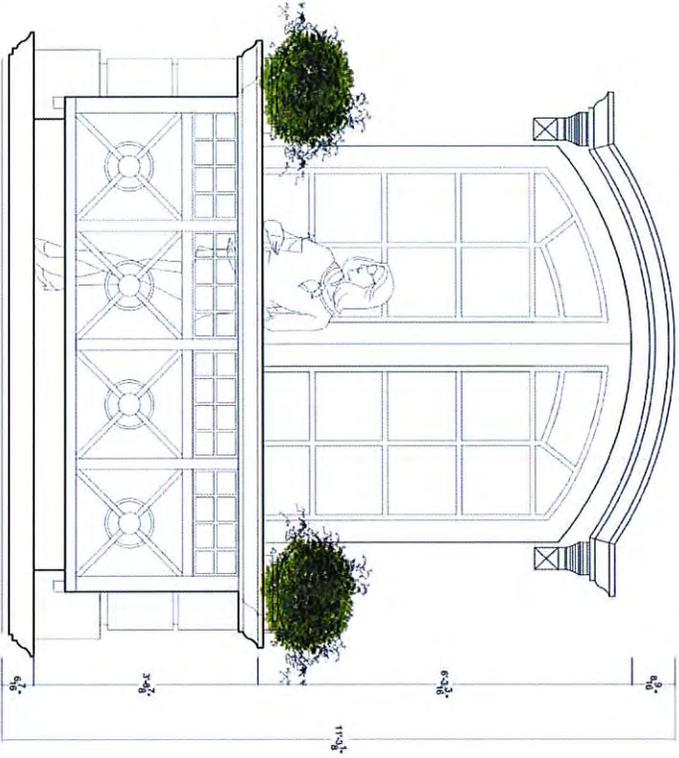


45° Encroachment Plane

Side View

# Architectural Balcony Example

Mediterranean Style

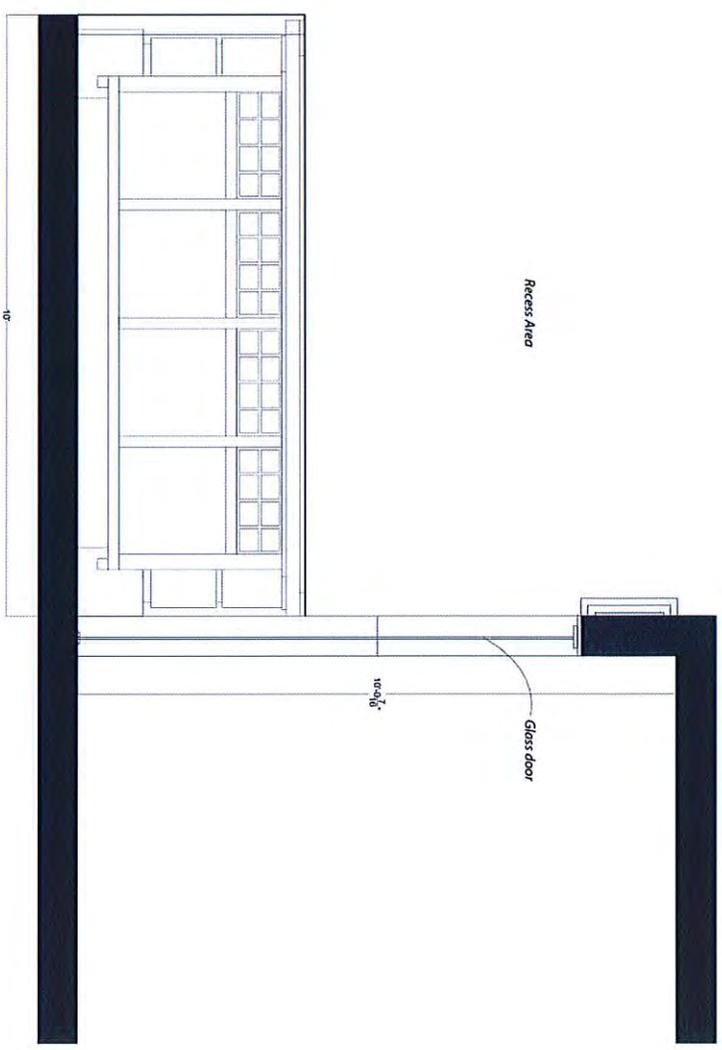
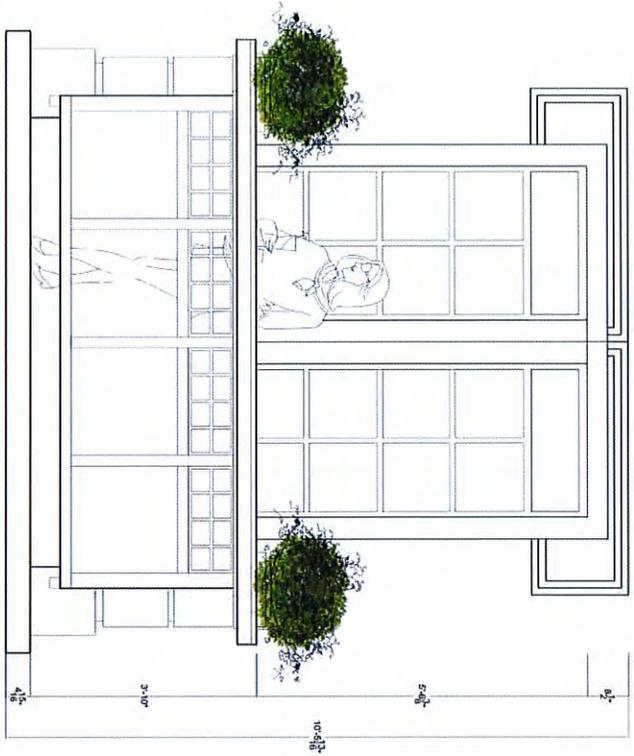


Recess Architectural techniques 01

Front/Side

# Architectural Balcony Example

Modern Style

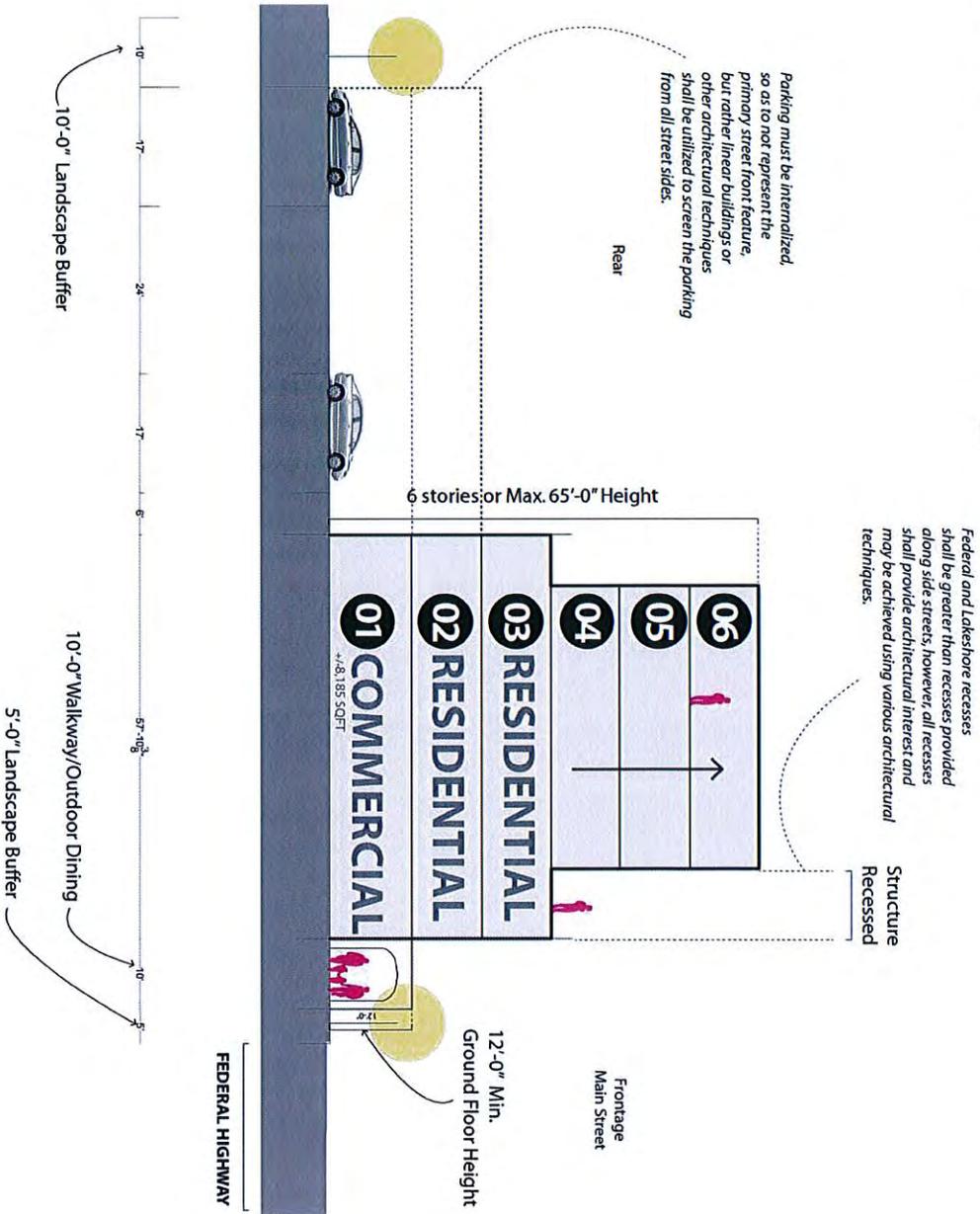


Recess Architectural techniques 02

Front/Side



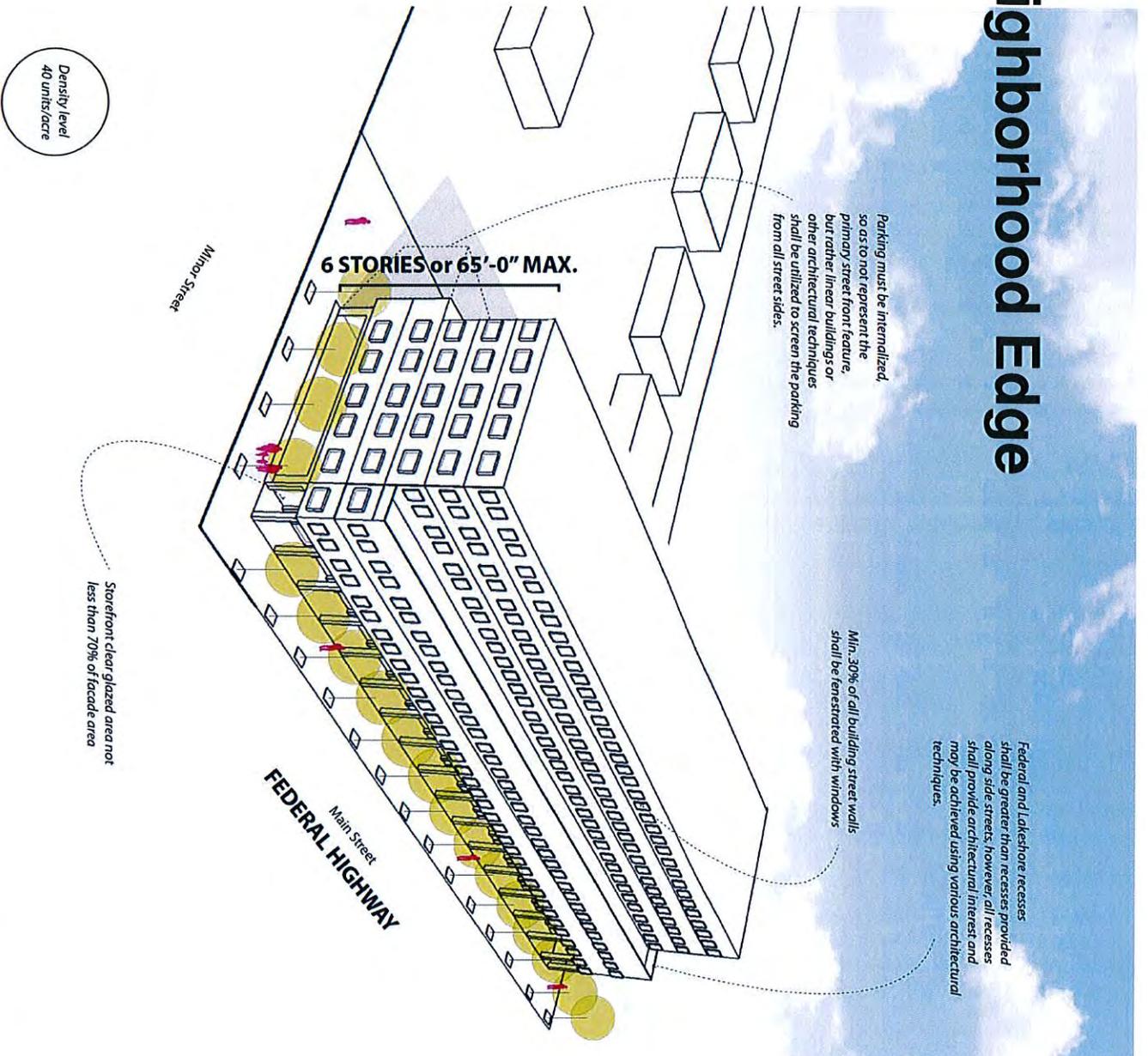
# Urban Neighborhood Edge Section



Urban Neighborhood Edge

Section AA

# 3D Urban Neighborhood Edge



Urban Neighborhood Edge

Massing

# 4-Story Mixed-Use Example

Photomontage

Town of Lake Park  
Mixed-Use  
Overlay  
Zoning  
District

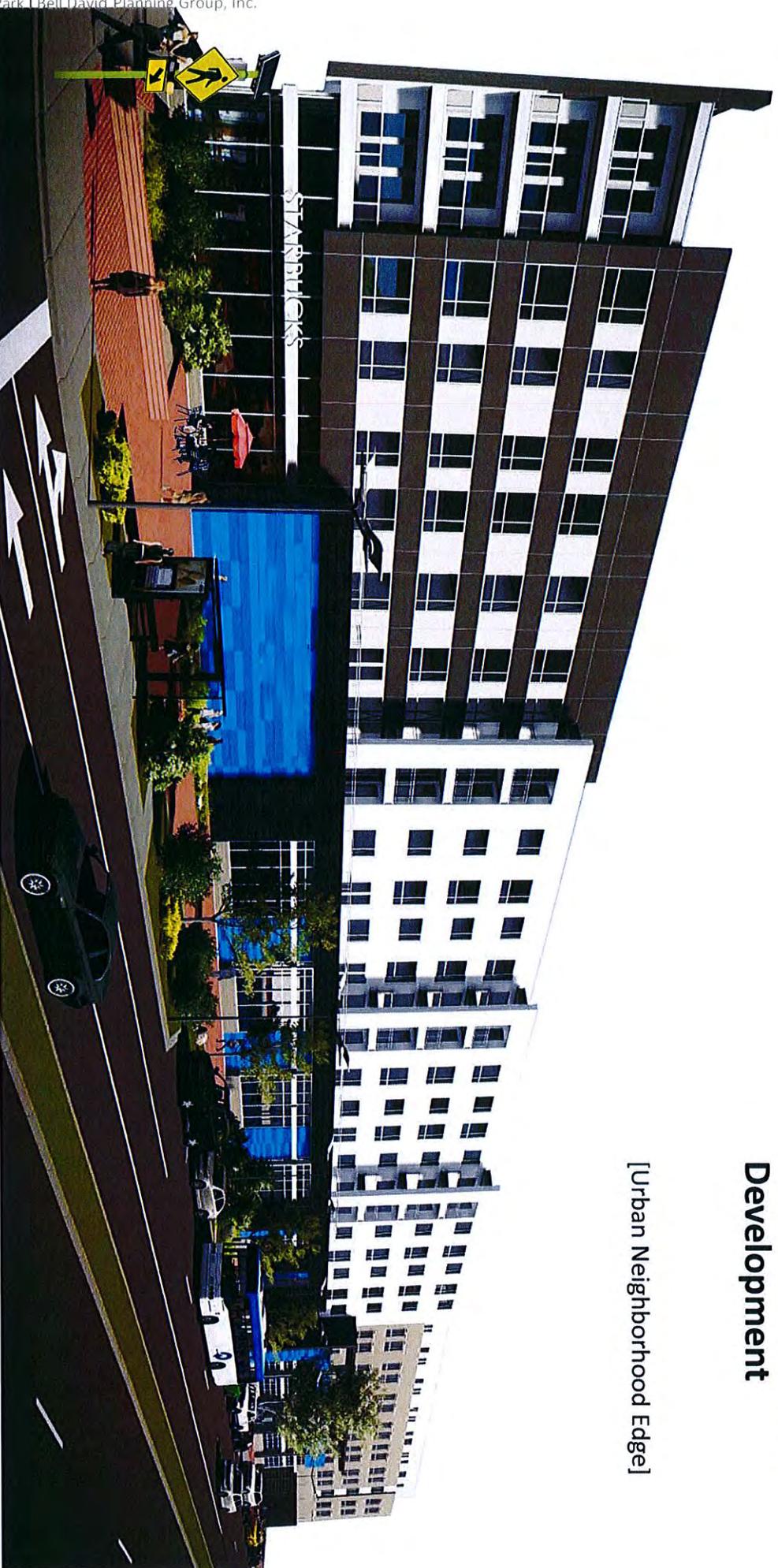


# 5-Story Mixed-Use Example

Photomontage

**Mixed-Use Sample  
Development**

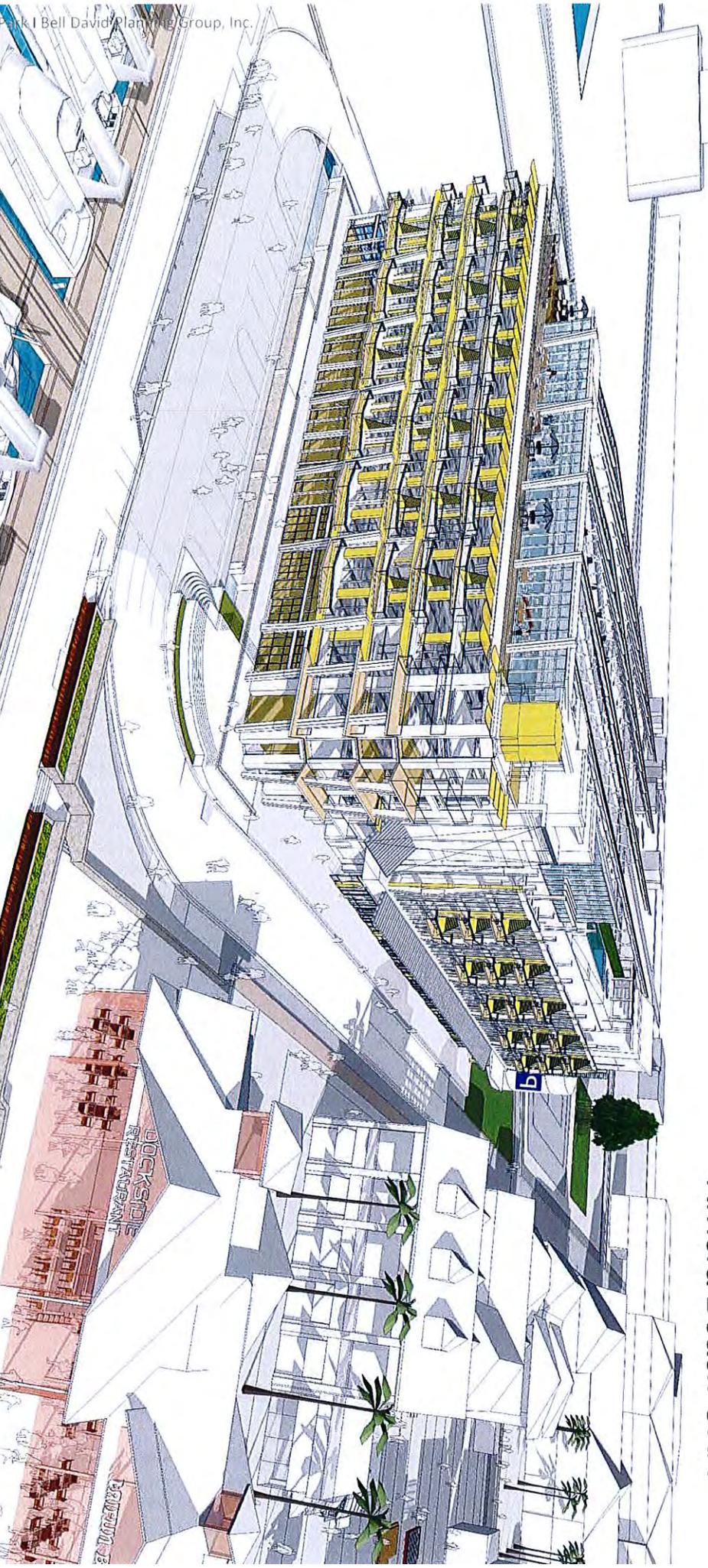
[Urban Neighborhood Edge]



# 6-Story Mixed-Use Example

Photomontage

Riviera Beach CRA



# 4-Story Mixed-Use Example

Photomontage

Delray Beach



# 6-Story Mixed-Use Example

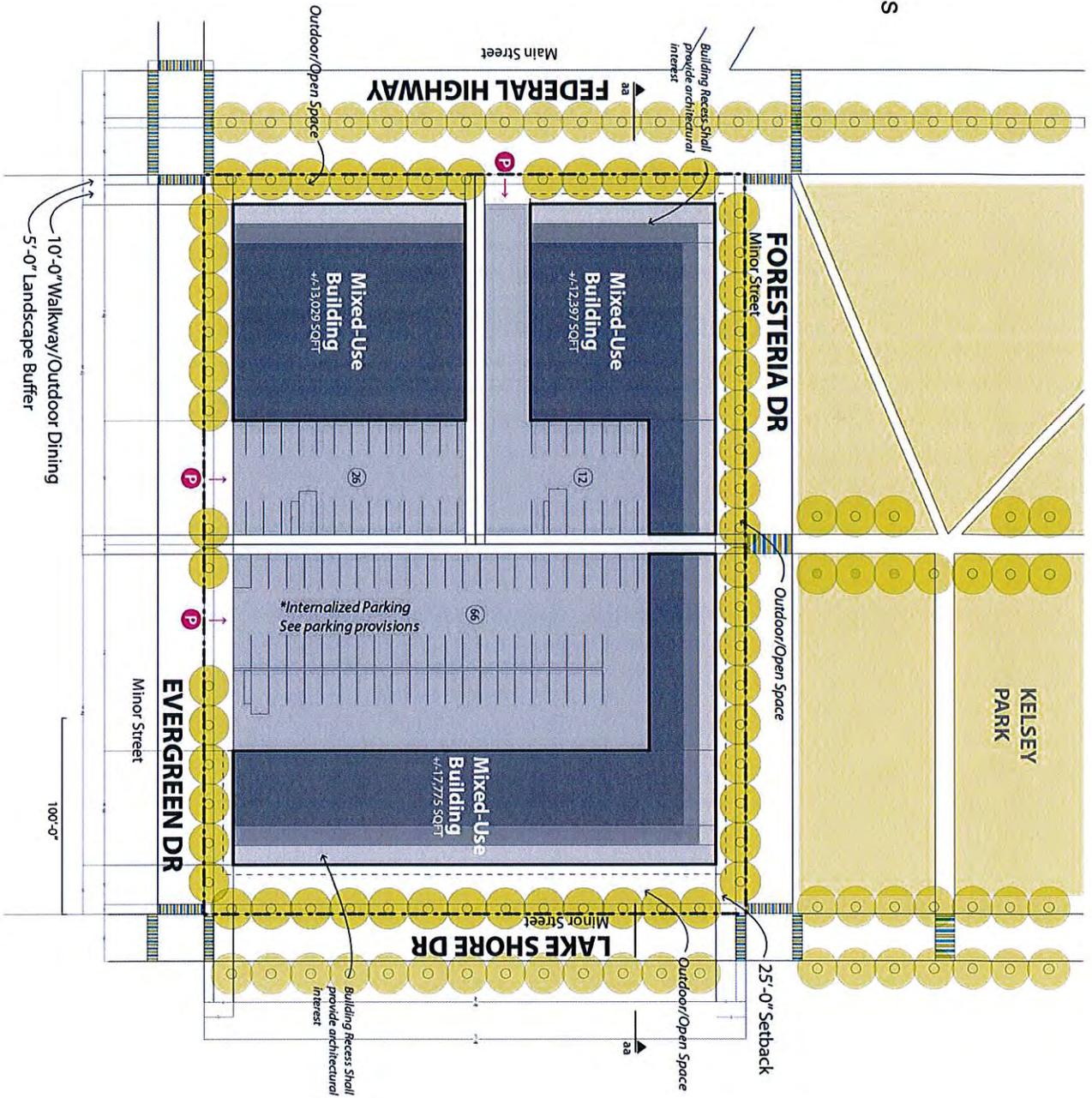
Photomontage



# Urban Edge

## Plan

### + Land Development Regulations



# Urban Edge

## Section

**FEDERAL HIGHWAY**  
Main Street

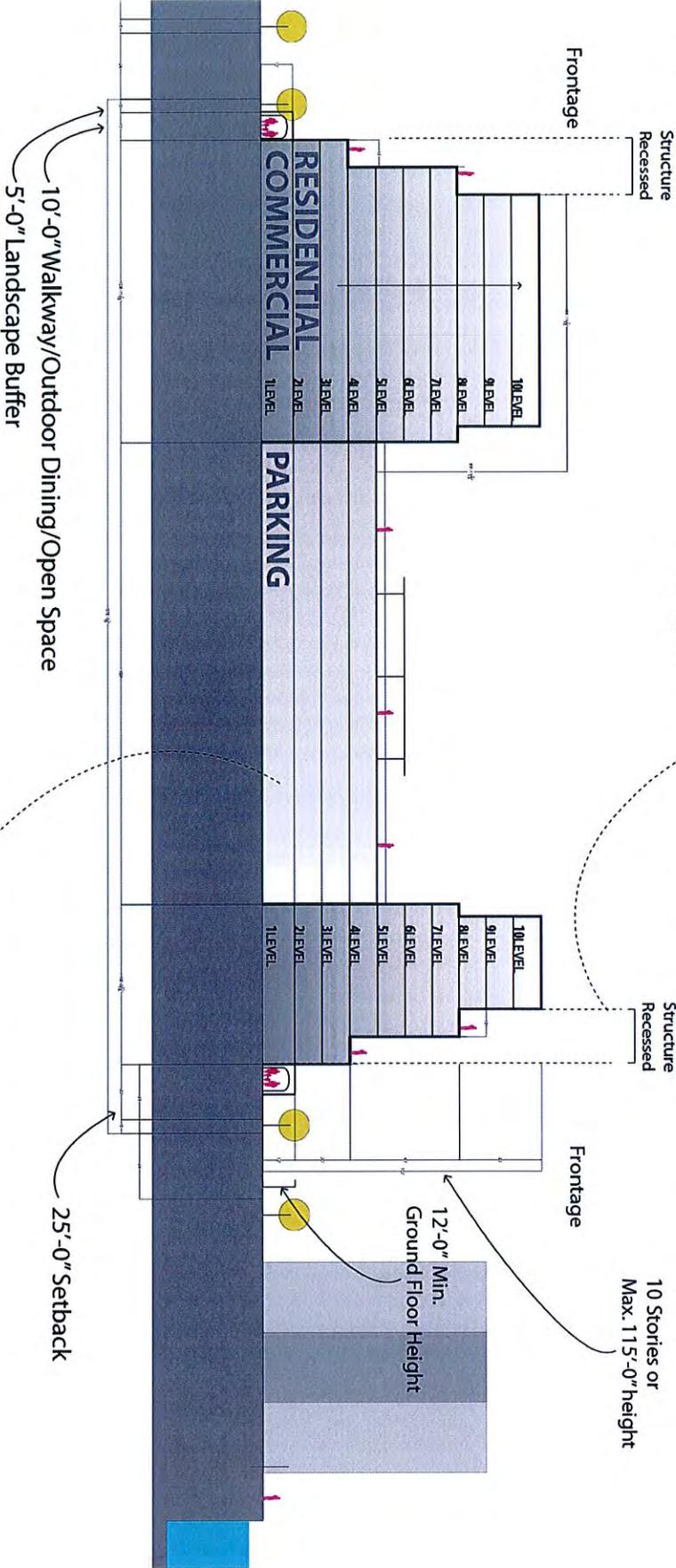


*Federal and Lakeshore recesses shall be greater than recesses provided along side streets; however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.*

**LAKE SHORE DR**  
Minor Street



10 Stories or  
Max. 115'-0" height



*Parking must be internalized, so as to not represent the primary street front feature, but rather linear buildings or other architectural techniques shall be utilized to screen the parking from all street sides.*

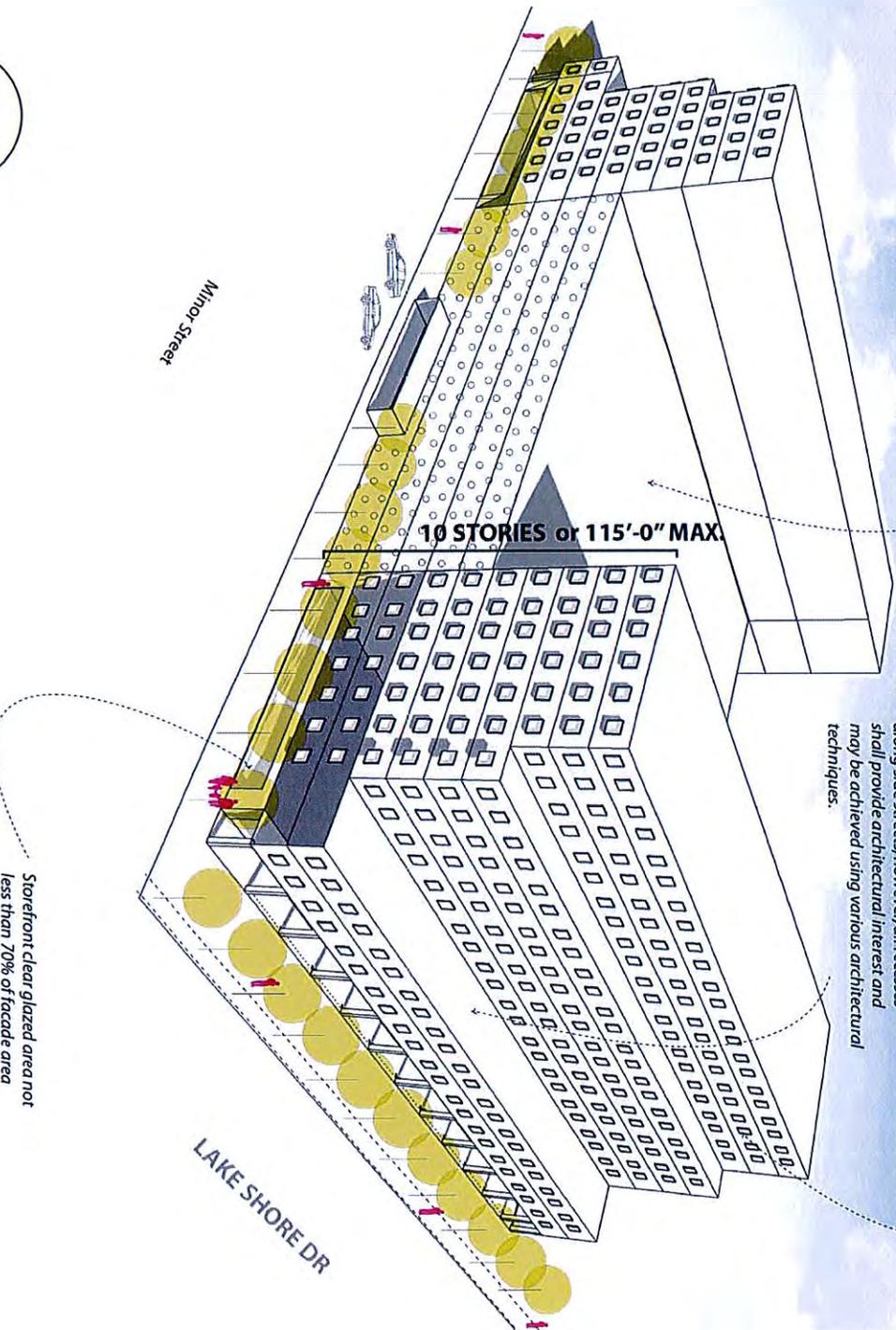
# Urban Edge

3D

*Parking must be internalized, so as to not represent the primary street front feature, but rather linear buildings or other architectural techniques shall be utilized to screen the parking from all street sides.*

*Federal and Lakeshore recesses shall be greater than recesses provided along side streets; however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.*

*Min. 30% of all building street walls shall be fenestrated with windows*



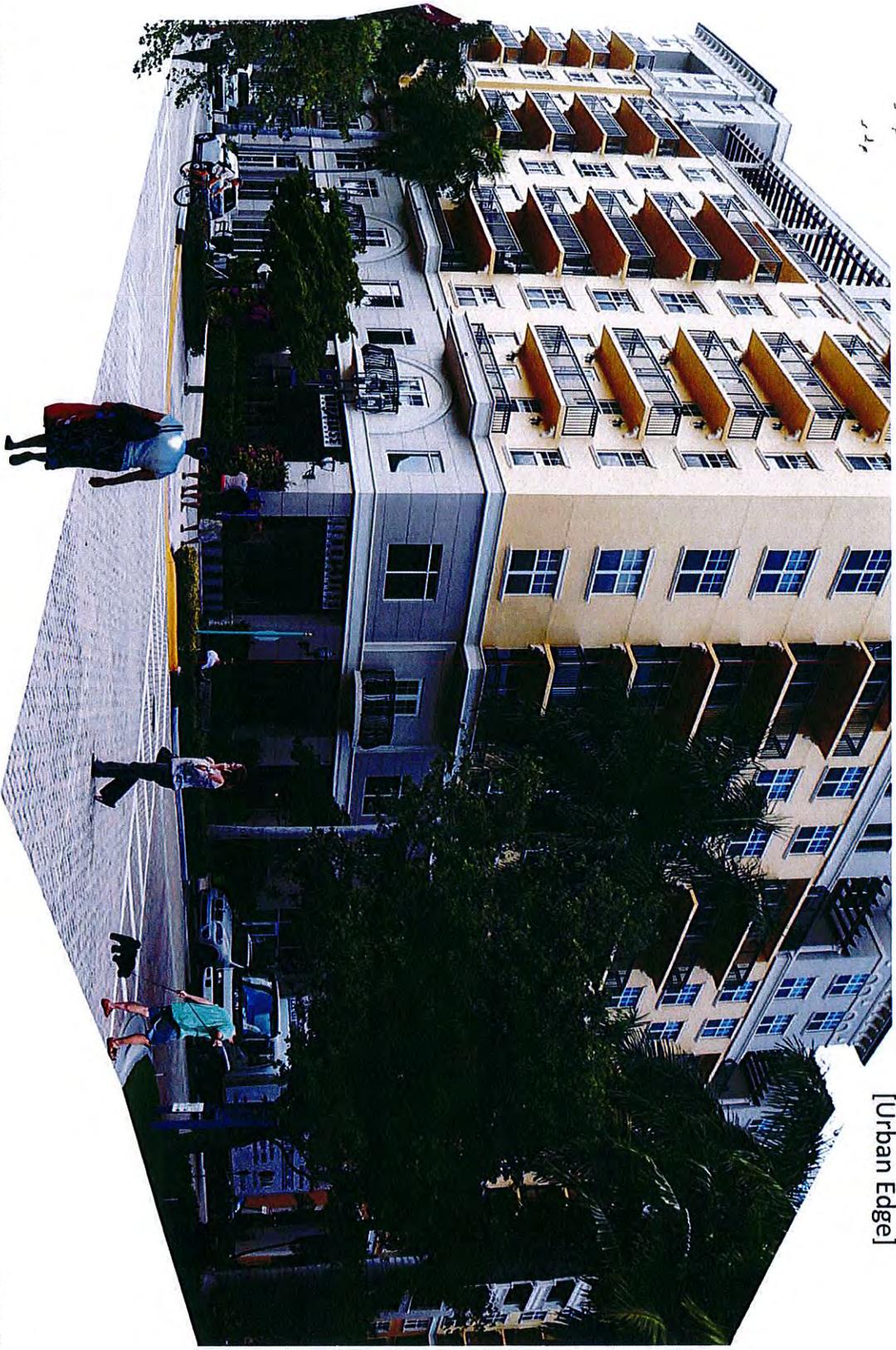
Density level  
60 units/acre

Urban Edge

Massing

# 10-Story Mixed-Use Example

Photomontage



[Urban Edge]

Mixed-Use Sample  
Development

Image Source : FL Village Urban Architecture  
Graphic Montage: Bell David Planning Group

# 10-Story Mixed-Use Example

Photomontage

**\*NOT CONSISTENT WITH ZONING INTENT!**



# 8-Story Mixed-Use Example

Photomontage



# 10-Story Mixed-Use Example

Photomontage

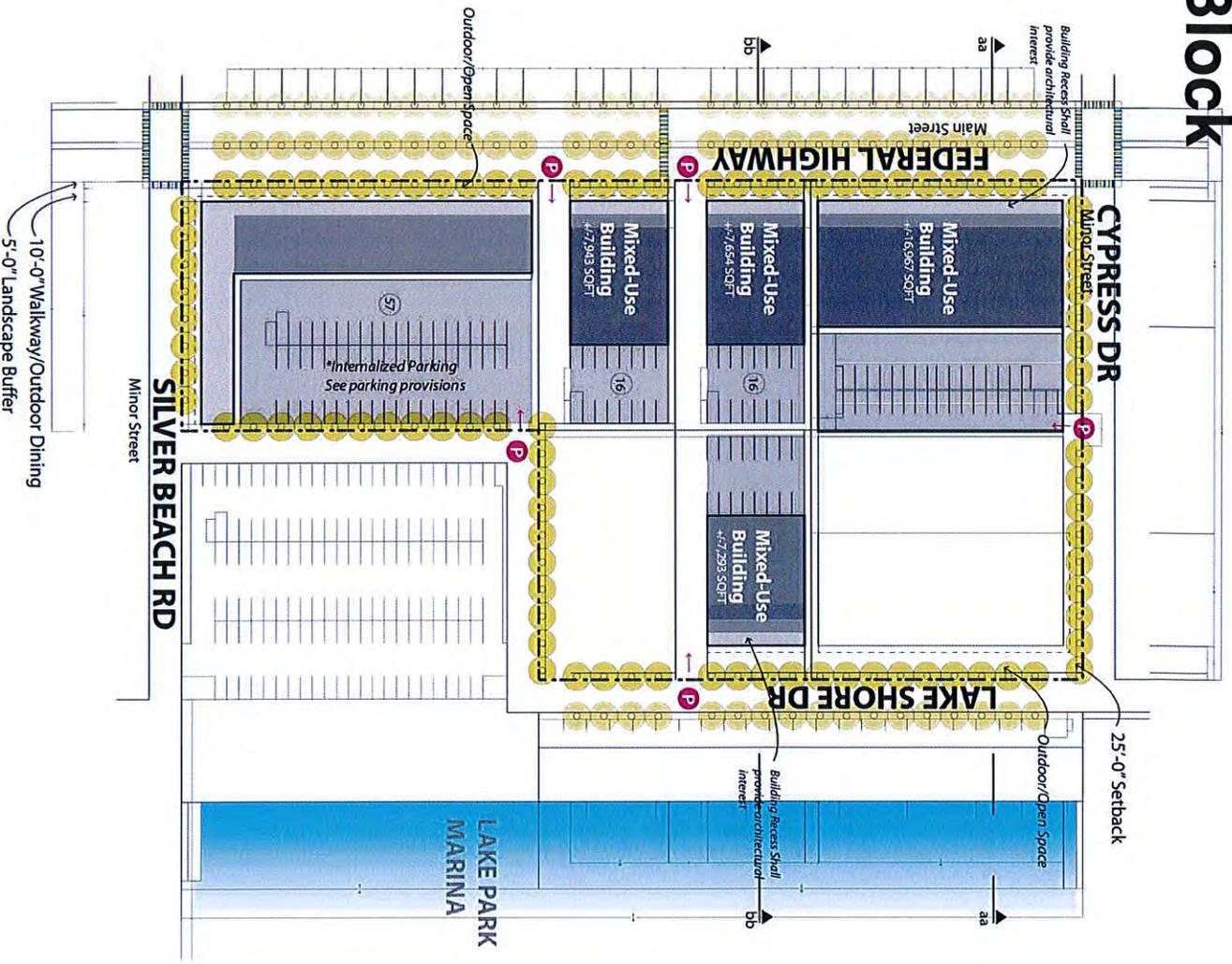
Ground Level Activity



# Urban Waterfront Block

## Plan

### + Land Development Regulations



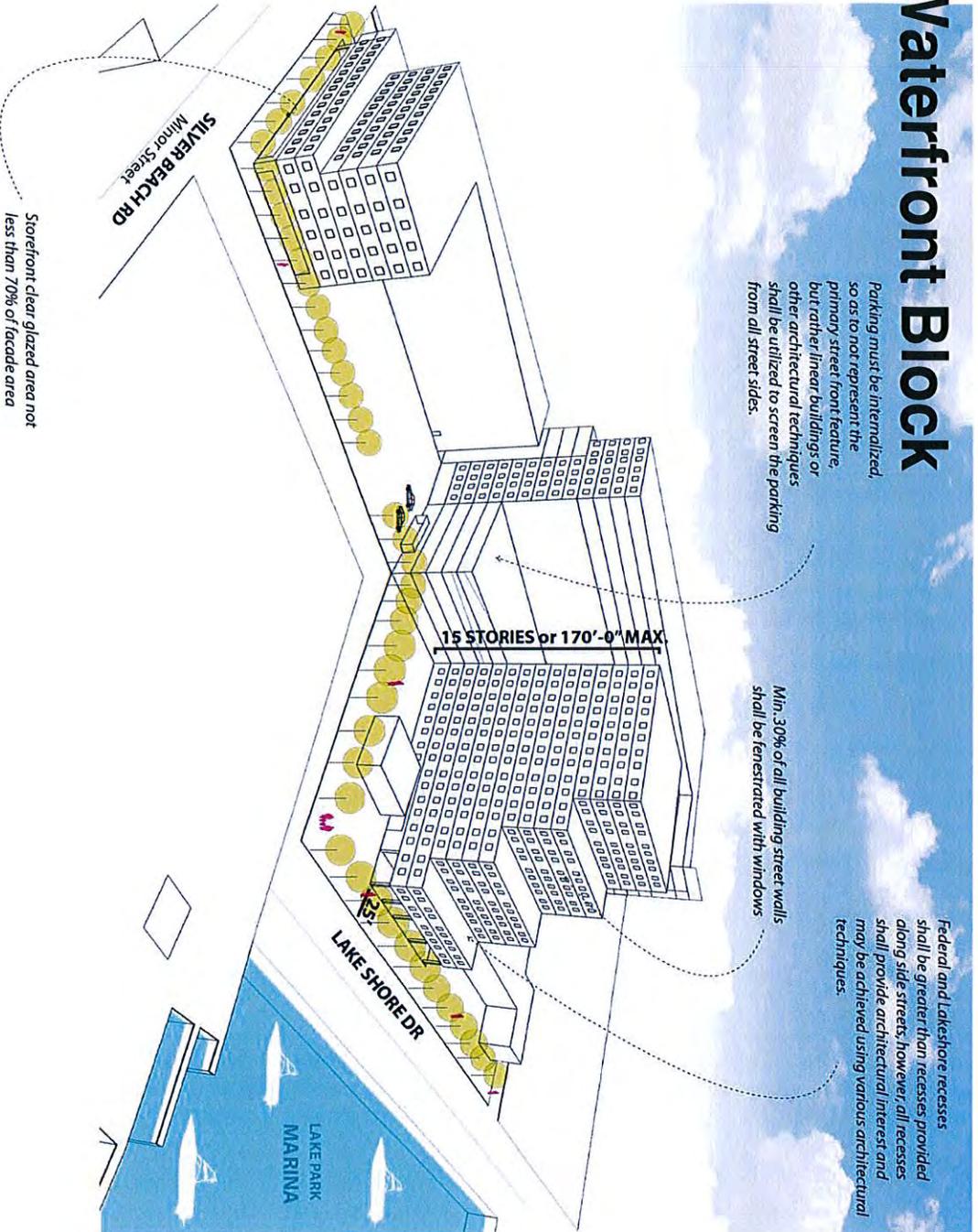


# 3D Urban Waterfront Block

Parking must be internalized, so as to not represent the primary street front feature, but rather linear buildings or other architectural techniques shall be utilized to screen the parking from all street sides.

Min. 30% of all building street walls shall be fenestrated with windows

Federal and Lakeshore recesses shall be greater than recesses provided along side streets, however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.



Storefront clear glazed area not less than 70% of facade area

Density level  
80 units/acre

Urban Waterfront Block

Massing

# 13-Story Mixed-Use Example

Photomontage

Ground Level Marina Activity



# 15-Story Mixed-Use Example

Photomontage

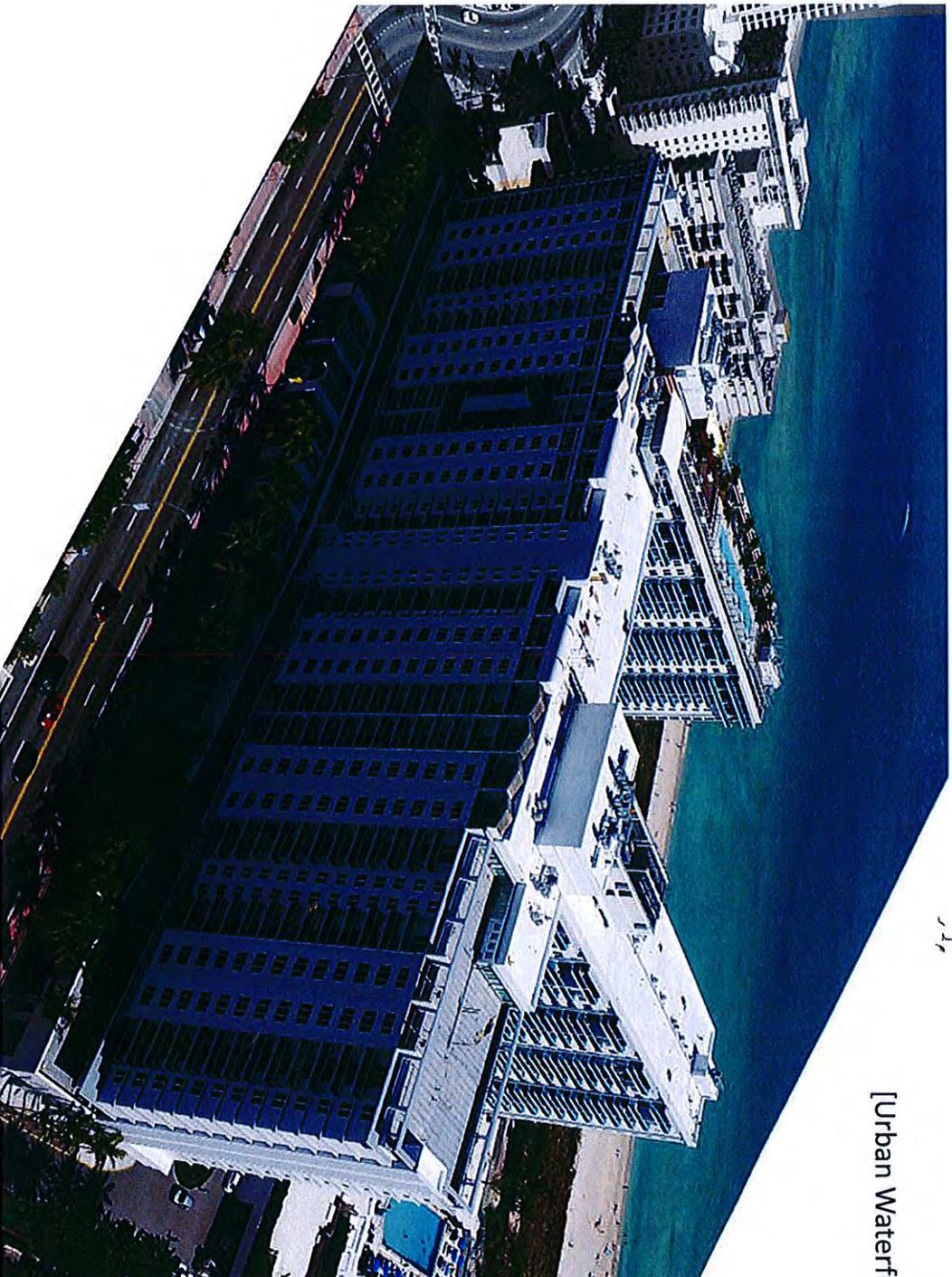
Massing/Program



# 15-Story Mixed-Use Example Photomontage

## Mixed-Use Sample Development

[Urban Waterfront Block]



# Open Discussion + Next Steps



# TAB 3



**Town of Lake Park Town Commission**

**Agenda Request Form**

Meeting Date: April 6, 2016

Agenda Item No. Tab 3

**Agenda Title: Regular Commission Meeting Minutes of March 16, 2016**

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

Approved by Town Manager *J. R. Goff* Date: 3-24-16

*Vivian Mendez - Town Clerk*  
Name/Title

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Clerk</b></p>	Costs: \$ 0.00 Funding Source: Acct. # _____ <input type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Agenda meeting minutes</b> <b>Exhibits "A - E"</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 <u><i>VM</i></u> <b>Please initial one.</b>

**Summary Explanation/Background:**

**Recommended Motion:**

To approve the Regular Commission Meeting Minutes of March 16, 2016.



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, March 16, 2016, 6:30 PM,  
Lake Park Town Hall  
535 Park Avenue

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

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

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

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

1. Regular Commission Meeting Minutes of March 2, 2016 Tab 1
2. Town Commission Acceptance of the Community Redevelopment Agency (CRA) Annual Report Tab 2

F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:  
None

G. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:  
None

H. BOARD MEMBERSHIP NOMINATION:  
3. Library Board Membership Re-Appointments Tab 3

I. NEW BUSINESS:  
4. A Request from the Event Organizers of the Chili Cook-Off for the Town to be an In-Kind Sponsor and in such a Capacity Waive Certain Fees and Provide Certain Event Services Tab 4

5. Resolution No. 12-03-16 Adopting of the Lake Park Harbor Marina Market Study and Business Plan Tab 5

6. Non-Ad Valorem Assessment Charge to the Town by Palm Beach County Information Systems Services (ISS) Tab 6

7. Palm Beach County Sales Tax to Finance Infrastructure Projects in the Town of Lake Park Tab 7

J. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

K. ADJOURNMENT:

Next Scheduled Regular Commission Meeting will be held on Wednesday, April 6, 2016



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, March 16, 2016, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, March 16, 2016 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**SPECIAL PRESENTATIONS/REPORTS**

**None**

**PUBLIC COMMENT:**

1. Curtis Lyman congratulated the re-elected Commissioners. He expressed concern with the proposed cell tower at the Lake Park Marina and urged the Commission to read the packet that was included in the March 21, 2016 agenda packet regarding the cell tower. He explained that the Lake Tower South Condominium's Association supports responsible development at the Lake Park Marina.
2. Susan Ray expressed concern with the proposed cell tower at the Lake Park Marina and the notice provided to the residents.
3. Robert Tinley expressed concern that a listed home for sale on Park Avenue states that it was a great sober living home. He asked the Commission if they had approved for the home to be a sober home. Mayor DuBois responded that the Commission has not approved any home to be a sober home.
4. Joanne Robin expressed concern with the proposed cell tower at the Lake Park Marina. She suggested that the Marina begin renting kayaks.
5. Robert Shelton expressed concern with the proposed cell tower at the Lake Park Marina. He explained the risk of lightning strikes.
6. Doug Wojciechowski, owner of Pronti's Italian Kitchen on 10<sup>th</sup> Street, explained that he has tried to sell his restaurant and the building several times due to health issues. He explained that the restaurant would no longer exist and implored the Commissions to reconsider the application recently presented for a laundromat.
7. Diane Bernhard quoted from the Planning & Zoning Board meeting minutes of February 1, 2016 regarding the cell tower item. She asked the Commission to reject the application.

**CONSENT AGENDA:**

1. **Regular Commission Meeting Minutes of March 2, 2016**
2. **Town Commission Acceptance of the Community Redevelopment Agency (CRA) Annual Report.**

Mayor DuBois explained that he contacted the Town Clerk to request that two changes be made to the draft Commissioner meeting minutes of March 2, 2016. Those changes included a spelling error and the verification of the Marina Director's salary.

Town Clerk Mendez explained the information verified included that the most recent Marina Director's salary was \$96,000.

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

Vote on Motion:

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

Motion passed 5-0.

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

None

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

None

**BOARD MEMBERSHIP NOMINATION:**

**3. Library Board Membership Re-Appointment**

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

**Motion: Vice-Mayor Glas-Castro nominated Diane Bernhard for re-appointed to the Library Board; Commissioner O'Rourke seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**NEW BUSINESS:**

**4. A Request from the Event Organizers of the Chili Cook-Off for the Town to be an In-Kind Sponsor and in such a Capacity Waive Certain Fees and Provide Certain Event Services.**

Town Manager D’Agostino explained the item (see Exhibit “B”). Mr. Robert Trepp (event organizer) and Robert Michaud (President of the Lake Park Kiwanis) introduced themselves. Mr. Trepp stated that it was not necessary for the Town to have a staff member working in the pavilion for the event. He stated that he did not want to use Town funds for that purpose.

Commissioner Flaherty asked if the Commission could grant the use of yard signs at each of the entrance ways of the Town. Mr. Trepp appreciated the suggested but felt it was not necessary to have that many signs out for the event.

Commissioner O’Rourke stated that the sign Ordinance for special events was restrictive and asked that staff review it.

Vice-Mayor Glas-Castro asked how many participants were expected. Mr. Trepp explained that they were expecting 22 participants. Vice-Mayor Glas-Castro asked if there would be a Commissioner contest. Mr. Trepp stated “yes”.

Mayor DuBois asked if the Town could approve the waivers without being a sponsor of the event. Town Manager D’Agostino stated “yes”.

Vice-Mayor Glas-Castro interpreted the Gehring Group letter to say that the insurance requirement would be the same as if the Town had leased it and not taken on any more liability to co-sponsor. Commissioner O’Rourke agreed. Mayor DuBois read the Gehring Group letter, which stated that being an In-Kind sponsor would mean that the Town would need a waiver from each vendor. Mr. Trepp explained that the purpose for the In-Kind sponsorship was to promote the event as a Lake Park event. Town Manager D’Agostino explained that the Town would require waivers from vendors as an In-Kind sponsor. He stated that staff would follow the Commissions direction. Mr. Trepp explained that his intension was to credit the Town with having the event. Mayor DuBois read the insurance requirement that states that each vendor would need to provide a certificate of insurance naming the Town as the additional insurer. Mr. Trepp stated that it would not be possible for the vendors to produce the certificate for this type of event.

**Motion: Commissioner Flaherty moved to approve a request from the event organizers of the Chili Cook-Off to waive certain fees except sponsorship; Commissioner Rapoza seconded the motion.**

Vote on Motion:

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

Motion passed 5-0

Mayor DuBois stated that the Chili Cook-Off would be held on April 30, 2016 at Kelsey Park.

## **5. Resolution No. 12-03-16 Adopting of the Lake Park Harbor Marina Market Study and Business Plan**

### **Public Comment:**

1. David Urbinati expressed concern with different aspects of the proposed Marina business plan. He asked if by adopting the Resolution would the boatlifts be approved considering the Town does not have the demographics to support boatlifts. He asked if by adopting the Resolution would the boat storage concept be approved because boaters would lose access to the boat ramp. He expressed concerns with the launch fees. He suggested that the Resolution include restructuring of staff at the Marina.

Mayor DuBois announced that Brenda Swanson submitted a comment card, which was accidently missed. He would invite her to speak after this agenda item.

Town Manager D'Agostino explained the item (see Exhibit "C"). Jonathan Luscombe introduced himself and explained how he developed the proposed Marina Business Plan. He explained that in his review of the Marina, the two area that are underutilized are the boat ramps and E-Dock. By dropping the rates, the Marina filled up. He suggested three (3) revenue sources at the Marina, E-Dock could be retargeted with a boatlift; the boat ramp could be used as trailer storage in the lower lot; lastly a flat utility rates. He announced that the City of Rivera Beach has awarded the management contract to Lake Park Harbor. As a result, the City of Riviera Beach rates could rise. He was not recommending raising rates and recovering what was being spent.

He recommended the trailer storage lot be on the lower level with 31 spaces. He addressed Mr. Urbinati's concern regarding parking. He suggested that the flow be changed so trailers would not be pulled in truck first, they would be backed in trailer first. He explained that when a boater launches their boat they could place their empty trailer back to their parking spot, so no extra parking would be needed. He suggested a \$25 fee, which was more than what was being charged on the west coast for the same service. He explained that the only other lot that offers the services was Loggerhead Marina in Palm Beach Gardens. They charge \$150 a months, and they have 84 boats being stored.

He estimated that the cost of a boat storage lot could be \$10,000 and if service does not work, the utility and water lines could be capped off. He explained that the boat storage could be used as a match when applying for grants.

Mr. Luscombe suggested a boatlift. He explained that only two residents rent slips at the Marina; therefore, the demographics that are targeted are not Lake Park residents. He announced that Palm Beach County has grant opportunities and one grant to be used as a match for another grant. He suggested five boatlifts for an estimated cost of \$18,000 each, with minimum maintenance.

He stated that those identified in the business plan would utilize the Marina. He stated that customers are not concerned with the distance to the intercostal.

Commissioner Rapoza complemented Mr. Luscombe for explaining a well-designed business plan. She asked if the lifts could be installed in a reasonable amount of time and position. Mr. Luscombe stated "yes". He cautioned the Commission that placing one or two boatlifts at a time would not show the return of investment and could deter customers. He recommended doing 10 lifts at one time with a 24-month return on investment. He stated that the strongest threat was the change and the Towns need to buy into the concept.

Commissioner O'Rourke asked Mr. Luscombe if the rate of the trailer storage would increase fuel purchases. Mr. Luscombe explained that if someone were to store their boat at the Marina they would purchase gas because of its convenience. Commissioner O'Rourke asked if it was a different type of fuel. Mr. Luscombe stated "yes". Commissioner O'Rourke stated that drive-thru fuel sales are weak because we are farther away from the inlet. Mr. Luscombe explained that a captive audience would purchase fuel. The more customers the more fuel sales. Commissioner O'Rourke asked for recommendations on how to utilize the ship store. Mr. Luscombe stated that the boat ramp building was a great place to have bait, ice, and drinks and having a staff person available to assist boaters. He explained that the Marina needed staff. Commissioner O'Rourke asked if there were any other recommendations. Mr. Luscombe noted that he made three recommendations. He gave two (2) additional recommendations: a concierge that could assist boaters that are not familiar with the area, changing the meeting room into a lounge.

Commissioner O'Rourke asked about the percentage of the types of boats in the Marina and how could that be changed. Mr. Luscombe explained that dry storage was expensive. The boat lift fill faster because of affordable pricing. He explained that the lifts would offer boaters different opportunities.

Commissioner O'Rourke stated that a recommendation in the business plan was to install a breakwater. Mr. Luscombe stated that in his research the Marina did have a breakwater at one point. He stated that since it no longer has a breakwater the water ricochet and the boats docked near the boat ramp get the blunt of the wave action. He stated that plans were drawn that include a seawall extension, which would not work because it would block the channel from larger vessels coming in, which would mean the Town would have to dredge. He explained that at Jonathan Landings Florida Inland Navigation District (FIND) placed a revetment to do a shoreline re-stabilization project because of the boatlifts. He explained that the Town could have the seawall permits reactivated to get the work done.

Commissioner Flaherty asked what the cost of the covered dry storage lifts were. Mr. Luscombe stated that the cost included in the packet were for the installation. Commissioner Flaherty asked if it were fair to have a flat rate. Mr. Luscombe explained that a cashless kiosk works and make things easier on staff enforcement.

Vice-Mayor Glas-Castro thanked Mr. Luscombe for drafting the plan. She had concerns regarding the boat storage and the Marina looking like a junk yard. She noted that it could be controlled through the agreement. She expressed concern with the use of the upper parking lot. Mr. Luscombe explained the Marina would not be losing revenue because if you look at the amount of revenue that were generated from the ramp fees, it is only about \$49,000 a year. If the Marina had 31 spaces of boat storage, the revenue could generate \$98,000 and it would push those boaters that she expressed concern about into the other spaces. The Town might loss a few people, but the revenue of the storage was greater.

Vice-Mayor Glas-Castro asked about the electric rate. Are the boxes ready. Town Manager D'Agostino explained that if a flat fee were used, the meters would not require maintenance. He stated that the location of the boxes were so close to the ocean that it would cause maintenance issues. Vice-Mayor Glas-Castro asked if the meter component was not working; she was under the impression that the electric boxes were not working. Mr. Luscombe explained that the boxes were delivering electricity. He explained the three components in the box. There are ring that measure the flow of current through the wire. He stated that 30-amp service has one wire and 50-amp service has two wires. Each ring has one service, which records to odometers. The cost of the 30-amp was \$172 if the problem were with the ring. If the problem were with the odometer, the cost was \$16.00. The cost of the 50-amp was about \$180 a line, these cost do not include labor. Once the problem were identified, then parts are ordered and then there were repair cost. He suggested that if all the parts are purchased and stored they are then available for a repairperson to change. He stated that with a flat rate none of the boxes would need to be repaired. He explained that the meters would need to be read monthly, or if the space were sub-leased, then the meter would need to be read more often. He stated that with a flat rate if a boat were plugged in, then they are charged, if not, they are not charged. Vice-Mayor Glas-Castro understanding was that customers would be charged for electric no matter what. Mr. Luscombe stated "yes". Mayor DuBois clarified that a customer that rents a slip pays electric. Mr. Luscombe stated "yes".

Vice-Mayor Glas-Castro stated that one of the issues was the condition of the showers. Town Manager D'Agostino explained that there were capital operating expenditures budgeted for maintenance and would find out if maintenance of the showers was identified. Vice-Mayor Glas-Castro expressed concern that there are major deficiencies and little funds for maintenance. Mr. Luscombe explained that not doing anything would continue to burn the general fund and breakeven. He explained that the Marina should support itself as an Enterprise Fund.

Mayor DuBois stated that the operational expenses was different from the capital expense. Mr. Luscombe explained that the revenue at 105 percent does not support the Marina due to the debt.

Commissioner Rapoza explained that many aspects of the business plan made sense for the Marina to support itself. She stated that better utilization of the patio, increase shade, installing charcoal grills, obtain grants for a pump out, and create a lounge on the second

floor of the Marina building, were ways to stay within the charm of the Marina community and they would want to come to the Marina.

**Motion: Commissioner O'Rourke moved to approve Resolution 12-03-16; Commissioner Rapoza seconded the motion.**

Mayor DuBois did not agree with removing the amount of spaces proposed in the business plan. He stated that the Town has changed from a Marina Town to an Arts Town. He did not agree with several recommendation in the plan including customers purchasing gas, purchasing bait, or soft drinks at the Marina. He agreed with the soft ideas and felt they should be implemented immediately. He agreed with the suggestion of boatlifts using a FIND grant. He pointed out that if the Town wants to implement a boat hoist then a maintenance contract were necessary so staff was not responsible for any maintenance.

Mayor DuBois asked for a motion that would include redacting the 31 out of 50 spaces for the ramp and include a maintenance contract for the boat hoist. He asked that the maker of the motion amend the motion to include those two items. Commissioner O'Rourke stated that he would not change his motion.

Vice-Mayor Glas-Castro, Commissioner Flaherty, and Commissioner Rapoza agreed with the Mayor's suggested motion.

Commissioner O'Rourke withdrew his motion.

Mayor DuBois restated a motion as adopting the business plan rescinding any spaces saved for storage at the ramp other than the overnight storage the Marina currently has, and asked for a maintenance contractor, and do an RFP for maintenance contractor services.

**Motion: Vice-Mayor Glas-Castro moved to approve Resolution No. 12-03-16 as amended which included rescinding any spaces saved for storage at the ramp other than the overnight storage the Marina currently has, and asked that staff do an RFP for maintenance contractor; Commissioner Rapoza seconded the motion.**

Commissioner O'Rourke stated that the benefits to the plan was that it was an attempt to make the Marina a viable business entity. He explained that the Marina has been subsidized for so long that the Town was in a budget situation where the Town has no funds available to do any type of real improvements. He felt the business plan allows the Town to move in the direction where revenue could be increased and felt the trailer storage was a good plan.

Mayor DuBois agreed that the Town was trying to gain as much revenue as possible. He explained the history of the Marina and why the rate changes were made throughout the years. He stated that he would continue to fight for each space available at the Marina because of the spaces that were removed during the last construction of the Marina.

Commissioner O'Rourke stated that his comments were not as a debate, they were merely comments.

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 3-2.

**Public Comment:**

**Brenda Swanson** expressed concern with the cell tower.

Mayor DuBois thanked Mr. Luscombe for creating the business plan.

**6. Non-Ad Valorem Assessment Charge to the Town by Palm Beach County Information Systems Services (ISS)**

Town Manager D'Agostino explained the item (see Exhibit "D"). Vice-Mayor Glas-Castro asked if the Manager's Association have discussed this topic. Town Manager D'Agostino felt that the Manager's did not want to question the issue because it was a minimal amount of money. He expressed concern that there would be a proportional increase in the future. Commissioner O'Rourke was offended that Palm Beach County wanted to go to war with its municipalities. Commissioner Rapoza stated that she was against the item. Commissioner Flaherty asked if the amounts would decrease. Town Manager D'Agostino explained that it was not based on value. He stated that the larger municipalities have their own internal system; smaller municipalities use Palm Beach County and are now being charged. Commissioner O'Rourke asked if there was a justification to the amount of fees, they set or was it just an amount that the County decided to charge. Town Manager D'Agostino stated that within the information the Commissioner's question was not addressed.

Mayor DuBois clarified that the fees were associated to Stormwater assessment. Town Manager D'Agostino explained that the Town has Stormwater and Sanitation assessments.

**Motion: Commissioner Flaherty moved to approve Non-Ad Valorem Assessment Charge to the Town by Palm Beach County Information Systems Services (ISS); Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**7. Palm Beach County Sales Tax to Finance Infrastructure Projects in the Town of Lake Park**

Town Manager D’Agostino explained the item (see Exhibit “E”). Mayor DuBois asked if the Town was restricted on how to expend the funds. Town Manager D’Agostino explained that it would be restricted to the most recent list provided by Public Works Director Dave Hunt.

Mayor DuBois asked if the list could be amended to include the Capital Improvements schedule. Town Manager D’Agostino explained that there are certain items that would not be eligible for funding under the plan. Mayor DuBois stated that Palm Beach County were improving other projects besides streets and roads.

Vice-Mayor Glas-Castro explained that the point of the list was to give residents an idea of how the Town would spend the funds if approved. Mayor DuBois clarified that the funds could be used for other Capital Improvement projects.

Town Manager D’Agostino explained that any funds the Town receives would be better than not receiving any funds at all.

Commissioner O’Rourke asked if Palm Beach County has committed to this funding or was it up to the County to determine how the funds would be distributed. Town Manager D’Agostino explained that the percentages breakdown could change, but there were no guarantees. Mayor DuBois asked if the sales tax funds were bondable. Finance Director Blake Rane explained that it has not be finalized, but he felt that the Town could acquire debt based on the revenues. He stated that once the public has voted on the issue, then the County would distribute the funds over the 10-year period.

Town Manager D’Agostino explained that Palm Beach County would have an oversight committee that would review the projects. Mayor DuBois stated that the oversight committee was the Inspector General.

**Motion: Commissioner Flaherty moved to support the Palm Beach County Sales Tax to Finance Infrastructure Projects in the Town of Lake Park; Commissioner Rapoza seconded the motion.**

Commissioner O’Rourke expressed his concern with the item and explained that he would vote against the item.

Vice-Mayor Glas-Castro explained the difference between the ½-cent sales tax and the one-cent sales tax. She stated that the one-cent sales tax would include funding for the School Board and fund children’s programs. She stated that if the tax were only for road

improvements it generally would not pass. She suggested that the item go before the Palm Beach County voters to see if they would agree.

Mayor DuBois stated that the tax would affect the Town the most. He stated that he usually supports Palm Beach County, but in this case does not agree with another tax for the residents. He understands that the Town needs the funds.

Vice-Mayor Glas-Castro further explained that it was regressive, and like today, it was not applicable to tax exempt items like groceries and medicines. She explained that it was applicable to all other eligible sales, such as the tourist, visitors, not just the residents.

Mayor DuBois stated that out of a sense of right or wrong he would vote against the item.

Commissioner Rapoza asked if a decision was necessary this evening. Town Manager D'Agostino stated that Palm Beach County wanted a decision by March 21, 2016.

Vice-Mayor Glas-Castro explained that since it was not a 40/60 split, Palm Beach County needs to have a majority of the municipalities' support their initiative.

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 failed 2-3.

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

**Town Attorney Baird** announced that Kelly Gardner would attend the April 6, 2016 meeting on his behalf.

**Town Manager D'Agostino** announced that the Easter Egg Hunt would be held on March 26, 2016 from 9:00 a.m. to 11:00 a.m. at Kelsey Park. He updated the Commission on the quest for a Recreation Director. He explained that the recruitment process had been completed, but when staff verified the applicants' credentials, the applicant was disqualified because they were not truthful on their application. On his direction, staff was restructuring the job description of the Parks & Recreation Director to a Special Events Director. The job description would be on the April 6, 2016 agenda for consideration. As a result, summer camp has been canceled this year. He stated that a list of summer camp programs in the area have been placed on the Town's website.

Commissioner Rapoza asked if the Town would continue to have a Recreation Director. Town Manager D'Agostino explained that in the area there are only two other municipalities that require their Park & Recreation Director to handle special events. The blending of both position has not worked for the Town. He would be recommending an

Events Director to coordinate special events with two assistant. He stated that as part of the 2017 Fiscal Budget a Parks & Recreation Coordinator would work on special events, responsible for developing programs, implementing a summer program. He stated that the goal would be for the Town to host its own events rather than relying on other entities to host events in the Town. As a result, the Town would invite the non-profit organization to participate in the events. Mayor DuBois explained that the Town has not held events due to lack of funding. He explained how he worked with Lake Park Kiwanis to hold smaller events with less funding. He stated that the goal was to attract organizers to hold events in the Town, which was how the Town had several events.

Town Manager D'Agostino gave an update on the Citizens on Patrol program explaining the Lt. Vassalotti and the Commander have agreed to lower the amount of participants to 15 members in order for the Town to have its own unit. He stated that the Palm Beach County Sheriff's Office would actively promote recruitment for volunteers at the Easter Egg Hunt and other Town events.

Town Manager D'Agostino explained that the Town was not given the funding for the Lake Shore Drive drainage project. He has requested a list of the funded projects for the Commission. Commissioner O'Rourke explained that the project was entered as an appropriation request not a Bill. Mayor DuBois explained that when Palm Beach County submits the list of projects they are submitted as appropriation request, not as Bills. Town Manager D'Agostino stated that he was not giving up and would discuss the issue with Senator Clemens and House Representative Powell at the April 20, 2016 meeting. Mayor DuBois stated that there might be a water Bill that they are proposing that the Town could participate in.

**Commissioner O'Rourke** thanked the residents for re-electing him, thanked the Commission, welcomed the new Commissioner, and paid tribute to Commissioner Rapoza.

**Commissioner Flaherty** was disappointed that the Town will not have a summer program. Congratulated the Commissioners, and was looking forward to the next three years.

**Vice-Mayor Glas-Castro** congratulated Commissioners Flaherty and O'Rourke, Commissioner-Elect Anne Lynch, and the residents who provided great information over the past few months. Welcomed the residents to contact her. Thanked Commissioner Rapoza for her time over the last three years. Commissioner Rapoza, with great humility, thanked the Commission.

**Mayor DuBois** asked if the Town could collaborate with another municipality for summer camp at a reduced fee. Vice-Mayor Glas-Castro stated that other municipalities might allow Town residents to pay their municipalities' summer program rate. Mayor DuBois asked the Town Manager to pursue reaching out to neighboring municipalities. Town Manager D'Agostino suggested that the budgeted funds for the summer program be used to subsidize the fee for Lake Park residents. Mayor DuBois suggested contacting Club 100 Charities. Lt. Vassalotti explained that Club 100 Charities are having a summer

program. He announced that the Palm Beach County Sheriff's Office would be collaborating with Club 100 Charities and hosting four fishing trips, and several other programs this summer.

Mayor DuBois congratulated the Commissioners and Commission-Elect Anne Lynch.

**Commissioner Rapoza** gave kudos to the Commission. Happy St. Patrick's Day. She suggested that the old snipe signs be donated to the elementary school. She expressed concern with the way her party affiliation was marked incorrectly on her ballot. She called the Palm Beach County Supervisor of Elections (SOE) office and was told that the information in their system matched what appeared on her voters registration card, but not what was appearing on the location Clerk's system. She told the Election Clerk of the error, but the Election Clerk was unhelpful. She called back to the SOE's office and was told that the Supervisor of Elections, Susan Butcher, would call her back personally. Many others had the same party affiliation error on their ballots. Town Manager D'Agostino explained that there were some confusing and would welcome the SOE to come and explain what happened.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 9:38 p.m.

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

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

Town Seal

Approved on this \_\_\_\_\_ of \_\_\_\_\_, 2016



**Town of Lake Park Town Commission**

**Agenda Request Form**

*Exhibit "A"*

**Meeting Date:** March 16, 2016

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

**Agenda Title:** Diane Bernhard – Nominated for re-appointment to the Library Board as an Regular Member

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

- CONSENT AGENDA
- OLD BUSINESS

**Approved by Town Manager** *J. R. Castro* **Date:** *3-8-16*

*Vivian Mendez, Town Clerk, CMC*  
Name/Title

<b>Originating Department:</b>  Town Clerk	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <ul style="list-style-type: none"> <li>• Nomination by Vice-Mayor Glas-Castro.</li> <li>• Commission-Appointment Board Volunteer List Memo.</li> <li>• Applicant's Town Board Application.</li> </ul>
<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:** The Town Clerk's Office received a volunteer board application for reappointment to a Town Board. The candidate's biographical information for this appointment has been placed in the Town Commission Dropbox.

Vice-Mayor Glas-Castro has made a nomination to reappoint the following applicant to the Library Board:

**Diane Bernhard**

**Recommended Motion:** In order for the nomination to go forward, there must be a second to the nomination and a majority vote of the Commission for the nominee.



Town of Lake Park Town Commission

Agenda Request Form *Exhibit "B"*

Meeting Date: March 16, 2016

Agenda Item No. *Tab 4*

**Agenda Title: A REQUEST FROM THE EVENT ORGANIZERS OF THE CHILI COOK-OFF FOR THE TOWN TO BE AN IN-KIND SPONSOR AND IN SUCH A CAPACITY WAIVE CERTAIN FEES AND PROVIDE CERTAIN EVENT SERVICES.**

- 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 *[Signature]* Date: *3-9-16*

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

<b>Originating Department:</b>  Community Development	Costs: \$ 0 (see requests listed herein) Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> → Copy of Special Event Application and Letter Request
<b>Advertised:</b> Date: <i>N/A</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 ___ or Not applicable in this case ___ <i>ND</i> <b>Please initial one.</b>

**Summary Explanation/Background:**

A special event permit application was submitted to the Community Development Department by the Kiwanis (led by Mr. Roger Michaud) of Lake Park (a non-profit organization) on February 24, 2016, and later modified on March 2, 2016. The Kiwanis is working alongside Tromsi, Inc. (led by Mr. Robert Trepp) to hold a Chili Cook-Off event in Kelsey Park on Saturday, April 30, 2016 from 11:00am – 5:00pm. Mr. Trepp and Mr. Michaud are jointly requesting that the Town Commission consider approving some of the following special requests which cannot be granted administratively:

1. Request Lake Park to be an in kind sponsor of the event through the actions listed in request #2 below

**STAFF RESPONSE:** The Town's insurance carrier, the Gehring Group, provided the following response: *"As an in-kind sponsor, you would share in the liability but, it would not be more than*

*you would if the event planners merely leased the space from the Town and included it as additional insured. As a sponsor in kind, Lake Park would become responsible for making certain that any and all vendors provided it with certificates of insurance listing the Town as additional insured, as opposed to merely receiving a certificate from the one event sponsor. The Town would also have to be certain to receive hold harmless agreements, signed by each of the Chili Cook-off participants (the people competing).*

*Being an in kind-sponsor wouldn't increase the Town's exposure, because anyone injured during the event would most certainly attach Lake Park to a law suit. But, it would make the Town have to be more responsible for making certain that it did everything necessary to better ensure its insulation from a financial obligation."*

2. Request the Town of Lake Park waive the following fees as part of an in kind sponsorship
  - Park
  - Indoor pavilion \* (**only** if it is not being rented out the day of the event to others)

**STAFF RESPONSE:** The Kiwanis is a non-profit organization and pursuant to the Parks & Recreation Facility guidelines is subject to three free venue rentals per year. Kelsey Park and the Indoor Pavilion would be free under this scenario and the Kiwanis would still have one free rental remaining for this calendar year. However, refundable deposits in the amount of \$500 for Kelsey Park and \$200 for the Indoor Pavilion are required to secure the facilities. Additionally, use of the Indoor Pavilion requires a staff person to be present during the event at the rate of \$30/hour pursuant to the Town's facility rental policy. This nonrefundable fee of \$180 (for a 6 hour event) will also be required in advance of the event. As of March 4, 2016, the Park and Pavilion have not yet been reserved since deposits and personnel fees have not yet been paid.

- Signage

**STAFF RESPONSE:** This application fee of \$100 has already been paid in order to get the signage application (requesting 3 banners along US-1 and additional yard signage along Lake Shore Drive) started. The Applicant is requesting reimbursement of this fee.

- Garbage pickup, dumpster and garbage container

**STAFF RESPONSE:** The Public Works Department indicated that a service similar to the last Chili Cook-Off event would include an 8-cubic yard dumpster and one tipping, at a total cost of \$93.48. The Applicant is requesting this service at no cost.

- Special event

**STAFF RESPONSE:** This application fee of \$25 has already been paid in order to get the application started. The Applicant is requesting reimbursement of this fee.

- Application fees

**STAFF RESPONSE:** See Special Event and Signage categories above.

- Electric/water (if any)

**STAFF RESPONSE:** Public Works indicated this is not applicable.

- Advertise the event in Town emails, place provided poster / flyers where possible at town buildings where the public may see them and pick them up.

**STAFF RESPONSE:** See request #1 above whereby the Applicant is requesting that the Town consider being an in-kind sponsor. If approved by the Town Commission, the Town would assist with the needed advertising, time and staff permitting.

3. Request permission to place temporary yard sign type signs in various locations around park perimeter (2 or 3 per each side of the park) and three 3x6 banners along US 1. One at each end of the park and one facing west up Park Ave.

**STAFF RESPONSE:** The request is being processed through a special event signage application for which the Town Code provides flexible signage provisions. Signage cannot be placed any sooner than April 15 (a maximum of 14 consecutive calendar days is permitted).

4. Request waiving the past requirement for PBSO deputies which places an undo and expensive burden on the event. The need for dedicated PBSO onsite only started with the previous Town Manager and the cost of doing so was one of the main reasons in not attempting to do the event again. At our first two events in Lake Park it was sufficient for the on duty PBSO patrol to be onsite and/or nearby and those were much larger events.

**STAFF RESPONSE:** The PBSO requirement is a requirement of PBSO and is determined solely by PBSO based on their review of a special event permit application. In reviewing this request, PBSO has provided the following response when considering that the Town might be an in-kind sponsor: ***"We will be providing an on-duty deputy for this event at no charge. D/S Brian Fitch will be there for the entire event."***

5. Request that the Town of Lake Park provide for event parking on the east end of Park Ave

**STAFF RESPONSE:** The Public Works Department has agreed to assist with this request during normal business hours if the Town is considered to be an in-kind sponsor. Normally, this request takes approximately 4 hours of staff time and would be charged accordingly.

6. Request the usage of the small gated parking area located at the north east corner across from Kelsey Park.

**STAFF RESPONSE:** The Public Works Department indicated the gate can be left open for the entire weekend for use during the event day.

**RECOMMENDED MOTION:** At the Town Commission's discretion based on the information provided above.



Town of Lake Park Town Commission

Agenda Request Form *Exhibit "C"*

Meeting Date: March 16, 2016

Agenda Item No. *Tab 5*

Agenda Title: Adoption of the Lake Park Harbor Marina Market Study and Business Plan

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: *3-8-16*

John O. D'Agostino, Town Manager

Name/Title

<p><b>Originating Department:</b>  Town Manager</p>	<p>Costs: -0- Funding Source: General Fund Acct. # <input type="checkbox"/> Finance _____</p>	<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Marina Market Study and Business Plan</li> <li>• Resolution Adopting the Market Study and Business Plan</li> </ul>
<p><b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone <u>JOD</u> OR Not applicable in this case _____ <b>Please initial one.</b></p>

**Summary Explanation/Background:** The Lake Park Harbor Marina Business Plan has been a long time in the making. For many years, the Marina was NOT well managed as an enterprise fund. My immediate goal as Town Manager has been to have a business plan prepared for the operation of the Marina as a profitable enterprise fund (i.e., like a business). The purpose of this agenda item is the adoption by the Commission of the Lake Park Harbor Marina Market Study and Business Plan ("Business Plan") as a roadmap for making the Marina profitable. To enable it to: (1) pay back the \$2,480,000 to the General Fund and the \$400,000 to the Sanitation Fund that was forgiven on August 7, 2013, (2) to build reserves to self-fund future repairs, and (3) eventually provide the General Fund with excess revenue in the form of a Payment In Lieu of Taxes. Currently, the Marina Enterprise Fund does not have a fund balance greater than \$30,000. If emergency Capital items are

needed, and because the Marina has been dependent upon the General Fund, the General Fund has historically stepped in and covered those expenses. This creates a drain on the General Fund as it does not have enough funds to dedicate to the Library, Park and Recreation and Public Works, Roads, Sidewalks etc. Should the Business Plan be adopted as proposed, the Marina will begin to operate as a bona fide Enterprise Account that will have a sufficient amount in Fund Balance to pay for the future Capital needs of the Marina.

Among the important elements of the Business Plan are the following:

- For many years, many electric meters at the Marina have failed and have not been repaired. As a result, accurate electric fees have not been charged to the tenants occupying slips that have non-functioning meters. The Business Plan requires a minimal capital investment to change the current metered electric rate to a flat rate. By changing to a flat utility rate, the Marina's bottom line should improve by \$60,000 per year.
- The need to install boat lifts in spaces that are currently rented out for \$300.00 per month will increase the rental charge to \$800.00 plus per month. The Business Plan addresses this need.
- Dry Trailer Storage is another initiative that should be approved to increase revenue to the Marina. The Business Plan calls for taking a certain number of spaces that are currently underutilized and dedicating them to trailer storage. Having trailer storage close to the Marina will increase convenience for boaters who desire to have their vessels close at hand. In future years, as the Marina pays down the debt to the General and Sanitation Funds and increases its Fund Balance, a motorized tow service from the trailer storage area to the water will be possible. This service will be unique and an important competitive advantage and will allow for additional income. No one has this service available at surrounding marinas.
- The Business Plan provides that the current dockage rates at the Lake Park Harbor Marina be increased only for winter month-to-month rentals for commercial vessels from \$20.00 per foot to \$24.00 per foot, and that the daily launch fees at the Lake Park Harbor Marina be revised to provide for an annual launch fee in the amount of \$150.00 per year.
- Pursue development and implementation of a park mobile application for the annual ramp pass system and storage trailer parking.

The Business Plan also capitalizes on the quaintness and uniqueness of the Marina. The open space and the landscape of the Marina distinguishes our marina from the others and is another competitive advantage. Additionally, the amenities which are in close proximity to the Marina such as, the Town's recently resurfaced tennis courts, exercise heart path and play equipment for children at Lake Shore Park, and several restaurants which are within walking and/or short driving distance.

As the Marina continues to make money, other considerations may include a shuttle service or Uber service to the Brewhouse Gallery, Kelsey Theatre or a number of restaurants on Park Avenue will truly link the Marina to our Arts District and downtown Park Avenue area.

If the Marina is to become self-sufficient and profitable, it must no longer be viewed and operated as a park with boats. It must be operated as a business. Adoption of the Business Plan will enable facilitate such operation.

Staff recommends the adoption of the Lake Park Harbor Marina Market Study and Business Plan in its entirety. The adoption of a new Dockage Agreement which will reflect the new rates, etc., will be presented to the Commission in April as a separate agenda item.

The adoption of the Business Plan will ensure that the Marina will increase profits,  
Recommended Motion: I move to adopt Resolution 12-03, 2016 for the adoption of the Lake Park Harbor Marina Market Study and Business Plan.



Town of Lake Park Town Commission

Agenda Request Form *Exhibit "D"*

Meeting Date: March 16, 2016

Agenda Item No. *Tab 6*

Agenda Title: Non-Ad Valorem Assessment Charge to the Town by Palm Beach County Information System Services

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

Approved by Town Manager *J. D'Agostino* Date: *3-3-16*  
**John O. D'Agostino, Town Manager**

Name/Title

<p><b>Originating Department:</b>  Town Manager</p>	<p>Costs: \$770.00 Funding Source: General Fund Acct. # <input type="checkbox"/> Finance _____</p>	<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Non-Ad Valorem Assessment Support Services Contract.</li> <li>• Notification Letter by Steve Bordelon.</li> <li>• Inter-Local Agreement for Assignment of Property data and Development of Annual Assessments for Palm Beach County Non-Ad Valorem Districts.</li> <li>• Exhibit A</li> </ul>
<p><b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone _____ or Not applicable in this case _JOD_  <b>Please initial one.</b></p>

**Summary Explanation/Background:** The County on the October 27<sup>th</sup>, 2015 notified the Town of Non-Ad Valorem processing fees that will be assessed to the Town. Those fees are broken down into 10 categories based on assessment ranges. If the Town's assessments remain the same as last year, the Town will incur an estimated processing fee of \$770.00. Prior to the notification, the County processed Non-Ad Valorem tax bills free of charge to local communities. If assessments for the Non-Ad Valorem entities increase, the processing fee will increase correspondingly.

The Town is required to enter into an Inter-local Agreement for Assignment of Property Data and Development of Annual Assessments for Palm Beach County Non-Ad-Valorem Tax Districts.

The signed documents are due to the County by April 30, 2016.

**Recommended Motion:** Motion to approve the Inter-Local Agreement between the Town of Lake Park and Palm Beach County Information System Services and to further authorize the Mayor to sign the Agreement.



**Town of Lake Park Town Commission**

**Agenda Request Form Exhibit "E"**

**Meeting Date:** March 16, 2016

**Agenda Item No.** Tab 7

**Agenda Title:** Palm Beach County Sales Tax to Finance Infrastructure Projects in the Town of Lake Park

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

**Approved by Town Manager** *J. D'Agostino* **Date:** 3-4-16

**John O. D'Agostino, Town Manager**

Name/Title

<p><b>Originating Department:</b></p> <p>Town Manager</p>	<p>Costs: -0-</p> <p>Funding Source: General Fund</p> <p>Acct. #</p> <p><input type="checkbox"/> Finance _____</p>	<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Lake Park Infrastructure Improvement Project List</li> <li>• County Sales Tax Revenue Spreadsheet</li> </ul>
<p><b>Advertised:</b></p> <p>Date: _____</p> <p>Paper: _____</p> <p><input checked="" type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone _____</p> <p>or</p> <p>Not applicable in this case JOD _____</p> <p><b>Please initial one.</b></p>

**Summary Explanation/Background:** Palm Beach County and the Palm Beach County League of Cities sent out estimated revenues for back logged infrastructure projects. The initial proposal was a ½ cent sales tax increase for Ten Years. The estimated revenue to the town was \$518,748 or \$5,187,478 over ten years.

I am requesting the Commission prioritize the attached the list of Town projects. There will not be a sufficient amount of funds available to complete the entire list.

The County Administrator was tasked by the County Commission to make the Sales Tax Referendum "inclusive". The County Administration included Schools and the Cultural Council on the referendum. The County is now proposing a 1 cent sales tax over ten years. To accommodate the Schools and the Cultural Council, a significant amount of both the County and Municipal share percentage was reduced. Under the 1 cent sales tax, the following breakdown is proposed:

- School Board 46.5%
- County 28.5%
- Municipalities 18.5%
- Cultural Council 6.5%

Under the 1 cent Sales Tax scenario, the Town of Lake Park will receive \$471,800 per year for 10 years or a total of \$4,718,004 instead of the \$5,187,478. The reduction over 10 years amounts to \$469,474 between the ½ cent sales tax proposal and the 1 cent sales tax proposal.

As you can see from the list of projects attached, difficult choices must be made to align the list of projects with the amount of projected revenue. The League is requesting a realistic list of projects that represent a true backlog of projects. Finally, we must submit to the County a Resolution either in support or denial of the 1 cent sales tax initiative. The Palm Beach County League of Cities Executive Board voted to "Not Oppose the 1 cent Sales Tax."

**Recommended Motion:** Move to support Resolution \_\_\_\_\_ to establish a 1 cent sales tax for infrastructure repairs, School Infrastructure and Cultural Council Infrastructure.



RECEIVED

**MEMORANDUM**

JAN 7 2016

Date: January 6, 2016  
 To: John D'Agostino, Town Manager  
 From: David Hunt, Director *DH*  
 Subject: Required Infrastructure Improvement Projects, Funded by \$0.005 Sales Tax

Office of Town Manager  
TOWN OF LAKE PARK

The following estimates for roadway improvements, sidewalks, and street lighting projects span a twenty year completion time table. For example we assumed that all Town roadways would have to be milled and overlaid with asphalt in the next twenty years. This is a conservative estimate and if funding allows, the process should probably be accelerated. The unit prices were derived from the Engineers' estimated construction costs for the ten block, Lake Shore Drive Drainage Improvement Project, updated in 2015. The Lake Shore Drive costs have escalated 83.3% since the 2010 estimates were prepared. The Park Avenue 2008 project costs were adjusted by the same 83.3% increase to allow for inflation.

PROJECT DESCRIPTION	ESTIMATED QUANTITY	ANTICIPATED COST
Mill roadways in advance of paving	62 Lane Miles	\$875K
Overlay roads with 1" asphalt	62 Lane Miles	3.8M
Replace sidewalks (50% of total)	31 Miles	6.1M
Roadway centerline striping (100 ft. back from ea. Intersection), skip lane striping, & pavement edge striping	15 Miles	36K
<b>INTERSECTION IMPROVEMENTS:</b>		
<b>4 WAY:</b>		
ADA compliant sidewalk corners (8 / intersection)	91 intersections	550K
Street name signs (\$830 ea. intersection)	91 intersections	76K
Thermo-plastic stop bars (\$125 ea. intersection)	91 intersections	11K
Roadway centerline striping (2 approaches @ 50' ea.)	91 intersections	4K
<b>3 WAY:</b>		
ADA compliant sidewalk corners (4 / intersection)	43 intersections	130K
ADA compliant sidewalk corners (2/ intersection)	43 intersections	65K
Street name signs (\$415 ea. intersection)	86 intersections	36K
Thermo-plastic stop bars (\$65 ea. intersection)	86 intersections	6K
Roadway centerline striping (1 approach @ 50')	86 intersections	2K
<b>RE-CONSTRUCT PROJECTS</b>		
Lake Shore Drive (3,500 ft. – Less Pump Station)	\$1,571/ft.	5.5M
Six blocks of Park Avenue (3,800 ft.)	\$1,737/ft.	6.6M

650 Old Dixie Highway, Lake Park, Florida 33403 \* (561) 881-3345 \* Fax: (561) 881-3349

E-mail: publicworks@lakeparkflorida.gov

PROJECT DESCRIPTION	ESTIMATED QUANTITY	ANTICIPATED COST
<b>RE-CONSTRUCT PROJECTS (cont.)</b>		
Street light improvements		8.0M
<b>DESIGN &amp; RECONSTRUCT</b>		
Five blocks of Tenth Street (2,300 ft.)	\$1,571/ft.	3.6M
Gateway Road (1,320 ft.)	\$1,311/ft.	1.7M
	<b>TOTAL:</b>	<b>\$37,091,000</b>

ec: Richard Pittman, Project Manager  
 Blake Rane, Finance Director  
 Nadia DiTommaso, Community Development Director

# Local Discretionary Sales Surtax

Revenue Estimates for the Local Fiscal Year Ending September 30, 2016  
2015 Local Government Financial Information Handbook

2,691,486,189

Local Government	State Distribution		Half Cent		One Cent Distribution	
	Formula		10 Years, No revenue Increase		1 Year	
	Percentage	Yearly	10 Years, No revenue Increase	10 Years, 3% Revenue Increase	Distribution Percentage	10 Year
PALM BEACH BOCC	59.318244	\$ 67,605,436	\$ 676,054,362	\$ 798,271,178	28.500%	\$ 64,963,316
Atlanta	0.107709	\$ 122,757	\$ 1,227,566	\$ 1,449,485	0.0490%	\$ 111,647
Belle Glade	0.935553	\$ 1,066,257	\$ 10,662,571	\$ 12,590,146	0.4254%	\$ 969,759
Boca Raton	4.652370	\$ 5,302,340	\$ 53,023,404	\$ 62,608,952	2.1157%	\$ 48,224,712
Boynton Beach	3.844876	\$ 4,382,033	\$ 43,820,327	\$ 51,742,147	1.7485%	\$ 3,985,453
Briny Breeze	0.022122	\$ 25,212	\$ 252,122	\$ 291,701	0.0101%	\$ 22,930
Clarendon Lakes	0.007141	\$ 8,139	\$ 81,389	\$ 96,102	0.0032%	\$ 7,402
Delray Beach	3.366575	\$ 3,836,910	\$ 38,369,100	\$ 45,305,449	1.5309%	\$ 3,489,664
Glen Ridge	0.011759	\$ 13,402	\$ 134,016	\$ 158,244	0.0053%	\$ 12,189
Golf	0.013370	\$ 15,237	\$ 152,375	\$ 179,921	0.0081%	\$ 13,858
Greenacres	2.072028	\$ 2,361,505	\$ 23,615,049	\$ 27,884,167	0.9423%	\$ 2,147,785
Gulf Stream	0.052566	\$ 59,910	\$ 599,096	\$ 707,401	0.2239%	\$ 54,488
Haverhill	0.105722	\$ 120,492	\$ 1,204,924	\$ 1,422,750	0.0481%	\$ 109,588
Highland Beach	0.192276	\$ 219,138	\$ 2,191,384	\$ 2,587,541	0.0874%	\$ 193,306
Hypoluxo	0.143469	\$ 163,512	\$ 1,635,123	\$ 1,930,720	0.0652%	\$ 148,714
Juno Beach	0.171497	\$ 195,456	\$ 1,954,560	\$ 2,307,904	0.0780%	\$ 177,767
Jupiter	3.074644	\$ 3,504,194	\$ 35,041,942	\$ 41,376,809	1.3982%	\$ 3,187,060
Jupiter Inlet Colony	0.021263	\$ 24,233	\$ 242,331	\$ 286,140	0.0097%	\$ 22,040
Lake Clarke Shores	0.180410	\$ 205,614	\$ 2,056,143	\$ 2,427,852	0.0820%	\$ 187,006
Lake Park	0.455159	\$ 518,748	\$ 5,187,478	\$ 6,125,268	0.2070%	\$ 471,800
Lake Worth	1.955674	\$ 2,228,896	\$ 22,288,959	\$ 26,318,347	0.8893%	\$ 2,027,178
Lantana	0.572210	\$ 652,152	\$ 6,521,523	\$ 7,700,481	0.2602%	\$ 593,132
Loxahatchee Groves	0.170906	\$ 194,783	\$ 1,947,828	\$ 2,289,956	0.0777%	\$ 177,155
Manalapan	0.021907	\$ 24,967	\$ 249,675	\$ 294,811	0.0100%	\$ 22,708
Mangonia Park	0.105883	\$ 120,676	\$ 1,206,760	\$ 1,424,918	0.0482%	\$ 109,755
North Palm Beach	0.654093	\$ 745,474	\$ 7,454,743	\$ 8,802,408	0.2974%	\$ 678,008
Ocean Ridge	0.095574	\$ 108,927	\$ 1,089,266	\$ 1,286,183	0.0435%	\$ 99,069
Panokee	0.293112	\$ 334,062	\$ 3,340,621	\$ 3,944,537	0.1333%	\$ 303,829
Palm Beach	0.438675	\$ 499,961	\$ 4,999,610	\$ 5,903,437	0.1995%	\$ 454,714
Palm Beach Gardens	2.688266	\$ 3,063,837	\$ 30,638,369	\$ 36,177,160	1.2225%	\$ 2,786,555
Palm Beach Shores	0.061586	\$ 70,190	\$ 701,904	\$ 828,793	0.0280%	\$ 63,838
Palm Springs	1.121494	\$ 1,278,174	\$ 12,781,745	\$ 15,092,423	0.5100%	\$ 1,162,498
Riviera Beach	1.810970	\$ 2,063,976	\$ 20,639,761	\$ 24,371,008	0.8235%	\$ 1,877,183
Royal Palm Beach	1.947190	\$ 2,219,227	\$ 22,192,271	\$ 26,204,181	0.8855%	\$ 2,018,384
South Bay	0.161671	\$ 184,257	\$ 1,842,574	\$ 2,175,673	0.0735%	\$ 167,582
South Palm Beach	0.073130	\$ 83,347	\$ 833,472	\$ 984,147	0.0393%	\$ 75,804
Tecquesta	0.302240	\$ 344,465	\$ 3,444,652	\$ 4,067,374	0.1374%	\$ 313,291
Wellington	3.175212	\$ 3,618,812	\$ 36,188,120	\$ 42,730,192	1.4439%	\$ 3,291,304
West Palm Beach	5.601454	\$ 6,384,019	\$ 63,840,185	\$ 75,381,186	2.5473%	\$ 5,806,256
School District					46.5000%	\$ 105,992,779
Cultural Council					6.500%	\$ 14,816,195
Countywide Total	100.000000	\$ 113,970,730	\$ 1,139,707,300	\$ 1,345,743,095	1.000000	\$ 227,941,460
						\$ 2,691,486,189

6173,414,54  
24 | 148,161,949  
Rangels.

## INFRASTRUCTURE SURTAX

- Florida Statutes has County and Municipalities as partners
- Distribution based on population
- Agreements needed from majority of municipal population to change distribution

### PROPOSAL

- One-Cent
- 10 Years
- Include School Board & Cultural Council
- Create oversight committees to audit spending for compliance with approved projects
- Distribution:
  - School Board 46.5%
  - County 28.5%
  - Municipalities 18.5%
  - Cultural Council 6.5%

## Vivian Mendez

---

**From:** Richard Radcliffe C. <RRadcliffe@pbcgov.org>  
**Sent:** Thursday, March 10, 2016 10:45 AM  
**To:** Vivian Mendez  
**Cc:** Jeriise Hansen; John D'Agostino  
**Subject:** Sample Resolution  
**Attachments:** Sample (Cultural Council) Resolution for Municipalities One Cent Sales Tax Proposal.docx

Vivian,

As per our phone conversation I'm sending you the sample resolution in support of the One Cent Sales Tax proposal that was created by a group working with the Cultural Council. It is very important to note that the Palm Beach County League of Cities neither supports nor opposes this resolution because it has never been seen by the Board of Directors.

If you have any questions please don't hesitate to call.

Richard

Richard C. Radcliffe  
Executive Director  
[rradcliffe@pbcgov.org](mailto:rradcliffe@pbcgov.org)  
The Palm Beach County League of Cities, Inc.  
P.O. Box 1989, Governmental Center  
West Palm Beach, Florida 33402  
Tel. 561-355-4484; Fax 355-6545  
[www.leagueofcities.org](http://www.leagueofcities.org)

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Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

## **SAMPLE RESOLUTION ONE PENNY SALES TAX PLAN**

**WHEREAS**, the Palm Beach County Commission is considering a one-half penny sales tax to pay for needed improvements to infrastructure, county parks, public safety initiatives and economic development; and

**WHEREAS**, municipalities across Palm Beach County would benefit from the one-half penny sales tax by receiving proportional funding for needed roads, bridges and other capital and infrastructure needs; and

**WHEREAS**, the School District of Palm Beach County is considering a one-half penny sales tax to pay for needed technology for students, building repairs and safety upgrades; and

**WHEREAS**, a combined one penny sales tax plan that would fund important educational, infrastructure, parks, public safety, economic development and arts and sciences initiatives would be more comprehensive and less confusing to voters; and

**WHEREAS**, our School District and County Commission have voted unanimously to work together on a single ballot initiative to demonstrate unity, good planning and combined leadership from our elected officials; and

**WHEREAS**, a single ballot initiative plan would reduce voter confusion and ballot competition that could result in both the school and county initiatives failing; and

**WHEREAS**, a single ballot initiative greatly increases the likelihood of voter approval, which directly benefits the municipalities.

**NOW THEREFORE BE IT RESOLVED**, that the **[NAME OF CITY]** endorses a one penny local government infrastructure sales tax plan **partnership** that would fund important educational, infrastructure, parks, public safety, economic development and arts and sciences initiatives of the County Commission, School District and local municipalities.

Approved in Palm Beach County, Florida on this **XX** day of **MONTH** 2016.

ORDINANCE NO. 10 -2015

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature originally required local governments to annually amend their comprehensive plans to update the Capital Improvements Element, including the Five Year Schedule of Capital Improvements contained therein; and

**WHEREAS**, pursuant to House Bill 7207 the Florida Legislature repealed the requirement that local governments annually amend their comprehensive plans thereby removing the obligation of the state land planning agency's review of the plan amendments of local governments; and

**WHEREAS**, local governments are now only required to review their Capital Improvements Element and adopt any update thereto pursuant to an Ordinance which is not subject to review by the State land planning agency; and

**WHEREAS**, the Town staff has prepared an Ordinance which amends the Schedule in the Capital Improvements Element of its comprehensive plan, and;

**WHEREAS**, the Town Commission of the Town of Lake Park has held the duly required public hearings to adopt this update to its Comprehensive Plan.

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

Section 1: Thewhereas clauses are incorporated herein as the Commission's legislative findings.

Section 2: Exhibit "A" which is attached hereto and incorporated herein contains the text of the 2015/16 Update to the Town of Lake Park Comprehensive Plan Capital Improvements Element's Five Year Capital Improvements Schedule.

Section 3: A copy of the current Comprehensive Plan, as amended from time to time, shall be kept on file in the Office of the Town Clerk.

Section 4: A copy of the current Comprehensive Plan, as amended from time to time shall also be maintained in the Department of Community Development.

Section 5: All Ordinances or parts of Ordinances in conflict are hereby repealed.

Section 6: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7: The Ordinance shall become effective upon adoption.

Upon First Reading this 2 day of December, 2015, the foregoing Ordinance was offered by Commissioner O'Rourke, who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 6 DAY OF December 2015**

Upon Second Reading this 16 day of December, 2015, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 10-2015** duly passed and adopted this 16 day of December, 2015.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois  
Mayor, James DuBois

ATTEST:

Vivian Mendez  
Town Clerk, Vivian Mendez  
(Town Seal)

TOWN OF LAKE PARK  
SEAL  
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird

**EXHIBIT "A"**

**TOWN OF LAKE PARK FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE<sup>1</sup>  
FY 2014/15 – 2018/19 2015/16 – 2019/20**

Project Category	Project Name	14/15	15/16	16/17	17/18	18/19	19/20	Funding Source
4	Shuttering and hardening of all Town buildings	\$0	\$125,000	\$100,000 \$27,000 (hardening)	\$0 \$100,000 (shuttering)	\$0	\$0	Grant (LMS Grant)
4	Tennis courts and Lighting and Park restrooms	\$416,000	\$0 \$416,000	\$0	\$0	\$0	\$0	Grant (CDGB) (\$403,590 – FY 14/15), General Fund (\$12,410 – FY 14/15)
2, 4	Lake Shore Drive Drainage Improvements	\$0	\$800,000	\$800,000 \$3,500,000	\$800,000	\$800,000		Grant (LMS) Stormwater Utility Assessment (\$75,000 each FY), Grant
4	Lake Shore Drive Promenade	\$0	\$150,000	\$150,000				Grant
4	New marina parking lot	\$0	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	Grant
2, 4	10 <sup>th</sup> Street south of Park Avenue – drainage, lighting, paving, trees	\$0	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	Grant (LMS), Stormwater Utility Assessment (50/50 split each FY)
2,4	Park Avenue Improvements from 7 <sup>th</sup> Street to 10 <sup>th</sup> Street through and including the FEC Railroad Intersection/pedestrian connections	\$0	\$300,000/ \$25,000 for FEC	\$300,000 / \$25,000 for FEC	\$300,000 / \$25,000 for FEC	\$300,000 / \$25,000 for FEC	\$300,000/ \$25,000 for FEC	Grant (\$250,000 each FY), CRA Funding (\$75,000 each FY)
2, 4	Park Avenue from Federal Highway to 7 <sup>th</sup> Street (improved sidewalks; landscape medians; striping and signalization)		\$0	\$50,000	\$50,000	\$50,000	\$50,000	Grant

<sup>1</sup> Note: The Town's ability to implement certain projects in accordance with this schedule is contingent upon the receipt of grant funds as identified in the "Funding Source" column.

4	Town Hall Renovations (Floor Mirror Ballroom, Town Hall Roof, Exterior Painting, Ceiling Clerk's Office, Awnings Exterior Doors, Stage Refinishing, carpeting, Window/Door repairs)	\$18,250	\$75,000 \$2,250 (west entrance new door and rain hoods)	\$75,000	\$75,000 \$155,000 (roof)	\$75,000	\$75,000	Grant, General Fund (\$2,250) (\$18,250 for FY 14/15 only) (50/50 split all other FY's)
2	Vehicle Replacement Plan	\$0	\$119,000 \$106,433	\$259,000 \$106,433	\$259,000	\$119,000 \$259,000	\$259,000	General Fund (Sanitation Fund)
2	Sanitary Sewers in Tri-City Industrial Park; Lake Park Public Works; and Water Tower Road/Old Dixie Highway (north of Water Tower, east of Old Dixie) commercial property	\$0	\$300,000 \$0	\$300,000	\$300,000	\$300,000	\$300,000	Special Assessment
2	Gateway Road Reconstruction and Sanitary Sewer along the south side (approx. 1,250 linear feet)			\$125,000				Streets and Roads
2	Outfall to C-17 Canal	\$100,000	\$0 \$100,000	\$0	\$0	\$0	\$0	Stormwater Fund
2	Coastal Link/Tri-Rail/Palm Tran Extension Improvements (including Quiet Zone Improvements)	\$0	\$0	\$0 \$100,000 (Grant)	\$500,000 \$600,000 (\$350,000 Grant; \$250,000 special assessment)	\$0	\$0	Grant, Special Assessment (split 50/50)
2	Park Avenue Extension Improvements (acquiring property for ROW)		\$0	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	Grant
2	Bert Bostrom Park Improvements (playground)	\$0	\$100,000	\$0 \$100,000	\$0	\$0	\$0	Grant

2	Residential Street Lighting (includes study costing approximately \$35,000)	\$0	\$250,000	\$250,000 <u>\$500,000</u>	\$250,000 <u>\$500,000</u>	\$250,000 <u>\$500,000</u>	\$500,000	Grant, Special Assessment (split 50/50)
2	Additional Pedestrian Access Improvements at Park Avenue and US 1, including Streetscape Improvements along the entire Federal Highway Corridor to incorporate a Complete Streets Initiative/Safe Streets Program (Federal Highway)	\$0	\$100,000 (planning & preliminary design)	\$0 <u>\$1,000,000</u>	\$0 <u>\$1,000,000</u>	\$0 <u>\$1,000,000</u>	\$1,000,000	Grant
2,4	Library Improvements (includes technology; security; carpets & lighting; shelving; 2 <sup>nd</sup> floor; exterior renovations and marquee)		\$13,200 (split 50/50)	\$85,000 <u>(\$70,000 Grants / \$15,000 General Fund)</u>	\$45,000 <u>(\$25,000 General Fund; \$20,000 Grants)</u>	\$30,000 <u>(\$20,000 General Fund; \$10,000 Grants)</u>	\$1,110,000 <u>(\$110,000 General Fund; \$1,000,000 Grants)</u>	General Fund; Grant
2	Community Garden Area Parking Lot Improvements			\$200,000				General Fund; Grant (split 50/50)
	Total	\$634,250	\$3,344,000 <u>\$737,883</u>	\$3,100,000 <u>\$8,643,422</u>	\$3,509,000 <u>\$5,334,000</u>	\$2,869,000 <u>\$4,539,000</u>	\$5,619,000	

**Project Category Codes**

- 1 – Project necessary to achieve Level of Service
- 2 – Project will enhance ability to continue to meet Level of Service
- 3 – Project will enhance ability to meet Level of Service for Optional Element
- 4 – Project will further the achievement of Comprehensive Plan goals, objectives and policies.

**TOWN OF LAKE PARK ESTIMATED FUNDING SOURCES FOR CAPITAL IMPROVEMENTS FY 2014/15-2018/19 2015/16 – 2019/20**

Funding Source	14/15	15/16	16/17	17/18	18/19	19/20
General Fund	\$30,660	\$156,500 <u>\$115,283</u>	\$296,500 <u>\$221,433</u>	\$296,500 <u>\$284,000</u>	\$166,500 <u>\$279,000</u>	\$369,000
Stormwater Utility Assessment	\$0	\$325,000	\$325,000 <u>\$250,000</u>	\$325,000 <u>\$250,000</u>	\$325,000 <u>\$250,000</u>	\$250,000
Grants	\$403,590	\$2,362,500 <u>\$522,600</u>	\$1,987,500 <u>\$7,422,000</u>	\$2,137,500 <u>\$3,925,000</u>	\$1,887,500 <u>\$3,385,000</u>	\$4,375,000
Special Assessment	\$0	\$425,000	\$425,000 <u>\$550,000</u>	\$675,000 <u>\$800,000</u>	\$425,000 <u>\$550,000</u>	\$550,000

CRA Funding	\$0	\$75,000	\$75,000	\$75,000	\$75,000	<u>\$75,000</u>
Streets and Roads			<u>\$125,000</u>			
Stormwater Fund	\$400,000	\$0 <u>\$100,000</u>	\$0	\$0	\$0	
Total	\$534,250	<del>\$3,344,000</del> <u>\$737,883</u>	<del>\$3,100,000</del> <u>\$8,643,422</u>	<del>\$3,500,000</del> <u>\$5,334,000</u>	<del>\$2,860,000</del> <u>\$4,539,000</u>	<u>\$5,619,000</u>

# TAB 4



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** April 6, 2016

**Agenda Item No.** *Tab 4*

**Agenda Title: Special Call Commission Meeting Minutes of March 21, 2016**

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

**Approved by Town Manager** *[Signature]* **Date:** *3-29-16*

*Vivian Mendez - Town Clerk*

Name/Title

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Clerk</b></p>	<b>Costs: \$ 0.00</b> <b>Funding Source:</b> <b>Acct. #</b> <input type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Agenda meeting minutes</b> <b>Exhibits "A - E"</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>V.M.</i> <b>Please initial one.</b>

**Summary Explanation/Background:**

**Recommended Motion:**

To approve the Special Call Commission Meeting Minutes of March 21, 2016.



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Special Call Commission Meeting  
Monday, March 21, 2016, 6:00 PM,  
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>Anne Lynch</b>	—	<b>Commissioner-Elect</b>
.....		
<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

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

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. RESOLUTION(S) - ACCEPTING ELECTION RESULTS

1. RESOLUTION No. 13-03-16 Accepting the Certified Results of the Municipal Election

Tab 1

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CERTIFYING THE RESULTS OF THE MUNICIPAL ELECTION HELD ON MARCH 15, 2016 FOR FOUR (4) COMMISSIONERS.

D. SWEARING IN CEREMONY:

2. Swearing in Ceremony for Commissioners Conducted by the Town Clerk

Tab 2

E. **3. SELECTING A VICE-MAYOR:** Tab 3

F. **RESOLUTION:**  
4. Resolution No. 14-03-16 Designation of Signatories for Town Bank Accounts Tab 4

G. **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.

H. **QUASI-JUDICIAL HEARING(S):**

\*\*\*\*\*OPEN PUBLIC HEARING\*\*\*\*\*

5. Site Plan Application for a Proposed 125-foot Stealth "Yard Arm"  
Telecommunications Tower at the Lake Park Harbor Marina Tab 5

- A. Staff Report
- B. Public Comments
- C. Commission Deliberation

\*\*\*\*\* CLOSE PUBLIC HEARINGS\*\*\*\*\*

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

J. **ADJOURNMENT:**

Next Scheduled Regular Commission Meeting will be held on Wednesday, April 6, 2016



**Minutes**  
**Town of Lake Park, Florida**  
**Special Call Commission Meeting**  
**Monday, March 21, 2016, 6:00 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Special Call Commission Meeting on Monday, March 21, 2016 at 6:05 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Commissioner-Elect Anne Lynch, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**RESOLUTION(S) – ACCEPTING ELECTION RESULTS:**

**1. Resolution No. 13-03-16 Accepting the Certified Results of the Municipal Election**

Town Manager D'Agostino explained the item.

Mayor DuBois allowed Commissioner Rapoza the floor. Commissioner Rapoza apologized to the Commission regarding an error she made during the March 16, 2016 Marina Business Plan (Resolution 12-03-16) agenda item. She stated that she supports the Marina study, but while in the discussion phase of the agenda item, became off track by the Mayor's comments, and Commissioner O'Rourke's comments. She thought that they were inserting the Mayor's conditions into the plan, which she did not want the plan to change. This was the cause of her vote of Nay. She stated that her vote would not change the fact that the Marina plan passed by majority, but "for the record" would appreciate that the Commission grant her a reconsideration and state that her vote listed as Aye.

Mayor DuBois asked Attorney Baird if the action could be taken by consensus. Attorney Baird stated that if a member of the prevailing side would like to bring up that Resolution for reconsideration then a member may do so. If there were a majority support to reconsider the vote of the Commission, then they could take the item up again and the members could cast their vote, as they deem appropriate.

Commissioner O'Rourke was not sure what to reconsider. He recapped that at the March 16, 2016 Commission meeting a motion was made where the Mayor asked for some conditions to be added to that Resolution. He stated that he did not agree with the proposed changes and withdrew his motion. He explained that a new motion was made with considerations made by the Mayor and a vote.

Vice-Mayor Glas-Castro explained that the motion passed 3/2. Attorney Baird asked if the Town Clerk could read the motion from the March 16, 2016 meeting. The

Commission could then decide if they wanted to reconsider the vote that they took at that meeting.

Town Clerk Mendez stated that the final motion was made by Vice-Mayor Glas-Castro to approved Resolution 12-03-16 as amended which included rescinding any spaces save for storage at the ramp, other than the overnight storage that the Marina currently has, and asked that a maintenance contractor request for proposal (RFP) for the boatlift. Commissioner Rapoza seconded the motion.

Commissioner O'Rourke asked if the motion passed or failed. Town Clerk Mendez explained that the motion passed 3/2 with Commission Flaherty, Vice-Mayor Glas-Castro, and Mayor DuBois voting in favor. Attorney Baird explained that if Commissioner Flaherty wishes to make a motion to reconsider the vote then he may do so.

**Motion: Commission Flaherty moved to reconsider the vote from the March 16, 2016 Commission meeting pertaining to Resolution 12-03-16; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 4-1.

Attorney Baird explained that now the Commission would reconsider.

**Motion: Vice-Mayor Glas-Castro moved to approved Resolution 12-03-16 with the amendment to eliminate the storage in the parking spaces as outlined by the Mayor in the previous meeting and to include a maintenance contract for the boatlift; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 4-1.

Commissioner Rapoza thanked Palm Beach County Sheriff's Office District 10 for enforcing the Panhandling Ordinance throughout the Town. Mayor DuBois thanked Commissioner Rapoza for her three (3)-years of service to the Town.

**Motion: Commissioner O'Rourke moved to approve Resolution No. 13-03-16; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**SWEARING IN CEREMONY:**

**2. Swearing in Ceremony for Commissioners Conducted by the Town Clerk.**

Town Clerk Mendez swore-in each of the Commissioners.

**3. SELECTING A VICE-MAYOR:**

**Motion: Commissioner O'Rourke nominated Kimberly Glas-Castro as Vice-Mayor; Commissioner Flaherty seconded the nomination.**

Vote on Motion:

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

Motion passed 5-0.

**RESOLUTION:**

**4. Resolution No. 14-03-16 Designation of Signatories for Town Bank Accounts.**

**Motion: Commissioner Flaherty moved to approve Resolution No. 14-03-16; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**PUBLIC COMMENT:**

**1. Sue Duchene** – Asked the Commission for an update regarding the summer camp program. Mayor DuBois explained that the summer camp program was canceled due to no Parks & Recreation Director on staff. He explained that the direction given to the Town Manager D’Agostino was to speak with neighboring communities that could host Lake Park children in their programs at a subsidized expense. He explained that Club 100 Charities hosts a summer program at the Bethlehem Haitian Baptist Church.

Ms. Duchene asked if progress was made since the announcement at the last meeting. Mayor DuBois explained that he was not aware of any progress. Town Manager D’Agostino explained his outreach efforts to the Village of North Palm Beach. He explained that the Town’s website contains a link to summer camps programs in the area. He explained that the Town was willing to supplement a portion of the summer camp expense for Lake Park resident children that met certain criteria. Ms. Duchene asked the Commission to concentrate on offering a program in the Town for the children.

**QUASI-JUDICIAL HEARING(S):**

**5. Site Plan Application for a Proposed 125-foot Stealth “Yard Arm” Telecommunication Tower at the Lake Park Harbor Marina.**

**Open Public Hearing:**

Mayor DuBois opened the public hearing.

Town Attorney Baird explained that the Federal Government preempted part of the Commission’s discussion making authority as it pertains to the placement of cell towers to this extent. Federal Statute 47 U.S. C.S. Section 332 (c) (7) (b) (4) limits the Town’s regulation of placement of cell towers based on environmental effects of radio frequency emissions. He explained that the Commission may hear comments, or testimony offered to them in regards to the radio frequency emissions that occur because of cellular towers, however, the Federal Government has directed that the information not be taken into consideration as part of approval or denial of a cell tower. According to State and Federal Law the Commission’s decision, regarding the placement of the cell tower, was to be limited to the land development and zoning issues. He noted that in the staff report the Federal regulations are referenced, as well as staff’s analysis of the cell tower, bases upon (and limited to) land development and zoning issues.

Attorney Baird explained that the question regarding Commissioner Anne Lynch’s ability to vote evening since she had been a member of the Planning & Zoning Board member when the cell tower application came before them. He stated that Commissioner Lynch voted with the Planning & Zoning Board and made a recommendation to the Commission, which would be considered tonight. He contacted the Attorney General’s Office, as well as the State Commission on Ethics and did his own analysis of the legal statutes and laws that apply in this situation. Under Florida Law Elected Commissioner are required to vote on a matter that comes before them, unless there was a voting conflict. Under interpretation of voting conflict, which was defined by the Florida Attorney General and State Commission on Ethics both indicate that voting conflict are

situation that would inure to the special financial gain or loss of the person voting. He gave an example regarding bias, which was not a basis for the Commissioner to not cast a vote or abstain from voting. Based upon the opinions of the State Commission on Ethics and the Attorney General, he was of the opinion that Commissioner Lynch must cast a vote this evening for or against the applicant before the Commission unless there was a financial conflict of interest.

Town Attorney Baird swore in all witnesses.

Ex-parte Communication Disclosure:

Commissioner Lynch disclosed that she was a Planning & Zoning Board member when the application for the cell tower was heard. She disclosed that she would consider the comments and opinions of the applicant, staff and the public tonight and would keep an open mind on the testimony, opinion, and comments expressed by the public, applicant, and staff. She disclosed that she would make a decision based on what she heard this evening.

Commissioner O'Rourke disclosed that he had spoken with Curtis Lyman, Mrs. Lyman, Bob Shelton, and many other residents and listened to their concerns about the application. He disclosed that he informed residents that he could not take an opinion at that time.

Vice-Mayor Glas-Castro disclosed that she received emails (the majority from 301 Lake Shore Drive residents), most recently from Brenda Swanson, Joanne Robin, Diane Bernhard, Carl McBride, and Richard Harvey, including people that could not attend this evening's meeting because they were out of Town or traveling, and people that were attending the meeting. She disclosed that the information shared with her would not affect her opinion, she would be open to the testimony, and facts presented tonight and would listen with an unbiased objective mind during the proceedings.

Mayor DuBois disclosed that he had not met or discussed with anyone. He disclosed that he met with Curtis Lyman before Mr. Lyman was the Party Intervener. He stated that he keeps an open mind on all applications.

Commissioner Flaherty disclosed that he had received numerous emails from the public. He disclosed that he has taken the time to read each email thoroughly and would echo what each Commissioner has disclosed. He disclosed that he has had no verbal communication with anyone.

Mayor DuBois explained the hearing process and set the order of business as follows: staff presentation, applicant presentation, interveners presentation, Commissioner questions of staff, applicant, or intervener, then public comment, rebuttal or closing arguments from staff, applicant, or intervener, then a motion, second, debate and a vote on the floor. He asked the public to consider what people were saying with respect and civility and expected everyone would. He stated that everyone giving testimony had worked hard on this application. He stated that the Commission had gathered for this

business meeting and asked that the business meeting have no interruptions. He turned the meeting over to Community Development Director Nadia DiTommaso.

Staff Report:

Community Development Director DiTommaso presented the staff report. She described what was included in the Special Call Commission meeting agenda packet. She outlined staff's review of the application, (see page 4 of Exhibit "A"). She outlined three (3) additional site plan criteria's that were considered (see page 8 of "Exhibit "A"). She outlined staff recommendation of denial (see page 10 of Exhibit "A").

Applicant Report:

Mr. Scott Richards, CEO of RG Towers introduced himself. He stated that cellular carriers, such as RG Towers were trying to plug the gap in areas like Lake Park for the past 10-years. He stated that T-Mobile had engaged in a lease with 501 Lake Shore Drive in 2008 to place a tower on the rooftop. He stated that they looked initially to go on rooftops to prevent building a new tower. He pointed out that there was a monopole tower outside of Town Hall for over 25-years. He referenced the revenue stream, and numerous deals with other municipalities with each deal being economically different. He stated that the 50/50 deal that was made with the Town was more than other municipalities have received in Palm Beach County.

Mr. Josh Long, introduced himself as the certified Land Use Planner with the Gunster Law Firm. He stated that Mr. John Little with Gunster Law Firm was present. He presented a presentation (see Exhibit "B"). He stated "for the record, that the application does comply with the Town's Comprehensive Plan and the Land Development Regulations, specifically section 74-65 through the following documents provided to the Town. The Site Plan, Compound Plan, Notes Plan, Elevation Plan, Wood Fence Detail Plan, Trench Detail Plan references through sheets C1-C7, Electric Plans referenced through sheets E1-E6, Landscaping Plan referenced through sheet L1, Irrigation Plan referenced through sheet IR-1 prepared by Michael Phillips registered Engineer and Jason Rinard Landscape Architect of Cal Trop Telecom signed and sealed on January 14, 2016 and received by the Department of Community Development on January 19, 2016. And the following documents; the tower Technical Reports, visual analysis, and the photo simulations we hereby submit and request that all these materials be included in the record of this Quasi-Judicial proceeding". He stated that they had extra materials for the Town if they would like to accept those. He reviewed the site plan (see page 14 of Exhibit "B") and the Compound Plan (see page 15 of Exhibit "B"). He explained the need for a tower in the area. He reviewed development patterns of towers in the Town that were adjacent to residential and historical structures. He reviewed the potential revenue stream for the Town (see page 39 of Exhibit "B").

Mr. John Little, Attorney with Gunster Law representing RG Towers introduced himself. He stated that in 2014 the Commission adopted a Resolution authorizing a lease agreement for the construction of a communication tower at the Lake Park Marina. He outlined the Resolution and lease agreement and explained the difference between the lease agreement and the site plan.

Party Intervener Report:

Mr. Curtis Lyman, representing the Lake Harbour Towers South Condominium Association at 301 Lake Shore Drive, which was north of the Marina. He stated that the upper apartments at 301 Lake Shore Drive (south side) would be directly irradiated from the proposed tower. He represents 84 of the residents that would be negatively affected by the Commission's decision if the application were approved. He pointed out that the proper course of action, as recommended by Town staff and the Planning & Zoning Board was to deny the application. He explained that the execution of the Commission's decision would have consequence over many years to come. He stated that they have submitted documentation supporting the denial of the application, which was buried among all the material on this matter. He stated that the tower would endanger public and private property, but especially human lives. He explained that an engineering report in the packet shows that the tower was not consistent with the Institute of Electrical and Electronics Engineering (IEEE) standards. He reminded the Commission that staff and the Planning & Zoning Board have denied the application. He gave nine (9) reason why the application should be denied. He explained the Town's definition of nuisance. He urged the Commission to do their duty, "damn the consequences in spite of the contractual threats that have been made", protect the residents, and deny the application.

Questions by the Commission to the applicant:

Vice-Mayor Glas-Castro stated that the applicants team went too quickly through their presentaiton and did not address the technical questions that were required as part of Section 74-65 of the Town Code. She stated that the Town Code requires that the applicant demonstrate that there are no reasonable alternative technology to accommodate the antenna to accomplish the objectives of the antenna. She asked what efforts were made to find alternative sites and how this was the least intrusive site to the community.

Mr. Josh Long apologized for the quick presentation, but was told as he arrived that he would only have 15 minutes to give his presentation. He explained that during the Planning & Zoning Board meeting they were able to present a presentation with additional detail. He explained that the search for a location in the area has taken quite some time. He explained that there were only three (3) locations (301, 501, and 801 Lake Shore Drive) that were comparable in the height needed for coverage. He stated that the 501 Lake Shore Drive building was the first to be reviewed and a lease agreement was made with them, but the negotiation fell apart. Secondly, 401 Lake Shore Drive was approached and they were not interested in entering into a lease agreement. He stated that when the negotiation with 501 Lake Shore Drive began to fall apart, they were approached by the Town to consider the Marina as a site.

Commissioner O'Rourke asked if one block west of the area was ever considered as an alternate site for the tower. Mr. Patrick Keen, Radar Frequency Engineer with T-Mobile and one of the engineers involved with the design and location of the tower responded. He explained that in 2013 they surveyed the area and determined, at the time, that the Marina was an ideal location for a tower location based on the network requirement.

Commissioner O'Rourke asked his question again, "was one block west of the area ever considered". Mr. Keen stated that he had not been involved with any design consideration with that location. He was not aware of the T-Mobile staff having entertained it.

Vice-Mayor Glas-Castro stated that Mr. Long mentioned, during the Planning & Zoning Board meetings, that there were intensive discussions, but very little was presented this evening. She stated that there were graphics in the packet that she could not interpret, including something about a coverage gap. She stated that unless someone could explain the information it was useless information.

Mr. Keen stated that the T-Mobile engineering team delivered an outlined the need for a tower in the area. He stated that the network matrix were complicated and difficult to communicate some of the consideration they made when determining a location for the tower. He explained that one of the basic engineering process was signal levels, so a coverage gap means that the signal levels are not adequate to provide services as needed by customers. He stated that in this area, the average signal levels are starting around 5 to 6-blocks south, east towards 6<sup>th</sup> Street, across the inter-coastal, south of Blue Heron Blvd, to Kelsey Park north, which were considered areas that have a gap, or compromised service. He explained that customers using the service indoors during busy hours might experience difficulties making calls; maintaining calls; or download speeds issues. He explained that signal levels are inadequate in Lake Park especially if someone were trying to make an emergency call. He explained that capacity was a concern in dense and commercial areas, which place strains on the network towers. He explained that in this part of the area the towers are approximately 1.2 to 2-miles apart. The tower at the Marina would reduce that to 1.25 to 1.5-miles apart. Based on their experience the grid would be spaced closer together for the network. He explained that performance issues of dropped calls were a concern. He stated that data collected in a motor vehicle showed areas with no service.

Vice-Mayor Glas-Castro stated that she does not understand because the T-Mobile marketing shows an excellent signal, which was included in the backup by the Party Interveners. Mr. Keen explained that the marketing team relies on a different set of matrix, and frankly, they were trying to keep up with marketing. He stated that they look at day-to-day experiences with the network.

Mr. Scott Richards, with RG Towers explained that when exploring for a site they have three (3) criteria's: 1) was it leasable 2) was it zone able 3) was it constructional. He stated that the site was leasable as shown in their lease option agreement with the Town. Secondly, regarding zone able, the Town Code Section 74-63 Permitted Uses, the Marina was a Town owned facilities, which met those criteria. He stated that according to the Town Code they had to look at a Town owned facility. He explained that another criteria they had to take into consideration was that the proposed area had to be in a Campus Light Industrial Commercial zone or C-4. He stated that due to setback and lot size requirements there were no other areas on US1 that were viable. He stated that these were the reasons why the Marina was chosen as a viable site.

Vice-Mayor Glas-Castro asked what efforts were made to co-locate and use existing towers structures or alternate technologies, such as the Distributed Antenna Systems (DAS) that were becoming more available.

Mr. Richards explained that T-Mobile tried co-locating at the 501 Lake Shore Drive building in 2008, but ultimately rejected. He explained that the height criteria needed was 110-feet, which the buildings on Lake Shore Drive do not meet the height criteria.

Vice-Mayor Glas-Castro asked if other towers could be modified to meet their coverage. Mr. Keen explained that the height of the tower would need to be doubled to meet the requirement of T-Mobile.

Vice-Mayor Glas-Castro stated that a radius graphic of the coverage area was outside of the Town. She asked how the proposed tower would serve the community as indicated in Town Code Section 74-65.

Mr. Keen explained that it would improve the service dramatically within that radius of 1.25 miles of improved coverage surrounding the Marina.

Vice-Mayor Glas-Castro stated that pursuant to Section 6409, if approve and built, the tower would be eligible for a 10-percent increase. She calculated that 10-percent on a 125-foot tower would be another 12.5-foot in height. She stated that the ground equipment would be subject to a similar increase. She expressed concern that the tower was proposed at 125-feet, but would be 137.5-foot tower.

Mr. Richards explained that they would design and build the tower at 125-feet, with no increases. He explained that concerning the ground space, the Commission has approved a total of 750-feet. They would limit each of the co-locators to stay within the 750-foot total approved ground space. He stated that potentially they could fit up to four (4) co-locators on the tower. He explained that other municipalities have allowed them to stack vertically the equipment.

Vice-Mayor Glas-Castro referred to the Party Interveners expert documentation regarding potential lightning damage Ground Potential Rise (GPR) and expressed concern regarding the electromagnetic interference that the tower might have with the marine equipment. She asked if the engineer could enlighten the Commission.

Mr. Richards explained that Mr. Keen was a Radar Frequency Engineer, not an electrical engineer. He stated that he was not an electrical engineer, but had spoken to the general contractor, who was an electrical engineer. He stated that on Mr. Duckworth's website it defines in red bold on their home page "special grounding at wireless towers sites would prevent 99 percent of all lightning damage". He explained that ground rods (per the general contractor) for the co-locating, which would be tied to the tower ground ring; they would easily exceed 200-feet of buried grounding conductor and could increase the grounding with chemical rods with other means if required (see Exhibit "C"). He stated that the next concern expressed was the equipment damages and the potential affects. He

referred to the tower outside of Town Hall and the specifications regarding the grounding of that tower.

Mr. Little asked if he would be allowed to add two (2) additional comments to what Mr. Richards had stated. The Commission allowed Mr. Little to speak. Mr. Little stated that they were advised today of the Party Interveners materials, which was the reason why their electrical engineer was not present. The PDF link they were provide did not include the backup materials. He apologized for not having the electrical engineer present, but reiterated that the material was only provided to them earlier in the day. He pointed out that in Town Code Section 74-65 subsection 15 it states “prior to the issuance of the building permit to construct the antenna tower, the owner/applicant shall provide the Town with licenses and certifications from the state, Federal and local agencies and also to ensure structural integrity”; also it includes other Town Codes and provisions that must be complied, which are in the contexts of a Building Permit. Under Section 20, it states, “the operator shall submit a report to the Town certifying the structural and electrical integrity on at least an every two (2)-year bases”. It also states that the Town could perform periodic inspection of the facility at their expense to ensure structural and electrical integrity and compliance with the article. He respectively suggested that the portion presented by the Party Intervener had any relevance with the Building Permit as opposed to the Site Plan. Lastly, he asked that their engineer have an opportunity to put his credentials on the record, since he jumped in to answer questions and did not include the information earlier.

Vice-Mayor Glas-Castro stated that the Marina was in a natural flood area. She asked staff if they considered the elevation and the equipment that would be placed on the ground. Community Development Director DiTommaso stated that she brought that to the attention of the Town consultant engineer’s and no concerns were included in the response.

Commissioner Lynch stated that she had questions of Mr. Patrick Keen. Mr. Keen introduced himself and provided his credentials for the record. He stated that he was a Radio Frequency Engineer for 20-years and it included deciding locations for new cell phone towers and the configuration of the antennas, power levels of the equipment. He stated that his degree was from Rutgers University in Electrical Engineering, and had spent six (6)-years in the Military working on radar systems. He stated that he has the general knowledge of radio propagation.

Commissioner Lynch asked how many dropped call complaints were received by T-Mobile. Mr. Keen stated that for the purposes of the application they prepared graphics and matrix regarding dropped calls. He explained that from December 12, 2015 through January 12, 2016 the tower that serves this area (northwest of Lake Park) experienced more than 7,000 dropped calls in that month. He explained that it was not easy to determine where the dropped calls occurred and often times it was at the end of the coverage footprint.

Commissioner Lynch asked what attributed to the dropped calls. Mr. Keen explained that often times the power of the phone attributes to the dropped calls. He gave an example

that if someone were driving away from a tower footprint the service becomes lower and lower. He stated that busy hours of the day would also contribute to drop calls as the capacity on the tower becomes too great.

Commissioner Lynch asked if the tower at Town Hall would be the same as the proposed tower in terms of electric magnetic output. Mr. Keen explained that a stealth tower was a compromise and allows less equipment to be placed around the tower for the antennas. He stated that in general they could place the radios near the antennas and it was advantageous to their network design. He explained that it allows for a larger coverage area footprint.

Commissioner Lynch asked if the proposed tower would be more powerful than the tower at Town Hall. Mr. Keen stated that the proposed tower would be lower power than the Town Hall tower.

Commissioner Lynch asked how the tower would be grounded as presented by the Party Intervener. Mr. Keen explained that he was not an expert in that field. Mr. Richards explained that he was not an electrical engineer. Commissioner O'Rourke objected to his testimony.

Commissioner Lynch stated that grounding was a great concern. Mr. Richards explained that they were notified this morning about the information provided by the Party Intervener regarding the lightning rods. He stated that he has recited the information provided by the general contractor and legal counsel.

Commissioner Lynch stated that the topic needs to be explored because of the testimony presented by the Party Intervener.

Commissioner Flaherty asked where in Palm Beach County they had constructed other towers. Mr. Richards explained that two (2) towers were built in the City of Greenacres and one (1) in the Town of Lantana, each on city owned properties.

Commissioner Flaherty asked if they were residential or commercial properties. Mr. Richards explained that one of the towers was in the City of Greenacres City Hall; the other was at the I.B.B. Park near John I. Leonard Community High School, where a 75-foot light pole was replaced by the 125-foot tower and lights were installed 75-feet up; the Lantana tower was placed at the police department location. He stated that residents surround all three (3) towers.

Commissioner Flaherty asked how the 5G network would affect the tower. Mr. Richards explained that the carriers are all updating their equipment, so they design the towers to accommodate the future loading growth.

Commissioner Flaherty stated that on the Compound Plan (see page 15 of Exhibit "B") did it include the total 750-foot ground space necessary. Mr. Richards explained that on the top left-hand side of the slide it shows the start of the square footage with a gate. He

stated that there was potential space to accommodate three (3) co-locators within the 750-feet. Their goal was to remain within that space.

Commissioner Flaherty stated that his other question was how many Lake Park residents had reported dropped calls. Mr. Keen stated that the engineering team do not have access to the particular phone numbers to know which calls were Lake Park customers.

Mayor DuBois clarified that each of the presenters were given 15 minutes, which explains why the presentations were quick. He explained that his questions were technical regarding the lightening and the IEEE including the grounding of equipment, but if no expert was in attendance to answer the questions then he could not take an answer from anyone. Mr. Richards asked to have an email from their general contractor, who was an electrical, engineer included as an exhibit (see Exhibit "C").

Mayor DuBois stated that they would be able to accommodate the groundwork referenced by Mr. Duckworth.

Mayor DuBois asked if they had any studies regarding property values. Mr. Little explained that there were no studies regarding property values and stated that any of the statements made during the hearing regarding property values do not qualify as competent substantial evidence on that issue. He explained that the case law states that issues of elegit property value impacts that were tied to health are environmental issues are not properly considered from a legal standpoint. He stated that the Town Code does not state that criteria requested was needed and the information provided was speculation to this property or location.

Mayor DuBois asked for clarification that property value information was part of the Federal Statute. Mr. Little explained that to the extent that there were attempts to tie impacts on property values to concerns about health related issues, those are not properly considered because it was affectively back dooring in the issues that the Federal Statute preempted to the environmental and health concerns. Attorney Baird stated that those were legal arguments that were being made, which could be made during the rebuttal.

Mayor DuBois asked what Town Code Section 74-63 objection meant to them. He asked if they had just received the full packet this morning. Mr. Little explained that the Party Intervener portion was received today. He stated that Town Code Section 74-63 (d) directly ties to what was already decided in the lease that was entered into by the Town. He stated that the provision ties into the lease agreement made in 2014. Community Development Director DiTommaso explained that 74-63 (d) was mentioned in the recommendation concerning substantial written evidence which would need to be presented to support the recommendation. She explained that Town Code Section 74-65 (6) aesthetics was used as a basis. Mr. Little stated that Town Code Section 74-63 (6)(e) provides that "a tower or antenna site, the design of the telecommunications facility shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings. The proposed telecommunications facility design shall be included in the application and shall be required to be recommended for approval by the planning and zoning board to the

town commission for its approval". His response was that the stealth tower design (yardarm) was shown as an attachment to the first and the amended lease in 2015, which was designed in a way (regarding the open issues of including flags on the tower) that would tie into a sailboat marine. He stated that was to maximize to the extent possible taking a stealth tower with a the yardarm and the use of flags to tie into the marina neighborhood. He stated that it was a better blend than the tower outside of Town Hall. He stated that the tower would comply with this section.

Mayor DuBois asked if the radio waves could be directed. Mr. Keen explained that towers are designed with "quasi-omni pattern" with antennas pointing in a 360-degree circle. He stated that they could have six (6) antennas at a site, each antenna with a 33-degree be with horizontally spaced every 60-degrees. He stated that it does supply directivity in a circle.

Mayor DuBois asked if in that array would there be transmitters directed towards the northern shoreline. Mr. Keen stated that for this tower they were proposing four (4) directions.

Commissioner O'Rourke ask if no electrical engineer was represented today. Mr. Little stated "correct"; they saw the materials this morning. Commissioner O'Rourke asked if they saw the material this morning, then it was not something they had considered before. Mr. Little explained that all aspects of the Town Code under Section 74-65 were considered and have applied those. He stated that the Town's consultant electrical engineer did not raise the issue that the Party Intervener had injected at the last moment. He pointed out that in the Town Code Section 74-65 sections 15 and 20 it does speak to issues like this that are part of the Building Permit, not the Site Plan application.

Commissioner O'Rourke stated that the site plan application requires that they not engage in an activity that would endanger residents or detrimental to the safety of residents. He stated that he was not referring to health and safety of residents concerning radio frequency. Mr. Little stated that he understood that and believed the application does, and did not believe it was a concern that staff or staff's consultants raised.

Commissioner O'Rourke stated that possible electrocution could be a safety concern. Mr. Little stated that from a due process standpoint they were caught, as the applicant, in a bad situation because they were informed this morning of the existence of the materials. He stated that they do not have someone testifying who they could cross-examination. They have placed into the record their response from the electrical engineer and architect as to how they would do the grounding and what could additionally be done. In his opinion it was better than the 200-feet being suggested by the Party Interveners expert. He stated that the time parameters that they were afforded they tried to provide the best information they could and he was also making the point of the Building Permit aspect.

Commissioner O'Rourke stated with due respect the question of safety of the residents was in the Ordinance itself. Mr. Little response was "it is".

Commissioner O'Rourke stated that due to the area proposed, which was near the water, the applicant should have considered lightning issues, but it was not included in the presentation. Mr. Little referred to the Town Code and the only provision that raised the concern was in Section 74-65 subsection 15, which mentions building codes and safety standards. He stated that in the provision it states that prior to the issuance of a building permit, which lays out the factors necessary. He explained that the application complies with the Town Code and the Party Intervener, not staff or staff's consultants, had raised the concerns. He explained that they have done the best they could with the information within the hours given to respond.

Commissioner O'Rourke asked if the applicant was familiar with the criteria, stating that the development should not negatively affect the adjacent and natural systems. Mr. Little explained that staff had overlaid three (3) criteria's to their recommendation based upon their view of additional criteria they felt should be considered by the Commission. He stated that the Town Attorney could render a legal opinion to the Commission regarding the criteria. He stated that the reason applicants had criteria they follow on an application (where the rules are laid out in the Town Code) was so that an applicant would know what to bring forward so that an elected body could make a decision. He stated that when additional things that were not part of the Town Code, that was adopted by the Commission, was not laid in the Town Code, then there are some Constitutional and legal issues that he would leave to the Town Attorney to address.

Attorney Baird respectfully disagreed and stated that the items Mr. Little referred to, staff addressed as the general site planning principals that would not be applied to any site plan. Staff explained during the presentation the reason why they were doing so was because there was not specific criteria set forth in the Town Code because the Town was a master planned community and the Marina was a site that was coming outside of the master plan. He explained that the three (3) items recited from staff were general site planning principals, which professional planners use when reviewing site plans and applications.

Commissioner O'Rourke asked if they were under the Town's goals and statements. Attorney Baird believed they were different. He stated that those were general planning principals that professional planners use in evaluating a site plan. He explained that staff had separate findings with respect to their evaluation of whether the development application was consistent with the goals, objectives, and policies of the Comprehensive Plan and they set that forth in their staff report.

Commissioner O'Rourke referred to the staff report, under Section 2, Health Impacts – electrocution of residents was a concern and asked the applicant why the issue was not addressed in their presentation. Mr. Little confirmed the section of the staff report with Commissioner O'Rourke. He stated that his understanding of what staff wrote was that certain residents have raised information regarding the health impacts of the tower, which were submitted for the Commission's consideration. The applicant had produced documentation as part of the agenda packet, highlighting the Telecommunications Act of 1996, which preempted the Town from using this as a basis of denial.

Commissioner O'Rourke asked if there were other considerations besides radio frequency waves that the Commission should not consider as health impacts of the residents. Mr. Little clarified that what he was saying was what the Act speaks to and was addressed in the Act. He stated that they were both speaking pasted each other and he was trying to answer the Commissioners question.

Commissioner O'Rourke stated that he understood, but was speaking about electrical problems. He asked about the aesthetics and the way the project was supposed to appear because of the stealth nature of the tower that it would not interfere with the aesthetics of the Marina area. Mr. Little stated that he was answering the question as it relates to the Mayor's question to whether or not they complied with 74-65 (6)(e). He stated that the aesthetics provision there was to the maximum extent possible and explains the things you are supposed to do to try to make it to the maximum extent possible compatible with that area. He explained that the stealth tower with the yardarm, and the ability to put flags upon it, was designed in a way to dry and blend into the Marina that has many sail masts around it.

Commissioner O'Rourke stated that the Town Code states that it was to minimize the adverse visual impacts associated with unnecessary proliferations of antenna towers and existing structures. He stated that his concern was with the existing structures and not so concerned by tower. Mr. Little seemed to believe that the stealth nature of it removes the problem. He stated that his concern was with the structure that goes along with the tower. He explained that it was stated earlier that a co-locator could require stacking, which would bring the height of the equipment higher and into an area that would interfere with aesthetic beauty of the Marina.

Mayor DuBois urged Commission O'Rourke to form his comments into a question.

Commissioner O'Rourke asked the applicant if they agreed or disagreed that the Marina's aesthetic would interfere with stacking the equipment. Mr. Richards asked to repeat the question. Commissioner O'Rourke asked if stacking equipment over other equipment affect the aesthetic nature of the Marina. Mr. Richards explained that it would be subjective opinion. He explained that with a 125-foot tower the existing equipment pads that were in there would be approximately 4-6 feet in height. He stated that if they were to get to the point where stacking were necessary, they would need to check if the Town Code would allow it. He stated that their goal was to contain all the equipment within the 750-feet of space without having to stack.

Commissioner O'Rourke stated that according to the applicant the lease agreement had an option that allows for stacking. Mr. Richards stated that what he said was that in other municipalities, they do allow stacking, but he has not checked the Town Code to see if it were permissible. Mr. Little explained that the stacking was at the ground level and Mr. Richards was explaining that if it were necessary to stack, they would need to come before the Commission. They are not stating that they have a right to do so because of the lease agreement option. He explained that 50 percent of the revenue would be shared according to the lease agreement.

Mayor DuBois thanked staff and the applicant for their presentations and announced that they were moving on to Public Comment. He stated that he had received 33 public comment cards and each person was allowed three (3) minutes. He explained that if anyone would care to waive their time in favor or opposition to the item, they could come to the podium and say so and it would move things along a little bit. He explained that he would call the first person and would announce the next person “on-deck” to move the meeting along.

Public Comment:

1. **Robert Shelton** explained that he does not object to cell phone towers but does object to having it placed in the Marina.
2. **Gina Bunts** referred to Town Code Section 74-61 (7) to consider the public health and safety with telecommunication towers and studies conducted internationally on the health effects of residents living close to towers.
3. **Diane Bernhard** discussed the applicant’s presentation at the Planning & Zoning Board meeting and the differences with the presentation to the Commission.
4. **Margaret Robb** questioned the coverage area and the proposed location for the tower. She opposed the tower at the Marina.
5. **Kay Heisler** expressed concern with the tower being placed at the Marina.
6. **Curtis Lyman** as the President of the Lake Harbour South Condominium Association 89 percent of the residents have provided written communication opposing the tower.
7. **Hourvash** was opposed to building the tower at the Marina.
8. **Richard Harvey** referred to an email he distributed to the Commission regarding a Brevard meeting, where they were interested in building a tower like the one proposed. He stated that the applicant has misrepresented what they represented at the Brevard meeting.
9. **Joanne Robin** supported the Marina Business Plan, but opposed the tower at the Marina.
10. **Cliffard Watkins** explained that the applicant had proposed a different location for the tower before approaching the Town about the Marina.
11. **Samuel Kouhialakos** expected to see a rendering of the tower during the presentation. He expressed concern regarding the property values and opposed the tower.
12. **Herbert Robb** expressed concern regarding the amount of space, which would be used for the tower. He expressed concern with the need for utility trucks, and landscaping.

13. **Diana Anderson** expressed concern with the proposed tower and would sell her apartment if the tower were installed.
14. **Michael Tomas** expressed concern with the economic value of the total land at the Marina by installing a tower.
15. **Julie Sarkozy** opposed the tower at the Marina. She stated that there were other ways to increase revenue rather than taking away from the property as it stands.
16. **Barry Heisler** opposed the tower.
17. **Cliff Robert** opposed the tower and felt that no investor would build near the Marina if a tower were built.
18. **Christopher Burdan** expressed concern with the stealth tower.
19. **Greg Korbel** expressed concern with the different presentation that was presented at the Planning & Zoning Board meeting and the distractions this evening with all the legal terms. He opposed the tower being directly outside of residential windows. He expressed concern with the grounding, and fuel tanks.
20. **Claudia Wendel** provided a “radiation pattern of a cell tower antenna” page for the record (see Exhibit “D”). She expressed concern with the loss revenue to the area. She urged the Commission to vote against the tower.
21. **Rosie Matthews** opposed the cell tower.
22. **Barry Heislars** asked the Commission to keep in mind that both 401 and 501 Lake Shore Drive rejected the proposal of installing the tower on the roof of their buildings. He stated that no one from Lake Park has reported dropped calls.
23. **Gerard Venable** compared lies versus statistics. He stated that the loss revenue would offset the benefit the Town would receive.
24. **Mimi Venable** spoke of the untruths regarding dropped calls and the applicant was not truth worthy.
25. **Robert Socolosky** expressed concern that the children could not play at the Marina.
26. **Michael DeSouza** expressed concern with property values and health issues.
27. **Joyce Wojtowicz** opposed the tower because of the potential health issues and unsightliness of the natural beauty of the Marina.
28. **Michael Caputo** thanked the President of the Association for the time and effort toward the presentation. He opposed the tower at the Marina.

29. **Susan Ray** explained that the Telecommunications Act of 1996 was being rewritten to reflect all the current scientific evidence that proves that non-thermal electromagnetic radiation was harmful to humans. She stated that RG Towers were misleading the Commission because they recommend placing the antennas outside of the monopoles. She asked the Commission to look beyond the revenue the tower would generate.

30. **Mark Brasnagar** thanked the Commission for their time and thanked the Palm Beach County Sheriff's Officer for their presence at the meeting. A member of the applicant staff, which made him feel uncomfortable, approached him at the last meeting.

31. **Renee Ronnie** expressed concern with the flooding, and gas tanks at the Marina.

Two (2) members of the public did not respond when called to speak.

Closing remarks by staff.

Community Development Director DiTommaso provided closing remarks (see Exhibit "E"). Staff recommended denial of the application.

Closing remarks by applicant.

Mr. Little asked to make their closing remarks after the Party Intervener. Attorney Baird stated that the Town Code takes the proceedings in this order.

Mr. Little thanked the Commission for their time and attention to the matter and understood that this was not an easy task. He stated that they object to any testimony that relates to health effect issues, environmental issues, and speculation about property values. He explained that the issue was to be decided on the context of the site plan criteria that would be applied here to the extent that was deemed to be applicable. He stated that their point was that there was a lease that was entered into and amended to address the vast majority of what has been spoken about tonight. He stated that with respect to the issue that came up to their attention today on the grounding issue, they have provided the data regarding the grounding and have explained that the context of the Building Permit process would be addressed. He stated that the grounding issue would be addressed to the satisfaction of the Town in the context of the provision, as the Town Code would call for. He stated that with the issue of nuisance, as well as other arguments that were being made, he made the point that in the lease that was executed, in paragraph 13, it was represented and warranted by the Town that the execution and performance lease would not violate any laws or Ordinances or any other agreements binding by the Town, which would include the Comprehensive Plan, Land Use Regulations. He stated that the lease agreement came back again in 2014 to amend, again it showed a stealth tower and it showed all the issues in the attachment. There were publicly noticed hearings; not consent agenda issues; they were matters that came before the Commission. He stated that the lease specifically provides that it was a permitted use for the issues being discussed. He stated that in paragraph 7 of the lease provides that the tenant shall have the right to build the very thing that was being discussed. He stated that they showed how the applications complies with the site plan criteria, how it would be applied, Comprehensive Plan issues to the extent applicable that were decided at the time the lease was entered into. They have addressed Section 6(e), which they addressed

previously. He pointed out that this was a contract, with no termination provision as it relates to the Town and the regulatory authority should not be used in a manner to try to write into the lease agreement a termination provision that does not exist. He stated that there was an economic stream that comes with this, a need in the community, which the evidence has shown for cell coverage. He explained that they could not take cell towers and stop them on artificial lines between municipalities, but it was located in your community and by its very effect spreads out and serves your community. He explained that in the Town Code requirements by which they must look for locations for cell towers and the first item on section 74-63 specifies Town owned or leased land. He explained that it was reason why there was a tower at Town Hall and Public Works, which was why the Town entered into the lease for the Marina two (2) years ago and it was confirmed again one (1) year ago. He finished off by stating that if they were going to look for adages to should apply to the situation he would suggested that it were an adage that our word was our bond. The lease has been brought before the Commission twice, and addresses the issues. He suggested that they move forward in a way that honors that word.

Closing remarks by Party Intervener.

Mr. Lyman thanked the Commission for the opportunity on behalf of the Association and neighbors to speak this evening. He stated that the Party Intervener report was submitted to the Town on March 9, 2016 and a public record. Anyone could have access to the report if requested. He stated that they should not hide behind the argument of due process because due process had been fulfilled. He referred to the grounding and stated asked why were the plans not submitted with IEEE standards. He referred to a letter from an engineer, who was one of the lightning engineer experts in the world that states that the Marina was an inappropriate site for the tower because it could not be grounded properly. If the Commission approved the application, they would endanger human life, property values, and would hurt the people that have voted for them to represent. He asked that they use common sense and deny the application. He thanked the Commission.

Mayor DuBois explained that it was time for a motion and vote of the Commission. He stated that since there was no recommendation by staff, he asked the Town Attorney for guidance.

Attorney Baird provided the Commission with instructions. He stated that the lease that had been referenced, the lease was a contract, contract zoning was prohibited, and what they were here to consider was not the contract. They were here to consider the site plan and whether or not to approve it. He explained that the Commission's decision regarding the site plan should be based on the evidence presented this evening regarding the discussion items that were presented by the applicant and meets the criteria of the Town Code and site plan sections of the Town Code. He explained that staff considerations of the evaluation of those same things. The Commission should disregard the testimony from citizens and the diagram regarding the radiation pattern and the environmental effects because Federal Law prohibits from doing so, therefore, that evidence was not relevant to their determination. He stated that their determination was based on their evaluation of the site plan and the sections of the Town Code, and the Comprehensive

Plan. He explained that the appropriate motions for the Commission were to consider would be a motion to approve the site plan or a motion not to approve the site plan.

**Motion: Commissioner O'Rourke moved to deny the application; Commissioner Lynch seconded the motion.**

Vice-Mayor Glas-Castro provided her credentials as a professional planner credited by the American Institute Certified Planners; prior to reviewing the agenda back up, she reviewed the Comprehensive Plan to assess the policy used to govern all development activities within the Town. She stated that similar to staff she noticed the goal 3.4.1 in Policy 5.1 were questionable. She stated that staff missed a few policies. She explained that Policy 1.5 requires that development and redevelopment, which would substantially increase the tax base, while minimizing negative impacts on natural and historic resources, existing neighborhoods, and development. She stated that staff should have also brought out objective 5 itself, which states that as a substantial built out community in an urbanized area, the Town shall promote development and infill development in a manner that was considerate to existing neighborhoods and uses, built natural environments and neighboring jurisdictions. She explained that Policy 5.4 states that the Town shall utilize techniques such as distance requirements, buffering, landscaping, lower intensity development, and scale down requirements to provide appropriate transitions between uses, etc. She stated that the applicant did not address consistencies with the Comprehensive Plan, just general statements by their professional planner that they found it to be consistent. She stated that their Attorney spoke to the lease option agreement itself and understood that this applicant was not the original party when the Commission addressed this in April 2014. She stated that the Commission specifically asked about approvals that would be needed and it was confirmed that Planning & Zoning review, site plan review would be required. She stated that the contractor knows that they could not contract away or waive by contract the Comprehensive Plan requirements. She explained that she agrees with staff's analysis on the Comprehensive Plan and the incomparability of proposal with the adjacent neighborhood, existing land use pattern, and with the visions, which clearly started in 2013 before the lease option agreement was entered into. She stated that the applicant said they were compatible yet did not reject that a more decorative material be used for the fencing around the base of the tower. She found it objectionable that the applicant wanted to be compatible with the dumpster enclosure rather than the characteristics of the area as a whole. She expressed concern with Federal rule Section 6409, which allows a 10 percent increase. She stated that if the Commission were to approve the tower then she would suggest that they bring down the height to 100-feet, which was also consistent with the height of 301 Lake Shore Drive. She explained that she had additional comments if the Commission were inclined to support the applicant's proposal.

Commissioner O'Rourke stated that considering the testimony and evidence that was presented his decision was based on the recommendation by both the Planning & Zoning Board, of which two (2) members are professional planners along with staff recommendations, it was his intension to vote to deny the application.

Mayor DuBois explained that an Aye vote would deny the application and a Nay vote would support another motion.

Vote on Motion:

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

Motion carried and the application was denied 4-1.

Attorney Baird explained that under Town Code Section 2-2 of the Town Code he was required to prepare a final order that reflects the decision of the Commission based upon the evidence that the Commission relied upon. He stated that the final order would be prepared for the Mayor's signature within a week or two.

Mayor DuBois closed the Public Hearing.

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

**Town Attorney Baird** had no comments.

**Town Manager D'Agostino** had no comments.

**Commissioner Flaherty** thanked everyone that attended.

**Commissioner O'Rourke** had no comments.

**Vice-Mayor Glas-Castro** stated that the Easter Egg Hunt was scheduled for Saturday, March 27, 2016 at Kelsey Park at 9:00 a.m.

**Commissioner Lynch** stated that all help would be needed during the event.

**Mayor DuBois** thanked everyone for attending the meeting and for their civility and all of their comments.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner O'Rourke and seconded by Commissioner Lynch, and by unanimous vote, the meeting adjourned at 9:44 p.m.

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Mayor James DuBois

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Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this \_\_\_\_\_ of \_\_\_\_\_, 2016



**DESCRIPTION:** Site Plan Application for a proposed 125-foot Stealth "Yard Arm"  
Telecommunications Tower at the Lake Park Harbor Marina

**REQUEST:** In 2014, upon the recommendation of the then Town Manager, the Commission entered into a "Site with Lease Option Agreement" ("Lease") with T-Mobile. The Lease enabled T-Mobile to perform such studies and analysis as it determined necessary and at its option to submit an application to construct a telecommunications tower ("Tower") at the Lake Park Harbor Marina ("Marina"). Attached to the Lease was an exhibit which showed the proposed location, facilities, and landscaping to be associated with the site. T-Mobile assigned the Lease to RG Towers LLC ("Applicant"). The Applicant has exercised the option and submitted an application for a site plan (the Application). The area to be leased for a communications tower and associated equipment is legally described in the Lease ("Site"). The Site is generally located within the area of the Marina, adjacent to the existing dock space and office building. The Tower is referred to as a "stealth" tower because antennae or microwave dishes are not installed outside of the monopole structure. The Site measures 25 feet by 30 feet (750 square feet). The future land use designation of the Site is "Public Buildings and Grounds/Recreation and Open Space" and its zoning district is "Public."

**PLANNING & ZONING BOARD (BOARD) ACTION:** The BOARD initially considered the Application on January 4, 2016, but continued its hearing to February 1, 2016. The BOARD requested that the Applicant provide the following additional information:

- (1) Additional view sheds of the proposed tower looking from the surrounding residential structures with a distance measurement (in feet) and the actual heights of the surrounding buildings. Namely, the 301 Lake Shore Drive building; 220 Lake Shore Drive building; and 302 Lake Shore Drive building.  
→ The Applicant submitted a revised visual analysis addressing this comment which is part of this agenda item packet.
- (2) Collocation efforts. Documented outreach efforts and analysis for all the towers located within the 1-1.5 mile range from the proposed location, as well as all surrounding structures, as to why a collocation is not feasible. → The Applicant submitted a revised competitive analysis partially addressing this comment which is part of this agenda item packet. The Applicant's Engineer states that the co-location on structures located within 1-1.5+ miles is not possible..
- (3) Written responses to the conditions of approval and justifications as to why the Applicant is unwilling and unable to meet those conditions proposed by staff. → The Applicant responded to Staff's recommended conditions. Assuming the Commission votes to approve the Application, Staff included its recommended conditions as part of this report.
- (4) Written statement that the Applicant would be willing to take down the flags at night; or compensate the Town (manpower) for doing so; if in fact flags requiring lighting are recommended. → While the Applicant did not submit a statement in writing, Ms. Holly Valdez and Mr. Josh Long, representatives for RG Towers, confirmed that they are willing to adhere to either scenario, depending on the Town's desire.

## **PLANNING & ZONING BOARD MEETING (February 1, 2016):**

Upon the conclusion of the Board discussion, Vice-Chair Schneider (who is a professional Planner) stated he is not able to support the Tower Application. Vice Chairman Schneider stated that he was of the opinion, that the Application is not consistent with Town's Goal Statement 3.4.1 of the Future Land Use Element of the Comprehensive Plan which states the Town should ensure that the historic small Town character of Lake Park is maintained while fostering development and redevelopment that is compatible with and improves existing neighborhoods and commercial areas. He also explained that the application is not consistent with Policy 5.1 which states that the Town shall protect, preserve, maintain and improve its core residential neighborhoods and historic resources and protect these areas from physical degradation and the intrusion of incompatible uses. Vice-Chair Schneider continued that, based on the testimony of citizens who live in the area and who are familiar with the area's character, the Tower does not meet Town Code Section 74-65(6)(e), *Aesthetics*, as it does not blend into the natural setting and surrounding buildings; and although considered a stealth tower, the proposed Tower is too wide at the base and too tall to blend in to the low scale Marina and the surrounding residential neighborhood. The scale does not allow the Tower to realistically hide amongst the sailboat masts or a flag pole. Vice-Chair Schneider stated that his reading of the Lease Agreement indicates that it does not guarantee site plan approval.

**P&Z BOARD RECOMMENDATION:** Board Member Schneider recommended that the Commission deny the Tower application, and made the motion to do so. His motion was seconded by Board Member Lynch and approved 3-0, with Chairwoman Thomas (who was employed for many years as a professional Planner) also voting for the motion.

## **BACKGROUND INFORMATION**

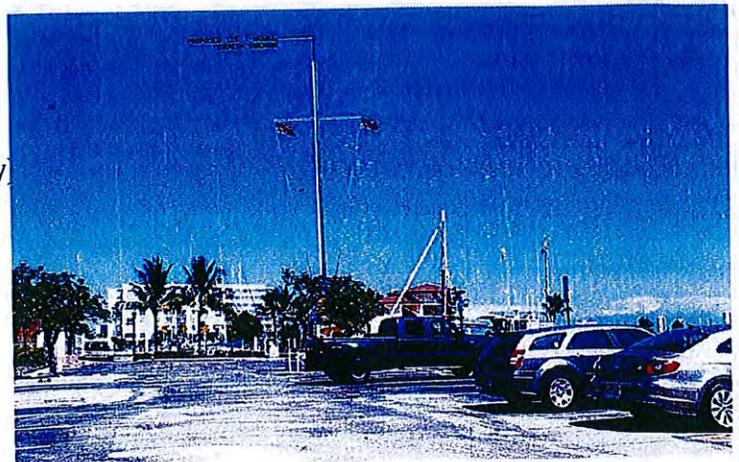
Applicant(s): RG Towers LLC  
Owner: Town of Lake Park (See backup for Lease Option Agreement and First Amendment Documents)  
Address: 105 Lake Shore Drive  
Lot Size: 10.1675 acres  
Existing Zoning: Public  
Existing Land Use: Public Buildings and Grounds/Recreation and Open Space

### **Adjacent Zoning**

North: Residential-1AA (Condominiums)  
South: Residential Single-Family (Riviera Beach)  
East: Intracoastal Waterway  
West: Residential-2A (Condominium and Single-Family)

### **Adjacent Land Use**

North: Condo Density  
South: Low Density Residential (Riviera Beach)  
East: Intracoastal Waterway  
West: Commercial/Residential



## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The Future Land Use designation for the Lake Park Harbor Marina is Public Buildings and Grounds/Recreation and Open Space:

*“Public Buildings and Grounds – Lands and structures that are owned, leased, or operated by a government entity such as libraries, police stations, fire stations, post offices, government administration buildings, and areas used for associated storage of vehicles and equipment, with a maximum F.A.R. of 3.0. Also, lands and structures owned or operated by a private entity and used for a public purpose such as a privately held by publicly regulated utility. Public schools are a permitted use within this land use designation.*

*Recreation and Open Space – Areas devoted to leisure time and outdoor recreational needs. The Recreation Overlay indicates areas that have been identified for potential future use as recreation and open Space...”*

Telecommunication towers are used to provide wireless or cellular telecommunication service for the general public. Cellular or wireless telecommunication carriers are privately owned entities, but are not regulated by the Florida Public Service Commission as are public utilities such as BellSouth and FPL. However, Staff believes that cellular or wireless telecommunications carriers serve a public purpose by providing the public with telecommunications and internet communication services similar to those provided by BellSouth (telephone) and FPL (internet through fiber optic). The Tower is proposed to be located within Parcel 2 of the Parcels which comprise the Marina. Parcel 2, unlike some of the other Parcels, does not contain a deed restriction limiting its use to public boat ramp purposes.

The Staff is of the opinion that the application is not consistent with the Town’s Goal Statement 3.4.1 of the Future Land Use Element of the Comprehensive Plan. This Goal states the Town should ensure that the historic small Town character of Lake Park is maintained while fostering development and redevelopment that is compatible with and improves existing neighborhoods and commercial areas. Staff is also of the opinion that the application is not consistent with Policy 5.1 which states that the Town shall protect, preserve, maintain and improve its core residential neighborhoods and historic resources and protect these areas from physical degradation and the intrusion of incompatible uses. Finally Staff is of the opinion that a 125 foot monopole with an extensive base, even though designed as a yard arm with the idea of “blending in” to the nautical environment of the Marina, is inconsistent with the character of the Marina area and is not compatible with the surrounding residential land uses.

## **CONSISTENCY WITH THE TOWN’S LAND DEVELOPMENT REGULATIONS FOR TELECOMMUNICATIONS TOWERS**

Article III of Chapter 74 addresses Wireless Telecommunications Towers and Antennae. Section 74-61 explains the purpose of Article III as being intended to accomplish the following: (1) Protect residential districts from potential adverse impacts of towers and antennae; (2) Encourage the location of towers in **non-residential** areas and to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (3) Minimize the total number of towers throughout the community; (4) Strongly encourage the collocation on new and existing towers as a primary option rather than construction of additional single-use towers; (5) Encourage users of towers and antennae to configure them in a way that minimizes the adverse visual impact of the towers and antennae through careful design, siting, landscape screening, and **stealth technology**; (6) Facilitate the ability of the providers of telecommunications services to provide such services to the community through an efficient and timely application process; (7) Consider the public health and safety of telecommunications towers; (8) Avoid

potential damage to adjacent properties from tower failure through careful siting of tower structures. In order to accomplish these purposes, Section 74-61 (b) states:

*"In furtherance of these goals, the Town shall give due consideration to the Town's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennae. The Town's small geographic size and compact, planned physical layout are unique among South Florida municipalities. The size and layout of the Town result in the close proximity of differing types of land uses which has the potential to create land use conflicts. In order to protect the unique nature of the Town and avoid land use conflicts, the Town has enacted an article which takes that nature into account in determining separation distances, setback distances and permitting procedures for wireless telecommunication towers and antennae."*

The review criteria used, pursuant to the Town Code, includes the following:

**(1) Permitted uses (Code Section 74-63)** → Telecommunications facilities located on property owned, leased, or otherwise controlled by the Town provided that a license or lease authorizing a telecommunications facility has been approved by the Town Commission and that the requirements for indemnification and insurance have been met.

The Town entered into a Lease which is a requirement of Code Section 74-63(a)(1). In doing so, it also required Insurance and Subrogation and Indemnification. In reviewing this site plan application, the Town's insurance broker and consultant, Gehring Group determined: *"The insurance liability limits in the agreement fall within the Town's minimum requirements. The requirement of a waiver of subrogation is also a well-reasoned inclusion. They will be required to send a technician to exact repairs from time to time. This technician will have to be on Lake Park property in order to complete his/her appointed repairs on the Tower. The Town needs to be certain that the tenant maintains an active workers' compensation policy in case their technicians should injure themselves in the course of those repairs while on Lake Park property. We do not see any language in the insurance section of the agreement referring to a workers' compensation. Therefore, we would recommend adding a requirement for evidence of workers' compensation insurance, also to include a waiver of subrogation."* **This additional requirement is being proposed as a condition of approval.**

**(2) Health Impacts** → Certain Town residents and members of the public have submitted a substantial amount of information related to the health impacts of cell towers. They submitted these for the Town Commission's consideration. The Applicant previously submitted documentation, which is also part of this agenda packet, highlighting to staff that the Telecommunications Act of 1996 pre-empts the Town from using this as a basis of denial.

**(3) Additional (future) ground space/equipment area** → The Lease provides land for a 125 foot tower. The Lease permits up to four co-locators. However, at present only two cellular providers are accounted for in the 750 square feet of ground space. Assuming the use of the tower is expanded to provide for 4 co-locators, additional ground space will be needed to support the facilities associated with the additional co-locators. Staff initially recommended that the Applicant provide details regarding the additional ground space which may be required for each additional co-locator to ensure there is sufficient room to expand on the site without impacting the retention area. The Applicant initially resisted this request, stating that it would not provide these details until it proposes to include up to an additional two co-locators at the Site. However, the Applicant has now submitted revised Sheets C-1 and C-2 showing the expansion of the Site to accommodate up to two additional co-locators.

Given the Staff recommendation of denial because of the aesthetics and compatibility concerns with the open space/park and residential character of the area, the addition of two more co-locators would increase the footprint and thus increase the incompatible use on the Site.

- (4) **Visual Impacts/Aesthetics** → The antennas for cellular providers are generally attached to the monopole. The proposed Tower is a monopole with a “yard arm”. This design was believed to be a means of having the 125 foot monopole be an appropriate design because it would “fit in” with the nautical theme of a Marina. While the Yard Arm might provide some “mitigation”, the visual impact created by a 125 foot yard arm still creates visual impacts for the surrounding area, including the nearby residential units. The Applicant has submitted graphics and photographs showing the line of sight/view sheds/view corridors in each direction (east/west/north/south) with additional details from the original submittal which have been made part this agenda packet. The Town’s former Marina Director, Mr. Jonathan Luscomb, provided some written comments regarding the aesthetics of the Yard Arm Tower. These comments are included in a proposed condition of approval. Mr. Luscomb recommends a different design, and a better placement of the Yard Arm and the gaff so as to replicate certain structures similar to the New York Yacht Club at the Harbor Court, Newport, Rhode Island. Additionally, he recommended consideration of a Lake Park Marina Burgee at the top of the mast. **Should the Commission choose to approve the application, Staff recommends that Mr. Luscomb’s recommendations be included as staff’s recommended condition of approval (#7).**

Despite the Yard Arm features of the Tower, Staff has concluded that the proposed Tower is out of character with the natural park-like setting of the Marina, and that the Tower is incompatible with the park, open space and residential character of this specific Marina area of the Town. The base of the proposed tower is extremely wide and gives the appearance of an industrial structure. Moreover, the height of the Tower is such that it is out of character and incompatible with the low scale features of the Marina itself and the buildings of the surrounding residential neighborhood since it is a large, unarticulated pole with a massive base. Furthermore, the scale of the monopole is not a reasonable comparison to the masts of the sailboats in the Marina. While sailboat masts are attached to yachts and smaller sailing vessels, the Tower is simply a large, unarticulated pole with a massive base.

- (5) **Landscaping/Irrigation/Fencing surrounding proposed ground space** → The Town’s consulting Landscape Architect has determined that the landscape and irrigation plans submitted by the Applicant meet the Town’s *minimum* requirements, Nevertheless, because of the proximity of the tower to residential units and the Marina, the Landscape Architect had recommended that the Applicant add additional **plantings in an attempt to make the Tower more compatible with the surrounding residential and public park, opens space, and Marina) areas. Staff originally recommended a condition requiring the Applicant to submit revised plans to show additional plantings. At its January 4, 2016, the P&Z Board agreed with Staff and recommended that the Applicant modify the trees to include fuller, taller trees in an attempt to meet the recommended changes per the Town’s consulting Landscape Architect. In response to this request, the Applicant has provided some Gumbo Limbo trees which were deemed acceptable by the P&Z Board pursuant to the Town’s consulting Landscape Architect’s recommendations.**

**The Applicant’s plans show an eight foot wood fence surrounding the Site. However, to improve the aesthetics of the Site, Staff recommends the Applicant revise its plans to show an eight foot decorative fence made out of a different material with added decorative features. If the Commission is inclined to approve the Application, then Staff recommends that a condition be included to require that prior to the issuance of any Town permits, the Applicant submit revised plans to show a decorative fence instead of the plain 8-foot wood fence.**

**The Applicant is required to screen the equipment area associated with the Tower from public view (i.e. from an Urban Comfort level identified by a 6-foot tall person standing alongside the area at street level).** The Applicant's plans show the perimeter landscaping outside of the leased area. Although the Applicant insists that landscaping outside of the leased area was verbally approved by the previous Town Manager, the Town Attorney has opined that the Town Manager did not have the authority to approve the location of the landscaping outside of the leased area. Rather, the landscaping associated with the Tower is subject to site plan review and the approval of the Commission. The Town Attorney notes that the Lease does not provide the Applicant with any legally authorized use of property other than the "leased area" as legally described and incorporated into the Lease. Consequently, **if the Commission is inclined to approve the application, Staff recommends a condition requiring that prior to the issuance of any Town permits, the Applicant revise its site and landscaping plans to show the perimeter landscaping within the leased area.**

Finally, the Lease provides that utilities are to be provided at the Tenant's expense, and that the Tenant shall, whenever practicable, install separate meters for utilities used on the Premises. **If approved, Staff recommends a condition which requires that prior to the issuance of any Town permits, the Applicant provide for a separate meter from Seacoast Utilities.**

**(6) Tower Maintenance and Access** → In an attempt to ensure necessary access, a 12 foot non-exclusive access easement and a 5 foot non-exclusive utility easement are shown on the plans submitted by the Applicant. When repair work is needed for the Tower, the existing parking areas at the Marina will be utilized since these are public parking spaces therefore a parking issue is not presented. To ensure the Town is covered liability-wise, the Town Code also requires a security fund from which the Town can deduct fines and penalties for any future noncompliance with any of the Town Codes, or should the Town need to remove any equipment, antenna or tower due to abandonment. The amount for the tower as set by Code is \$25,000. **If the Commission is inclined to approve the Application, Staff recommends the inclusion of a condition which requires that prior to the issuance of any Town permits, the Applicant provide a Letter of Credit in the amount of \$25,000. The Letter of Credit shall be subject to the review and approval of the Town Attorney.**

**(7) Setbacks for Towers** → The Town Code Section 74-65(8) requires a minimum setback of 137.5 feet from the Site's property lines (i.e. 110% of 125 feet). The applicant's plans meet these setbacks by providing 330 feet to the north; 167 feet to the east; 574 feet to the south; and 205 feet to the west, and are shown in the plans by sheet C-1.

**(8) Height [Code Section 74-65(7)]** → A tower with a height between 120 – 150 feet is identified in the Town Code as having a potential for more than three users. *The Application is within these standards, as the Applicant has proposed a 125 foot tower with up to four users.*

**(9) Lighting** → The Applicant's Tower design includes Yard Arms that can accommodate flags. The Commission should address whether or not flags should be flown from the Yard Arms. If so, then appropriate lighting and flag protocol must be employed. **If the Commission is inclined to approve the Application, Staff recommends a condition which provides that prior to the issuance of any Town permits, the Applicant shall submit a photometric plan showing the lighting to be provided for the flags. The condition should also provide that the Applicant shall be perpetually responsible for the maintenance of the lighting and flags.**

**(10) Signage** → Given the nature of the equipment area, warning signs must be placed at ground level surrounding the equipment area of the Site. The warning signs the Applicant proposes to provide are shown on plan sheet C-6.

**(11) Revenue** → The Lease provides that the Town is to receive \$2,950 monthly, plus a 50% revenue split for co-locators and an annual 3% escalator. Thus, the Town would be expected to annually receive a base of \$35,400. If there are co-locators, the Lease provides that the Town would receive 50% of the amount of rent collected from each co-locator. The revenue received from co-locators would increase 3% per year.

**(12) Availability of Other Existing Tower locations/Collocations Efforts** → The Applicant has submitted a study from an Engineer which reviews existing tower locations in the general vicinity of its proposed Tower together with cellular service “coverage maps.” This information has been included with this agenda packet.

### **SITE PLAN CRITERIA**

Since the Town is a master planned community, which has been substantially built out in accordance with the master plan, the Town Code does not include specific site plan criteria to be used in evaluating the development of individual parcels within the original Kelsey City Plat. However, to ensure that the public’s health, safety and general welfare is adequately addressed, Staff has evaluated the Application based upon some general site planning principals.

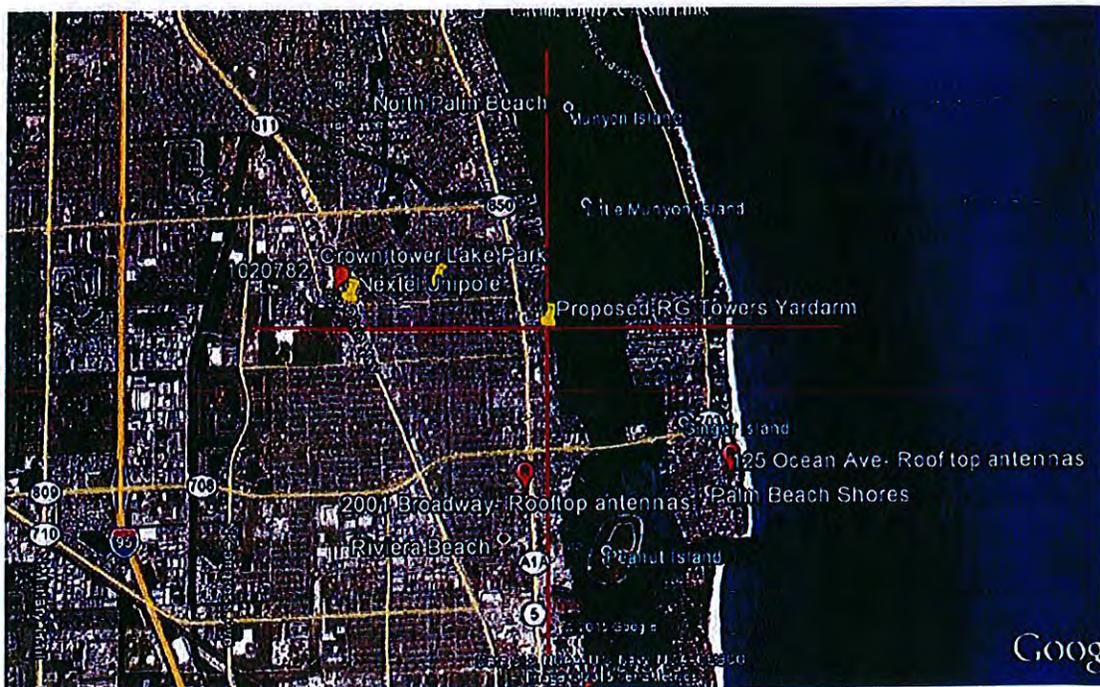
- (1) Is the proposed development compatible with the established or proposed character of the area  
*The residential buildings to the north are approximately 90 feet tall (based on their 8 stories and assuming approximately 11 feet per story). The buildings to the west are approximately 25 feet tall (2 stories). The Tower is a 125 foot monopole. The diameter of a monopole does not, in any way resemble a building, nor is it in keeping with the form of the residential condominiums in the general vicinity of the Site. Moreover, the Tower’s inclusion of a yard arm contributes very little to “fitting in” with the Marina. The character of the surrounding area is predominately multi-family residential, a Marina, with a public park recreation and open space usage. Staff has concluded that the Application is not consistent with the Town’s Goal Statement 3.4.1 of the Future Land Use Element of the Comprehensive Plan. This Goal states that the Town should ensure that the historic small Town character of Lake Park is maintained while fostering development and redevelopment that is compatible with and improves existing neighborhoods and commercial areas; and also Policy 5.1 which states that the Town shall protect, preserve, maintain and improve its core residential neighborhoods and historic resources and protect these areas from physical degradation and the intrusion of incompatible uses. Staff is of the opinion that a monopole cellular tower with an extensive base, even with the inclusion of a yard arm, is not consistent with this Goal of the Comprehensive Plan.*
- (2) The proposed development would not be a deterrent to the improvement or development of adjacent property in accord with existing regulations → *The erection of a Tower upon the Site would be detrimental to the Town’s mixed-use initiative to the extent its presence would discourage the redevelopment of properties along Federal Highway. The Tower may also be a deterrent to the Town’s continuing efforts to increase occupancy at the Marina. The Tower is generally not compatible with the adjacent uses of residential, Marina, public park and open space.*

- (3) The proposed development does not negatively impact adjacent natural systems or public facilities, such as parks → *The Tower will remove open space in the vicinity of the Marina and replace it with 125-foot monopole with an extensive base, along with signage that identifies the area as being potentially dangerous. Such a use is inconsistent with the current recreational/park, open space and residential character of the immediate area.*

**\*\*See APPLICANT documentation tab in this agenda packet for their updated Propagation Analysis\*\***

## APPLICANT ENGINEERING FEASIBILITY REPORT

Lake Park Competitive Analysis



Reg Number	Tower Owner	Distance	Height	Tower Type	Carriers	Address	Comments
Unregistered	Nextel Corp South	1.37 mi	150'	Unipole	unknown	640 Old Dixie Highway, Lake Park FL	Decommissioned per Lake Park Attorney
1020782	SpectraSite Communications, LLC. through American Towers, LLC	1.46 miles	482	Self-Support Tower	1 or 2	1115 Old Dixie Hwy (302758) W. Palm Beach, FL	Provides strong indoor coverage levels for approximately one mile at which point service levels start to become inadequate
unregistered	Crown Castle	0.82 mile	125'	Monopole	1	535 Park Avenue, Lake Park, FL 33403	This non stealth unregistered monopole is .8 miles West of the Marina and the site will not adequately solve low signal areas

Lake Park Competitive Analysis

Rooftop	T-Mobile	1.04 miles		Roof top antennas	1	2001 Broadway, Riviera Beach FL	This rooftop antenna installation works well for approximately three quarters of a mile but the signal strength has dropped off significantly by E/W 28th ST
Rooftop	T-Mobile	1.56 miles		Roof top antennas	1	125 Ocean Ave, Palm Beach Shores FL	This rooftop facility provides good levels to the vicinity but levels across the water to the west are too weak for reliable service.

**NOTICING**

***\*\*Per the Town Code and Statutory requirements, the item was advertised for the Planning & Zoning Board meeting of January 4, 2016 meeting in the Palm Beach Post on December 24, 2015 and certified letters were mailed to all property owners within 300 feet on December 22, 2015. Subsequently, the Special Call Town Commission Meeting was advertised in the Palm Beach Post on March 11, 2016 and certified letters were mailed to all property owners within 300 feet on March 11, 2016. Copies of advertisements and notices are enclosed with this agenda item\*\****

**STAFF RECOMMENDATION**

According to Town Code Section 74-64(d), the denial of a tower application must be supported by written evidence. This report, if relied upon by the Town Commission, would meet the requirement of the Code. In sum, Staff has determined that the application is not consistent with the Town’s Comprehensive Plan and, on balance does not meet Article III of Chapter 64 of the Code. **Staff recommends the Town Commission DENY the application.**

**IF THE TOWN COMMISSION recommends APPROVAL, Staff recommends that the following conditions:**

- (1) Site Plan, Compound Plan, Notes Plan, Elevations Plans, Wood Fence Details Plan, Trench Details Plan, referenced as Sheets C-1 through C-7; and Electrical Plans referenced as Sheets E-1 through E-6; Landscaping Plan references as Sheet L-1; and Irrigation Plan referenced as Sheet IR-1; ALL prepared by Michael Phillips, Registered Engineer and Jason Rinard, Landscape Architect, of Caltrop Telecom, signed and sealed November 18, 2015 (January 14, 2016 C-1, C-2, L-1 and IR-1) and received by the Department of Community Development on November 25, 2015 (January 19, 2016 for C-1, C-2, L-1 and IR-1).
- (2) Insurance liability limits. Prior to the issuance of any Town permits and since the tower will require technicians to be on Lake Park property in order to complete his/her appointed repairs on the Tower, the

Town needs to be certain that the tenant maintains an active workers' compensation policy in case their technicians should injure themselves in the course of those repairs while on Lake Park property. Workers' compensation insurance, including a waiver of subrogation should be included on the insurance certificate.

- (3) Prior to the issuance of any Town permits, the Applicant shall submit revised plans to show a decorative fence instead of the plain 8-foot wood fence.
- (4) Prior to the issuance of any Town permits, the Applicant revise its site and landscaping plans to show the perimeter landscaping within the leased area and provide for a separate meter from Seacoast Utilities.
- (5) Prior to the issuance of any Town permits, the Applicant shall provide a Letter of Credit in the amount of \$25,000. The Letter of Credit shall be subject to the review and approval of the Town Attorney. Cost estimates for construction and restoration should accompany the LOC since the amount on the LOC will need to be 110% of these values.
- (6) Prior to the issuance of any Town permits, the Applicant shall submit a photometric plan showing the lighting to be provided for the flags. The Applicant shall be perpetually responsible for the maintenance of the lighting and flags.

Pursuant to  
the former  
Marina  
Director  
recommen:  
dation.

(7) Prior to the issuance of any Town Permit, the design of the yard arm shall be modified so as to position the yard arm and gaff correctly, similar to the New York Yacht Club at the Harbor Court, Newport, Rhode Island. The Lake Park Burgee should be flown from the top of the mast and the Tower owner shall be responsible for its perpetual maintenance and replacement.

- (8) **Cost Recovery.** All fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Owner or an Applicant to reimburse the Town within the 10 day time period may result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.



RG Towers, LLC  
Lake Park Marina

3/21/16

Exhibit "B"





**Property Appraiser**  
Gary R. Nikolits, CFA  
Palm Beach County

[PAPA Search](#)

[PAPA Home](#)

**Search** | [Results](#) | [Detail](#)

[View Property Record](#)

**Owners**  
LAKE PARK TOWN OF

**Property detail**  
 Location 103 LAKE SHORE DR  
 Municipality LAKE PARK  
 Parcel No. 36434221000040010  
 Subdivision  
 Book  
 Sale Date  
 535 PARK AVE  
 Mailing WEST PALM BEACH FL  
 Address 33403 2003  
 Use Type 8900 - MUNICIPAL  
 Total  
 Square Feet 3890

[Tools](#)  
[Layers](#)  
[Print](#)  
[Messages](#)  
[Instructional Videos](#)





# The Code says..

*Total Square Feet	3890
Acres	10.1675
Use Code	8900 - MUNICIPAL
Zoning	P - Public ( 36-LAKE PARK )

## Sec. 74-63. - Applicability.

(a)

Permitted uses. Permitted uses shall include:

(1)

Telecommunications facilities located on property owned, leased, or otherwise controlled by the town provided that a license or lease authorizing a telecommunications facility has been approved by the town commission and that the requirements for indemnification and insurance of section 74-70 have been met.

### Ground lease was signed 9/17/14 and amended on 3/4/15





## Approved Lease with Town

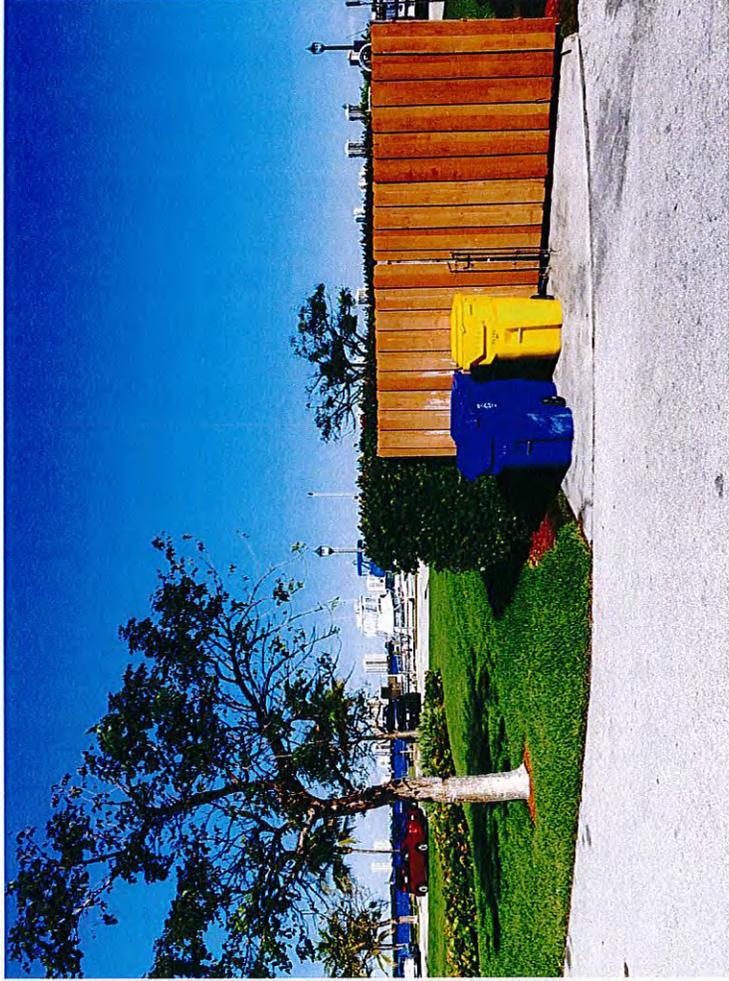
- Resolution No. 10-04-14 approved lease on September 17, 2014
- Resolution No. 08-03-15 amended lease on March 4, 2015



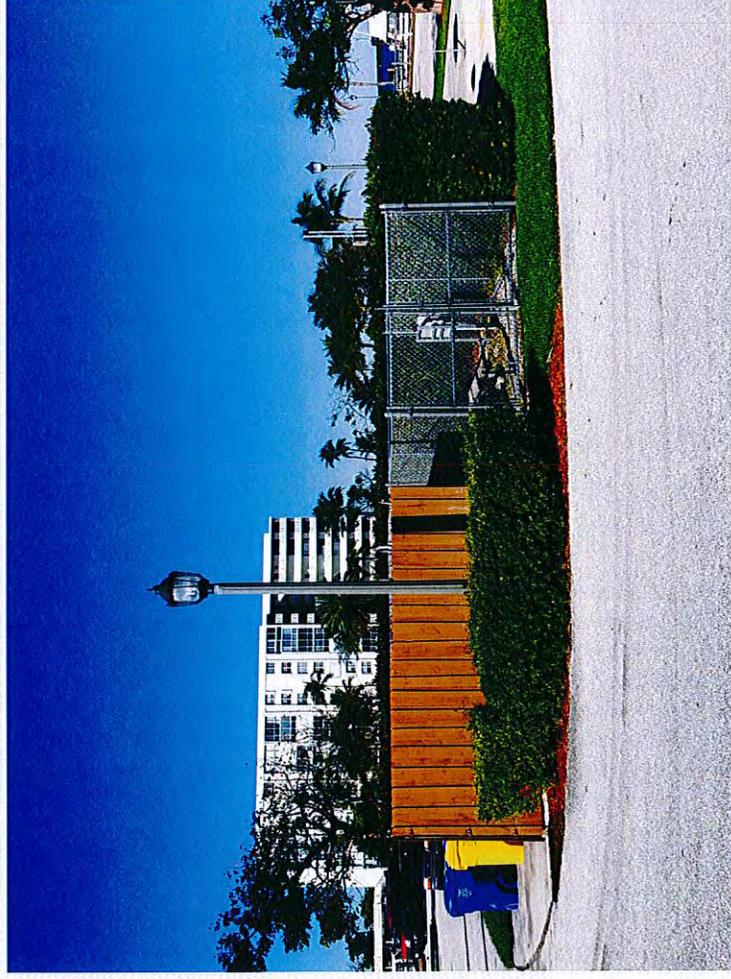
# Proposed Location & Existing Conditions



# Proposed Location & Existing Conditions



# Proposed Location & Existing Conditions

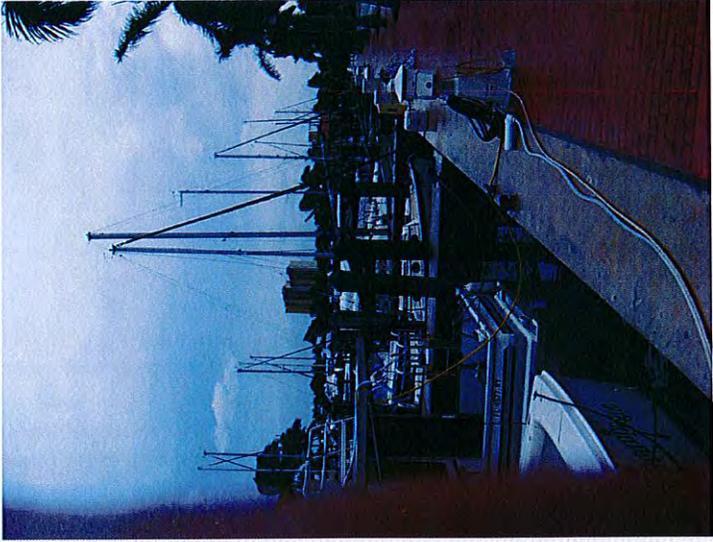




# Proposed Location & Existing Conditions

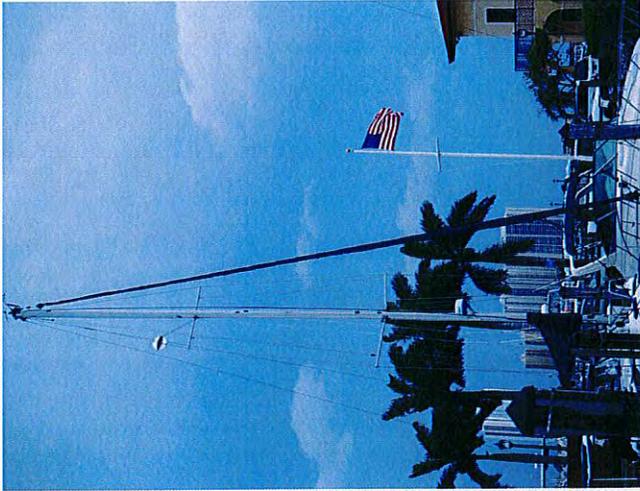


# Marina Existing Masts

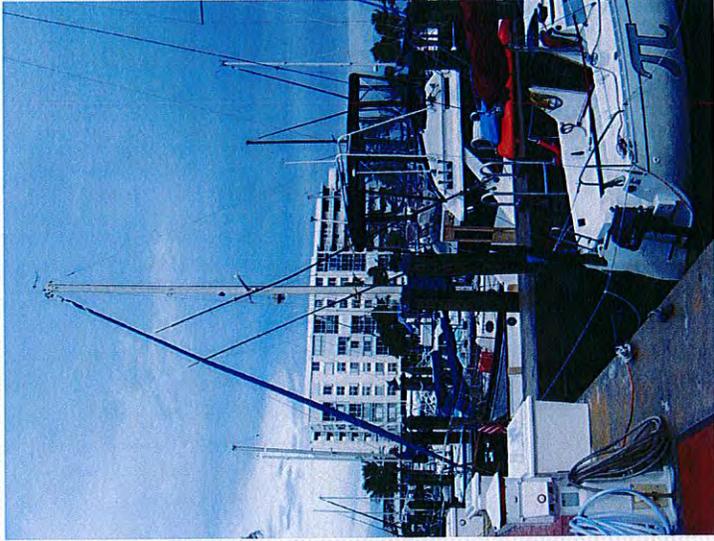




# Marina Existing Masts



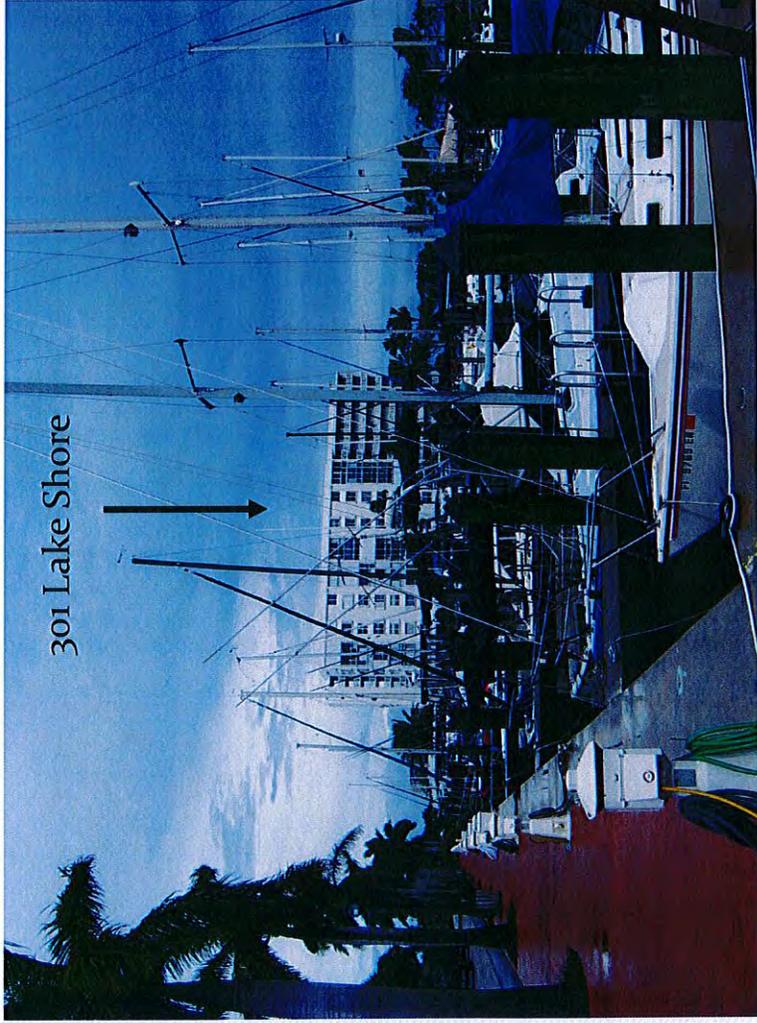
# Marina Existing Masts



# Marina Existing Masts



# Marina Existing Masts



301 Lake Shore



# Site Plan



NO.	DATE	DESCRIPTION
1	12/27/03	PRELIMINARY
2	1/27/04	REVISED
3	2/24/04	REVISED
4	3/17/04	REVISED
5	4/14/04	REVISED
6	5/11/04	REVISED
7	6/1/04	REVISED
8	7/1/04	REVISED
9	8/1/04	REVISED
10	9/1/04	REVISED
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16	3/1/05	REVISED
17	4/1/05	REVISED
18	5/1/05	REVISED
19	6/1/05	REVISED
20	7/1/05	REVISED
21	8/1/05	REVISED
22	9/1/05	REVISED
23	10/1/05	REVISED
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335	10/1/31	REVISED
336	11/1/31	REVISED
337	12/1/31	REVISED
338	1/1/32	REVISED
339		

# Compound Plan



NO.	DATE	DESCRIPTION
1	11/27/13	ISSUED FOR PERMIT
2	11/27/13	ISSUED
3	11/27/13	ISSUED
4	11/27/13	ISSUED
5	11/27/13	ISSUED
6	11/27/13	ISSUED
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20	11/27/13	ISSUED

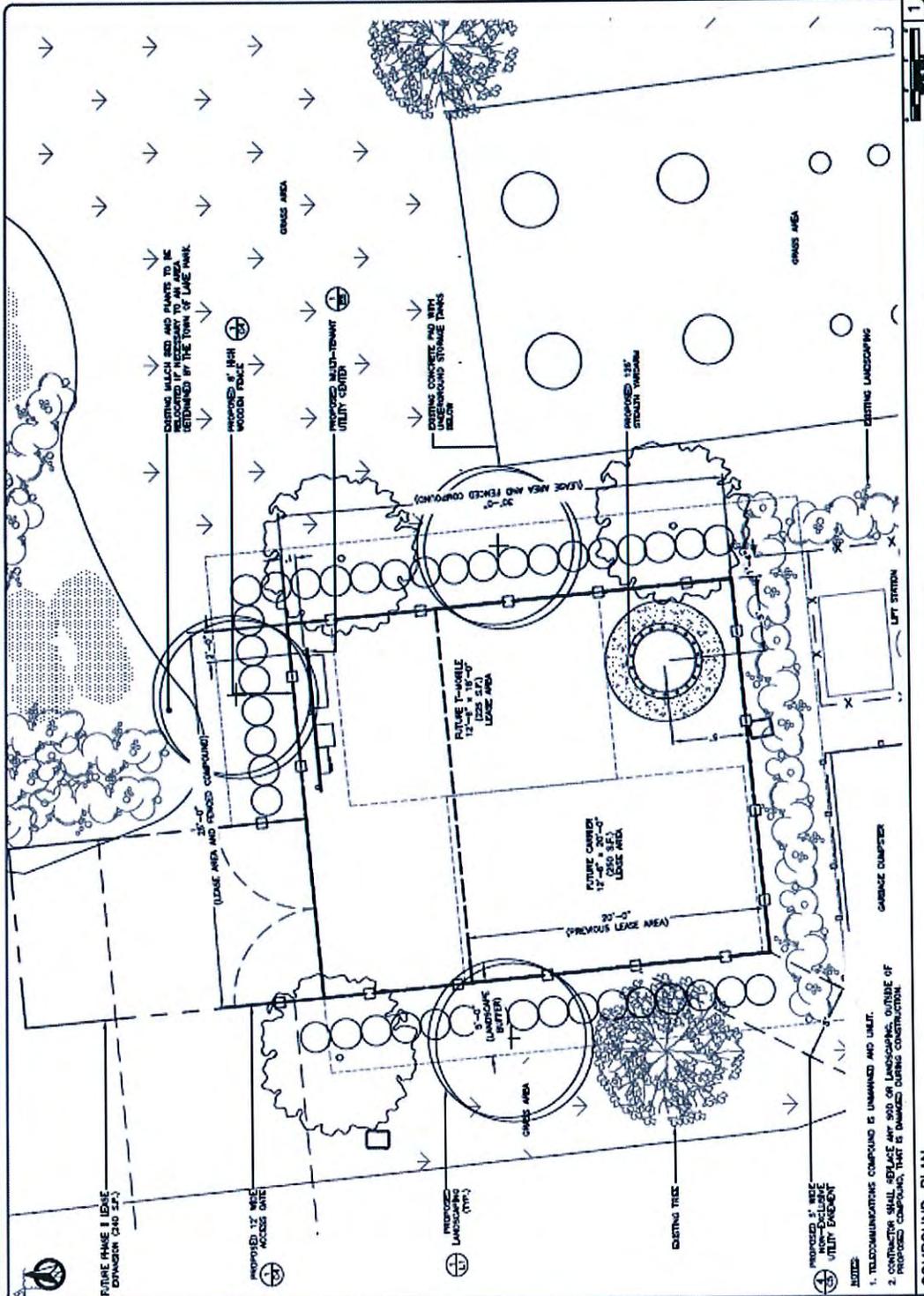
ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF TAMPA PERMITS AND ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TAMPA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TAMPA.

**PAIIRIP**  
Telecom  
1000 N. 10th St.  
Tampa, FL 33602  
813.251.1111

**RS**  
BIG TOPERS, LLC  
241 47th St., Suite 200  
Tampa, FL 33609

NO.	DATE	DESCRIPTION
1	11/27/13	ISSUED
2	11/27/13	ISSUED
3	11/27/13	ISSUED
4	11/27/13	ISSUED
5	11/27/13	ISSUED
6	11/27/13	ISSUED
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18	11/27/13	ISSUED
19	11/27/13	ISSUED
20	11/27/13	ISSUED

LAKE PARK MARINA	SFL13	100 HAS WARE HOME LAKE PARK, FL 33602
COMPOUND PLAN		
PROJECT NUMBER	C2	



- NOTES:**
1. TELECOMMUNICATIONS COMPOUND IS UNMARKED AND UNLIT.
  2. CONTRACTIVE SHALL BE PLACE FOR ALL LANDSCAPING, OUTSIDE OF PROPOSED COMPOUND, TAKE IT BACK DURING CONSTRUCTION.

COMPOUND PLAN

# Existing Landscaping



Existing Cocoplum Shrubs.

# Existing Landscaping



**Existing Silver  
Buttonwood Trees**





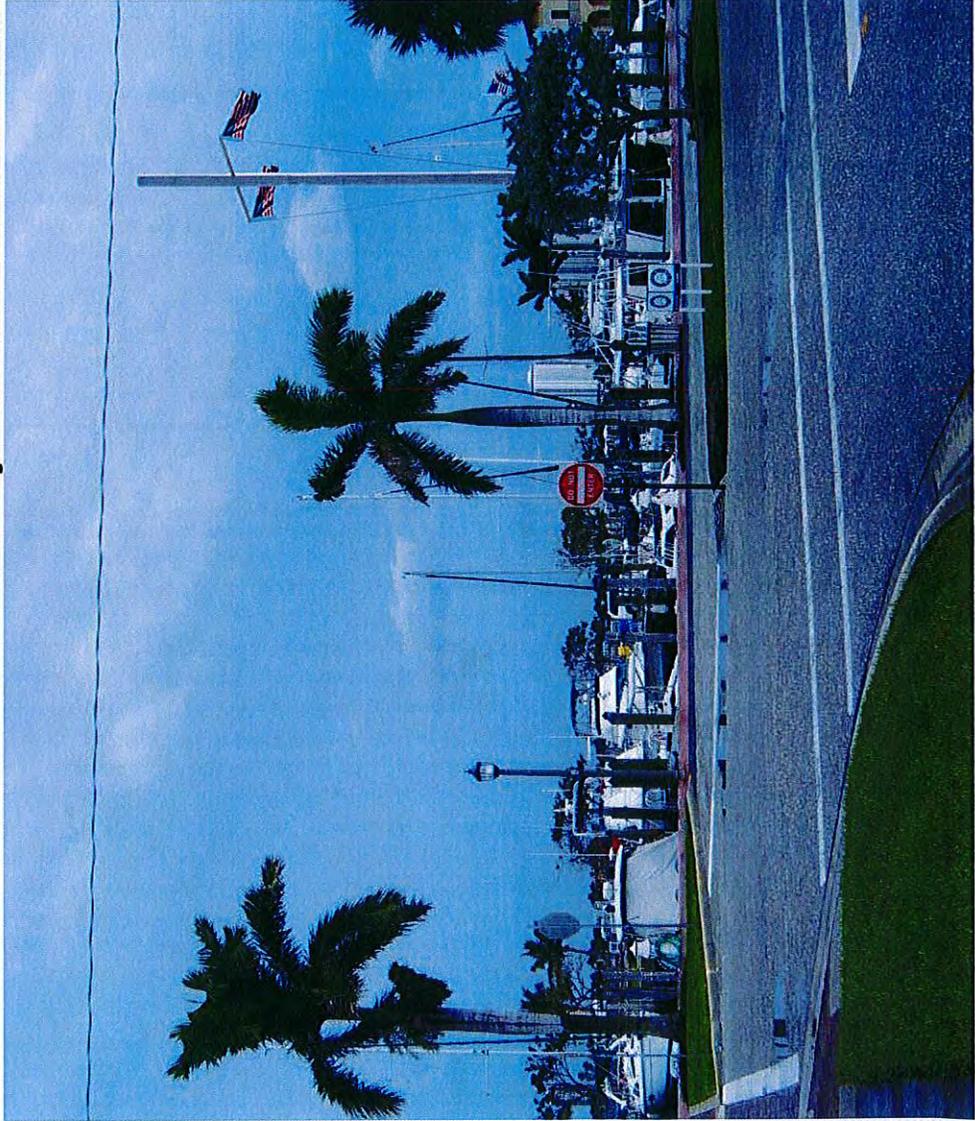
# Visual Analysis



Lake Park Marina 105 Lake Shore Drive Lake Park, FL 33403	View looking South from 301 Lake Shore Drive	PS6
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# Visual Analysis



Lake Park Marina 105 Lake Shore Drive Lake Park, FL 33403	View looking East from 302 Lake Shore Drive	PS8
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# Visual Analysis



Lake Park Marina

105 Lake Shore Drive  
Lake Park, FL 33403

View looking East  
from 220 Lake  
Shore Drive

PS2



# Visual Analysis



Lake Park Marina  
105 Lake Shore Drive  
Lake Park, FL 33403

View looking  
From west-side  
marina walkway



# Former Marina Manager Recommendation

## 5 Haliden Avenue Newport RI





Reg Number	Tower Owner	Distance	Height	Tower Type	Carriers	Address	Comments
Unregistered	Nextel Corp South	1.37 mi	150'	Unipole	unknown	640 Old Dixie Highway, Lake Park FL	Decommissioned per Lake Park Attorney
1020782	SpectraSite Communications, LLC. through American Towers, LLC	1.46 miles	482	Self-Support Tower	1 or 2	115 Old Dixie Hwy (302758) W. Palm Beach, FL	Provides strong indoor coverage levels for approximately one mile at which point service levels start to become inadequate
unregistered	Crown Castle	0.82 mile	125'	Monopole	1	535 Park Avenue, Lake Park, FL 33403	This non stealth unregistered monopole is .8 miles West of the Marian and the site will not adequately solve low signal areas

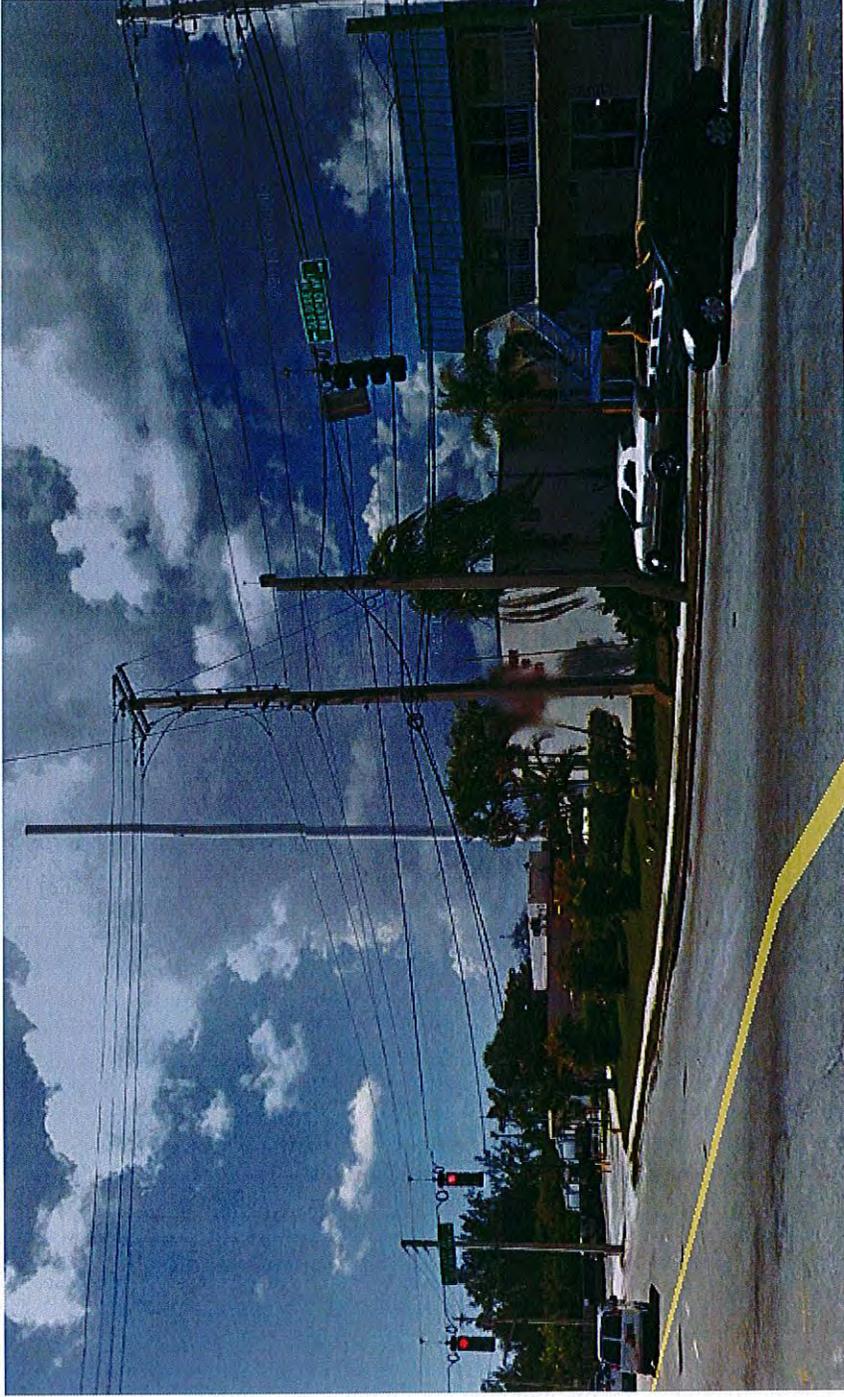




Rooftop	T-Mobile	1.04 miles	Roof top antennas	1	2001 Broadway, Riviera Beach FL	This rooftop antenna installation works well for approximately three quarters of a mile but the signal strength has dropped off significantly by E/W 28th ST
Rooftop	T-Mobile	1.56 miles	Roof top antennas	1	125 Ocean Ave, Palm Beach Shores FL	This rooftop facility provides good levels to the vicinity but levels across the water to the west are too weak for reliable service.



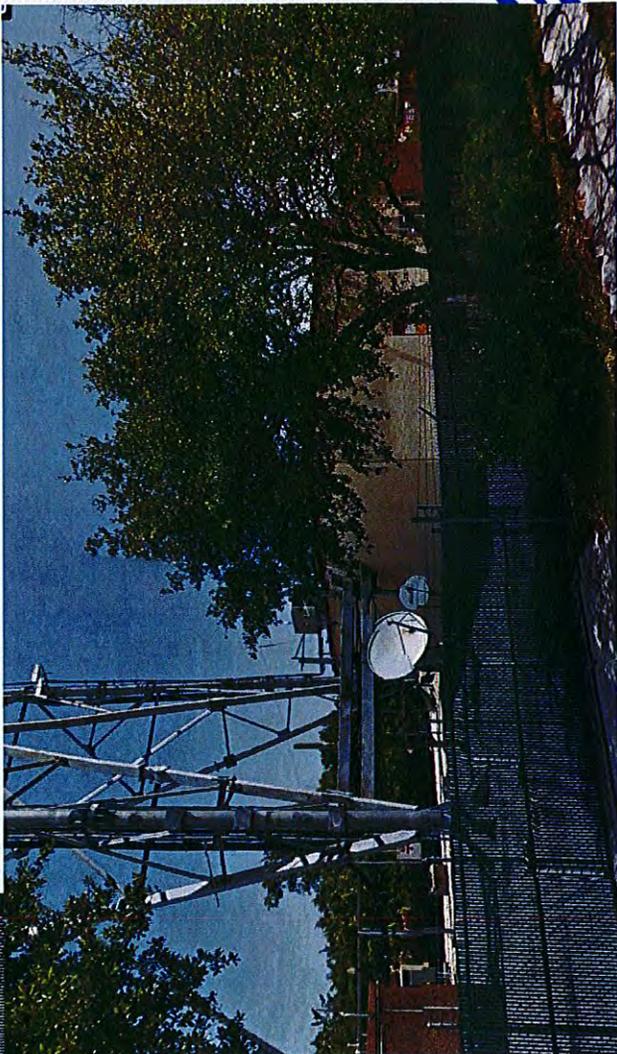
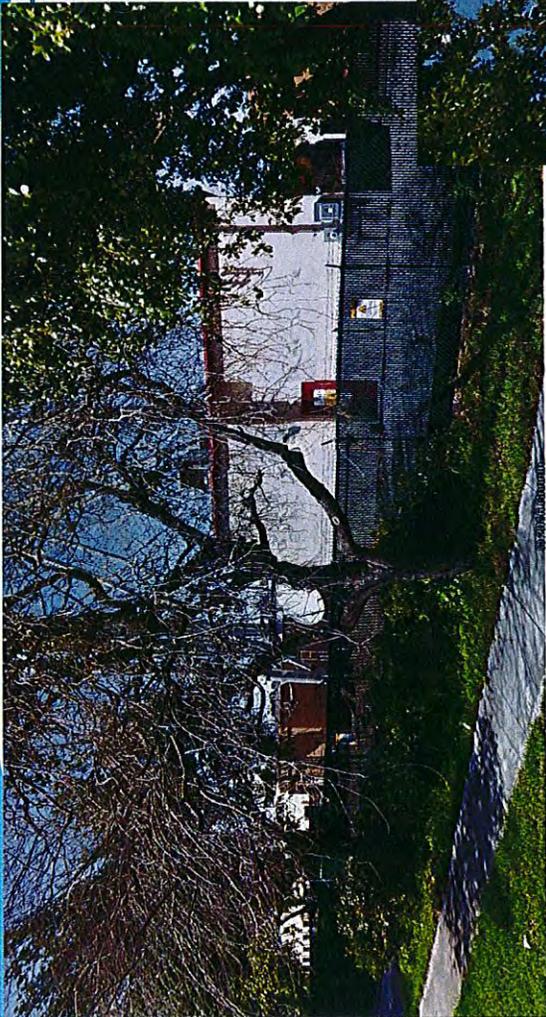
Existing  
Nextel  
150' Unipole  
Lake Park  
Public Works



Existing  
Spectrasite  
482'  
Self Support  
Tower  
Lake Park  
1115 Old Dixie



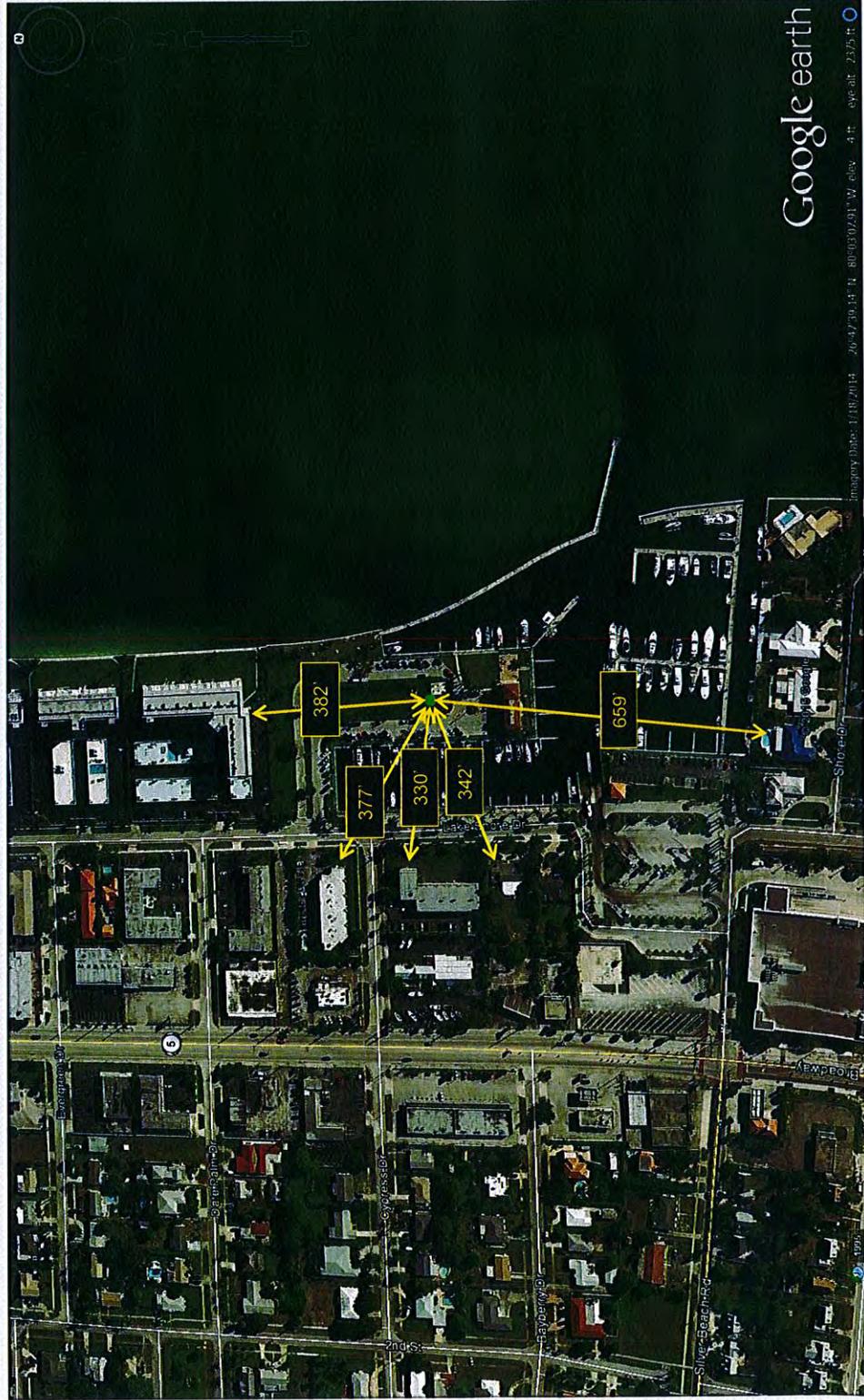
# Existing Spectrasite fencing



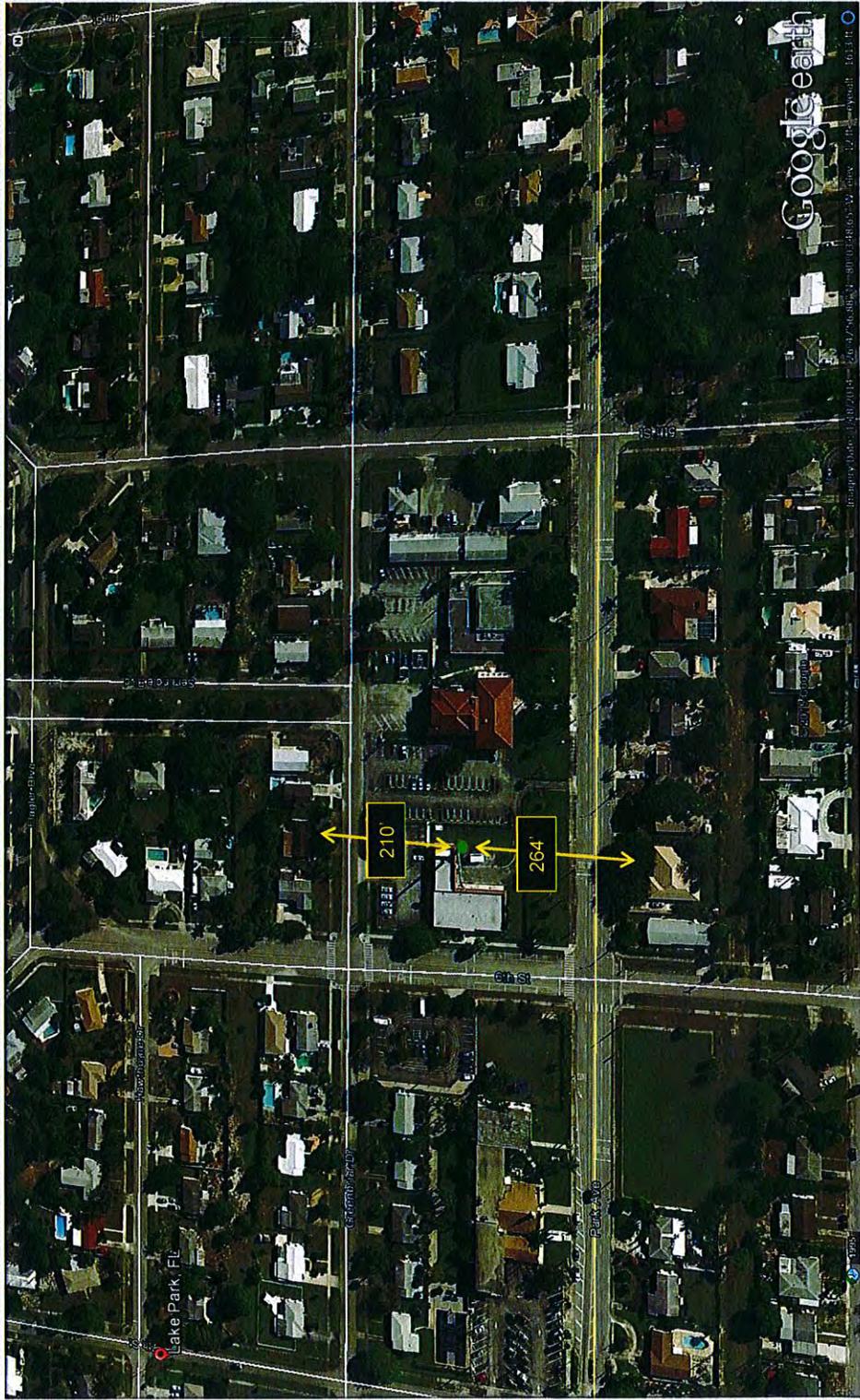
Existing Non  
Stealth  
Unregistered  
Crown  
Monopole  
Town Hall



Proposed Lake Park Marina Cellular Tower Distances to Adjacent Residential Structures



# Existing Lake Park Town Hall Cellular Tower Distances to Adjacent Residential Structures





## Staff Conditions of Approval

1. Site Plan, Compound Plan, Notes Plan, Elevations Plans, Wood Fence Details Plan, Trench Details Plan, referenced as Sheets C-1 through C-7; and Electrical Plans referenced as Sheets E-1 through E-6; Landscaping Plan references as Sheet L-1; and Irrigation Plan referenced as Sheet IR-1; All prepared by Michael Phillips, Registered Engineer and Jason Rinard, Landscape Architect, of Caltrop Telecom, signed and sealed November 18, 2015 and received by the Department of Community Development on November 25, 2015.

**Reply: Acknowledged**



## Staff Conditions of Approval

2. The Insurance liability limits in the Lease Option Agreement fall within the Town's minimum requirements. The requirement of a waiver of subrogation is also a well-reasoned inclusion. They will be required to send a technician to exact repairs from time to time. This technician will have to be on Lake Park property in order to complete his/her appointed repairs on the Tower. The Town needs to be certain that the tenant maintains an active workers' compensation policy in case their technicians should injure themselves in the course of those repairs while on Lake Park property. We do not see any language in the insurance section of the agreement referring to a workers' compensation. Therefore, we would recommend adding a requirement for evidence of workers' compensation insurance, also to include a waiver of subrogation.

**Reply:** Insurance will be provided according to Section 11 of the Lease.

## Staff Conditions of Approval

3. Renderings identifying the future ground space needs for future collocators should be identified prior to Town Commission review

Reply: Not required at this time. Any expansion would be subject to full review and at that time the appropriate location would be chosen.

4. Applicant shall upgrade the proposed landscape to incorporate material that exists within the surrounding area. The proposed materials should include:

- Under-planting material to include seagrape and saw palmetto and/or other existing material types that blend planting beds north of the proposed lease area.
- Planting design shall take into account the existing bed lines and incorporate into an overall design which compliments the park.
- Canopy palm trees top include Royal Palms, clusters of Coconut Palms or Gumbo Limbo; Materials to be a size that exceeds code and matches the existing size, spacing and height.
- Design to be reviewed and approved by Town Staff.

Reply: The proposed landscape plan incorporates existing landscape species that exist in the area. Modifications are not required



## Staff Conditions of Approval

5. Applicant shall modify the fence details to incorporate decorative elements that soften the fence aesthetics.

**Reply:** Not required, a wood fence matching in style to the existing wood fence enclosing the dumpsters is proposed. The Cocoplums will grow to a height which completely conceals the fence.

6. The Applicant modify the plans to utilize its approved leased area for the required landscaping and be responsible for its maintenance and that these revised plans are submitted to the Town prior to Town Commission consideration. **Separate irrigation meters will also be required Reply: The applicant will utilize a separate meter, if feasible. Otherwise, the applicant will pay the Town for usage pursuant to Section 7(d) of the Lease.**



## Staff Conditions of Approval

7. A Letter of Credit (LOC) is required for the construction and restoration of the site. The applicant must submit a LOC prior to the issuance of any development permit. The LOC requires Town Attorney review and approval. Cost estimates for construction and restoration should accompany the LOC since the amount on the LOC will need to be 110% of these values.

**Reply: A bond for 110% will be provided.**

8. If the Tower is approved with flag that require lighting, a Photometric Plan must be submitted prior to the issuance of any development permit

**Reply: Acknowledged.**

9. Cost Recovery. All fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Owner or an Applicant to reimburse the Town within the 10 day time period may result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

**Reply: The Application will comply with the Town's Cost Recovery regulations as outlined in the Town's Code of Ordinances.**





# Revenue Stream for Town of Lake Park

Ground Rent	Each Additional Carrier at 1500.00 per month
\$1,684,169.72	\$856,357.48

Ground w/(1) additional carrier	\$2,540,527.20
Ground w/(2) additional carriers	\$3,396,884.68
Ground w/(3) additional carriers	\$4,253,242.16

**\$4,253,242.16**



**TOWN OF LAKE PARK - ANNUAL BUDGET**  
**GENERAL FUND REVENUE (General Fund 001)**  
**REVENUE BUDGET DETAIL**  
**FISCAL YEAR 2015-16**

Schedule 2

ACCOUNT NUMBER	DESCRIPTION	ACTUAL 2012-13	ACTUAL 2013-14	CURRENT YEAR BUDGET 2014-15	ACTUAL AS OF 05/31/15	ESTIMATE FOR THE YEAR 2014-15	THE DEPT. PROPOSED BUDGET BY 2015-16	TOWN MGT. PROPOSED BUDGET 2015-16	ADOPTED BUDGET 2015-16
001-352.100	Fines - Library	871	1,421	650	739	1,109	1,000	1,000	1,000
001-354.100	Fines - Code Violations (80%)	82,971	83,215	72,000	17,053	25,580	40,000	40,000	40,000
001-354.105	Fines - Alarm Violations	12,900	7,025	10,000	2,075	3,113	2,000	2,000	2,000
001-354.110	Code Violations - Admin Cost	12,693	13,727	12,300	5,503	8,255	11,000	11,000	11,000
001-354.120	Penalties - Business Tax Receipts	8,536	90	7,300	246	369	500	500	500
001-354.130	Fines-Parking Meter Violation	6,910	6,930	7,500	3,550	5,325	5,000	-	-
001-354.135	Parking Violations - Code	50	475	350	345	518	350	350	350
001-354.210	Code Violations - Community Improv	20,740	20,804	18,000	4,438	6,657	10,000	10,000	10,000
001-361.100	Interest Earnings	3,659	3,208	3,500	1,712	2,568	2,500	2,500	2,500
001-361.110	Interest Earnings - Tax Collections	10,793	4,334	17,000	-	-	-	-	-
001-361.120	Sales Tax Commissions	69	39	50	11	17	20	20	20
001-361.130	Interest on Assessments	2,376	2,238	1,750	361	542	500	500	500
001-361.200	Filing Fees	713	250	-	-	-	-	-	-
001-362.100	Rent - P.B.C. Sheriff	120	110	120	80	120	120	120	120
001-362.120	Rent - Cell Tower (Sprint)	27,308	28,400	15,382	15,383	15,382	-	-	-
001-362.121	Rent - Cell Tower (Crown Castle)	17,080	17,763	17,080	-	35,400	35,400	35,400	35,400
001-362.122	Rent - Cell Tower (T-Mobile)	-	12	12	2,950	2,950	-	-	-
001-362.200	Rent - Burt Reynolds Institute	-	8,099	7,488	8,423	8,423	8,844	8,844	8,844
001-363.120	Rent - Dunkin Donuts Lot	1,785	8,223	4,500	-	-	-	-	-
001-363.200	Service Charges-Code Violation	2,043	472	1,000	-	-	-	-	-
001-364.100	Sale of Surplus Property	-	528	500	-	-	-	-	-
001-365.100	Sale of Scrap Material	-	-	-	-	-	-	-	-
001-366.300	Event Sponsorship	850	-	-	-	-	-	-	-

Lake Park could add \$35,400.00 to the budget for 2016 plus revenue for each addition carrier.





# Request

- Approve Site Plan Application



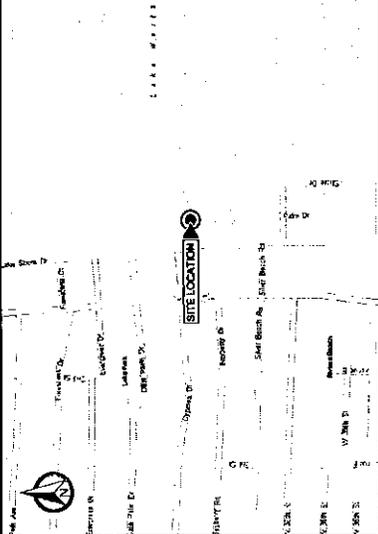
# LAKE PARK MARINA

105 LAKE SHORE DRIVE  
LAKE PARK, FL 33403

SFL13

## NEW SITE BUILD

### LOCAL MAP



### VICINITY MAP



### PROPERTY SUMMARY

EDJO  
38-43-12-21-00-004-0010  
PROPERTY OWNER  
TOWN OF LAKE PARK  
105 LAKE SHORE DRIVE  
WEST PALM BEACH, FL 33403  
LATITUDE  
26.784194°N  
LONGITUDE  
80.052242°W  
ZONING JURISDICTION  
CITY OF LAKE PARK

### DESIGN CRITERIA

DESIGN WIND SPEED: 169 MPH (ULTIMATE, 3-SECOND GUST)  
EXPOSURE: C  
OPEN STRUCTURE

### PROJECT DESCRIPTION

1. THE WIRELESS COMMUNICATIONS FACILITY IS NOT INTENDED FOR HUMAN OCCUPANCY.
2. THIS FACILITY DOES NOT REQUIRE POTABLE WATER AND WILL NOT PRODUCE ANY SEWAGE.
3. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING UTILITIES AND CONDITIONS ON THE JOB SITE AND IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.
4. THE SCOPE OF WORK CONSISTS OF:
  - INSTALLATION OF NEW TELECOMMUNICATIONS TOWER
  - INSTALLATION OF NEW FENCED COMPOUND

### CODE COMPLIANCE

- ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES UNLESS OTHERWISE SPECIFIED. ALL WORK CONCERNING UTILITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES UNLESS OTHERWISE SPECIFIED. ALL WORK SHALL BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES:
1. 2010 FLORIDA BUILDING CODE WITH 2012 SUPPLEMENT.
  2. NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70, NATIONAL ELECTRICAL CODE, 2008 EDITION.
  3. 104-222-3 WITH ADDENDUM 1 APPLICABLE.
  4. LIFE SAFETY CODE NFPA-101-2009.
  5. 2010 FLORIDA FIRE PREVENTION CODE.
  6. AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC) 360-05 AND 341-05.
  7. APPROVED ELECTRICAL PRODUCTS (AEP).
  8. LOCAL JURISDICTIONAL REQUIREMENTS.
  9. CITY/COUNTY ORDINANCES.

### INDEX OF DRAWINGS

SHT. NO.	DESCRIPTION	REV. NO.
T1	TITLE SHEET	4
T2	NOTES	0
C1	SITE PLAN	4
C2	COMPOUND PLAN	3
C3	ELEVATION	2
C4	WOOD FENCE DETAILS	1
C5	TRENCH DETAIL	2
C6	SIGNAGE DETAILS	1
C7	COMPOUND DETAIL	0
E1	ELECTRICAL NOTES	0
E2	GROUNDING NOTES	0
E3	UTILITY ROUTING SITE PLAN	1
E4	ONE-LINE DIAGRAM	0
E5	GROUNDING PLAN AND NOTES	2
E6	ELECTRICAL DETAILS	1
L1	LANDSCAPING PLAN	1
IR1	IRRIGATION PLAN	0

REV	DATE	DESCRIPTION
A	12/15/14	PRELIMINARY
B	1/27/15	FOR PERMIT
1	7/14/15	REVISED
2	8/25/15	REVISED
3	11/19/15	REVISED
4	1/14/16	REVISED

PROJECT NO. 14-100401  
DRAWN BY: CHECKED BY:  
F. PARKER M. ASSETT  
THIS DRAWING IS COPYRIGHTED AND IS THE PROPERTY OF RG TOWERS, LLC. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

3400 S.W. 55th Street  
MIAMI, FL 33067  
CERTIFICATE OF AUTHORIZATION 29214

RG TOWERS, LLC  
2141 ALBERTA AVE. SOUTH  
JUPITER, FL 33477

DATE OF SIGNATURE: 1/14/16

LAKE PARK MARINA
SFL13
105 LAKE SHORE DRIVE LAKE PARK, FL 33403
SHEET NAME
TITLE SHEET
SHEET NUMBER
T1



REV	DATE	DESCRIPTION
A	12/18/14	PRELIMINARY
D	1/27/15	DM PERMIT
1	7/14/15	REVISED
2	8/26/15	REVISED
3	1/16/16	REVISED
4	1/14/16	REVISED

PROJECT NO. 14-1004-01  
 DRAWN BY: M. ASBET  
 CHECKED BY: M. ASBET

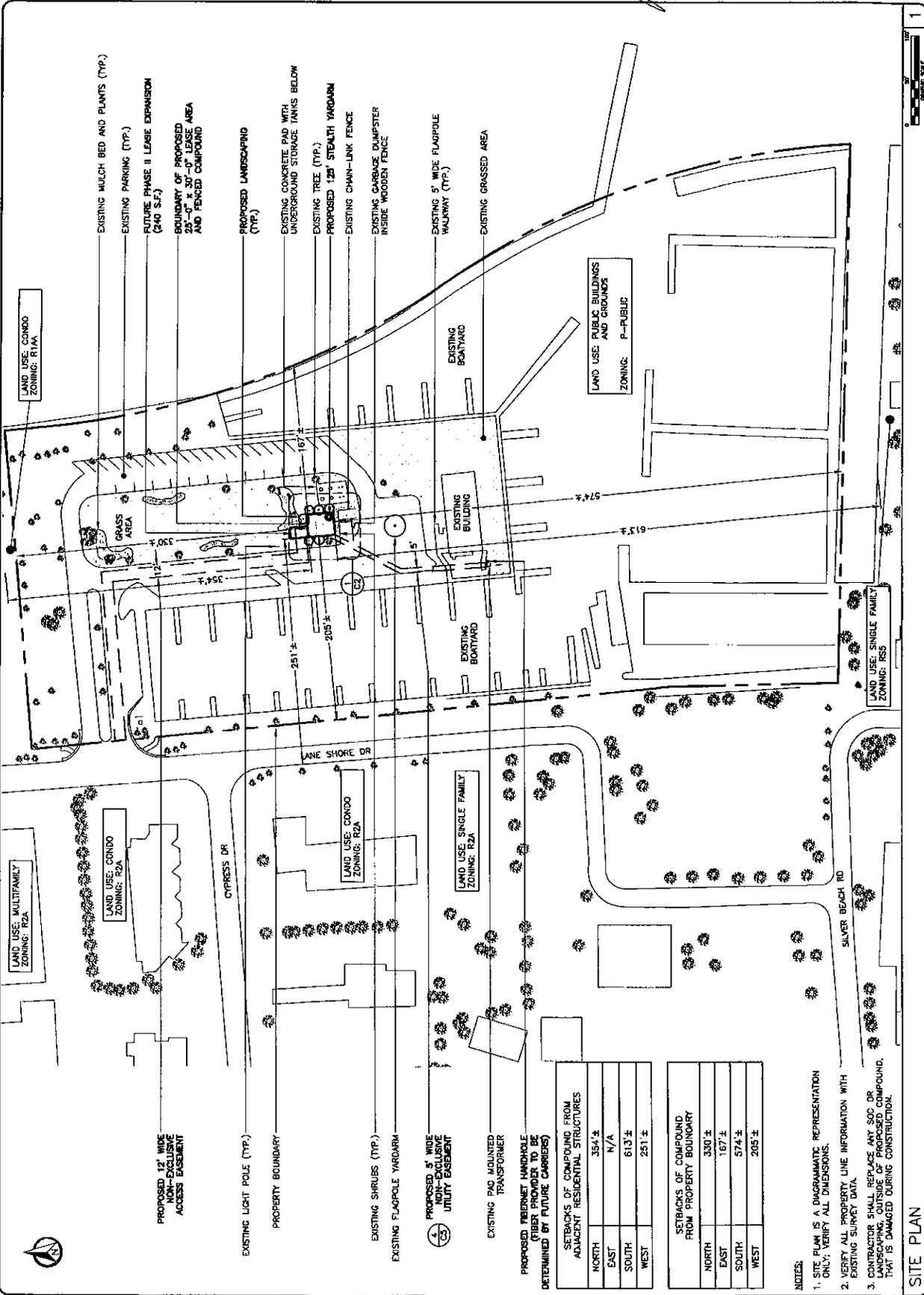
THIS DRAWING IS CONTRACTED AND IS THE PROPERTY OF CALTRIP, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THIS DRAWING. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

**Caltrip Telecom**  
 3400 W. WILSON, SUITE 1000  
 WINDHAM, FL 32077  
 CERTIFICATE OF AUTHORIZATION 28214

**RG TOWERS, LLC.**  
 2141 ALDEN, S.W.  
 AUBURN, FL 32077

**Professional Engineer**  
 No. 88312  
 DATE OF SIGNATURE: 1/14/16

LAKE PARK MARINA  
 SFL13  
 100 LAKE SHORE DRIVE  
 LAKE PARK, FL 32042  
 SHEET NAME: SITE PLAN  
 SHEET NUMBER: C1



EXISTING MULCH BED AND PLANTS (TYP.)  
 EXISTING PARKING (TYP.)  
 FUTURE PHASE II LEASE EXPANSION (248 S.F.)  
 BOUNDARY OF PROPOSED 25'-0" x 30'-0" LEASE AREA AND FENCED COMPOUND  
 PROPOSED LANDSCAPING (TYP.)  
 EXISTING CONCRETE PAD WITH UNDERGROUND STORAGE TANKS BELOW  
 EXISTING TREE (TYP.)  
 PROPOSED 12" STEALTH YARDARM  
 EXISTING CHAIN-LINK FENCE  
 EXISTING GASBOLE DUMPSTER INSIDE WOODEN FENCE  
 EXISTING 5' WIDE FLAGPOLE WALKWAY (TYP.)  
 EXISTING GRASSED AREA

LAND USE CONDO ZONING: R1A  
 GRASS AREA  
 EXISTING BUILDING  
 EXISTING BOATYARD  
 EXISTING BOATYARD  
 EXISTING BOATYARD  
 LAND USE PUBLIC BUILDINGS AND GROUNDS ZONING: P-PUBLIC  
 LAND USE CONDO ZONING: R2A  
 LAND USE MULTIFAMILY ZONING: R2A  
 LAND USE CONDO ZONING: R2A  
 LAND USE SINGLE FAMILY ZONING: R2A  
 LAND USE SINGLE FAMILY ZONING: R2S

PROPOSED 12" WIDE NON-EXCLUSIVE ACCESS EASEMENT  
 EXISTING LIGHT POLE (TYP.)  
 PROPERTY BOUNDARY  
 EXISTING SHRUBS (TYP.)  
 EXISTING FLAGPOLE YARDARM  
 PROPOSED 5' WIDE NON-EXCLUSIVE UTILITY EASEMENT  
 EXISTING PAD MOUNTED TRANSFORMER  
 PROPOSED FIBERNET HANDHOLE (FIBER PROVIDER TO BE DETERMINED BY FUTURE CARRIERS)

SETBACKS OF COMPOUND FROM ADJACENT RESIDENTIAL STRUCTURES	
NORTH	354' ±
EAST	N/A
SOUTH	613' ±
WEST	251' ±

SETBACKS OF COMPOUND FROM PROPERTY BOUNDARY	
NORTH	330' ±
EAST	167' ±
SOUTH	574' ±
WEST	209' ±

NOTES:  
 1. SITE PLAN IS A DIAGNOSTIC REPRESENTATION ONLY; VERIFY ALL DIMENSIONS.  
 2. VERIFY ALL PROPERTY LINE INFORMATION WITH EXISTING SURVEY DATA.  
 3. CONTRACTOR SHALL REPLACE ANY SOC OR LANDSCAPING OUTSIDE OF PROPOSED COMPOUND THAT IS DAMAGED DURING CONSTRUCTION.





















REV	DATE	DESCRIPTION
1	12/16/14	PRELIMINARY
2	1/17/15	FOR PERMIT
3	1/17/15	REVISED
4	1/17/15	REVISED
5	1/17/15	REVISED
6	1/17/15	REVISED
7	1/17/15	REVISED
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45	1/17/15	REVISED
46	1/17/15	REVISED
47	1/17/15	REVISED
48	1/17/15	REVISED
49	1/17/15	REVISED
50	1/17/15	REVISED

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**CALTRIP**  
Telecom

3400 LAKEVIEW DRIVE  
SUITE 100  
LAKE PARK, FL 33403

REGISTERED PROFESSIONAL ENGINEER  
STATE OF FLORIDA  
NO. 88372

DATE OF SIGNATURE: 1/14/15

**RG**  
TOWERS, LLC

211 ALTERNATE AVE. SUITE 100  
JUPITER, FL 33477

**PROFESSIONAL ENGINEER**  
STATE OF FLORIDA  
NO. 88372

DATE OF SIGNATURE: 1/14/15

LAKE PARK  
MARINA

SFL13

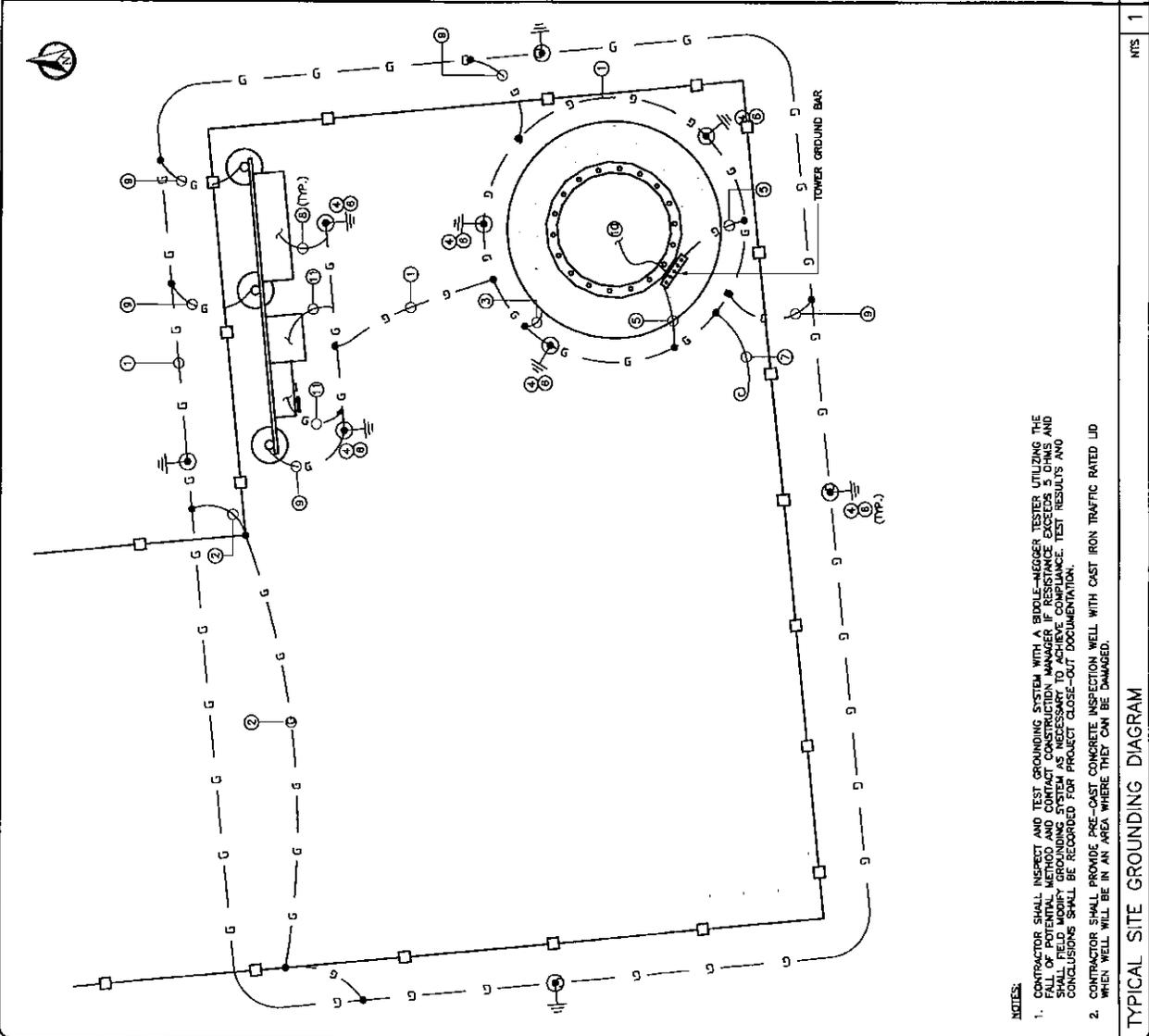
175 LAKE SHORE DRIVE  
LAKE PARK, FL 33403

SHEET NAME

GROUNDING PLAN  
AND NOTES

SHEET NUMBER  
E5

- PROVIDE A #2 AWG SOLID BARE THINNED COPPER GROUND RING AROUND THE TOWER, AND COMPOUND AS SHOWN. ALL EXTERIOR GROUNDING CONDUCTORS SHALL BE BURIED A MINIMUM OF 18" BELOW GRADE. THE GROUND RING SHALL BE INSTALLED 1'-0" AWAY FROM FOUNDATIONS (MINIMUM UNLESS SHOWN OTHERWISE ON DRAWINGS), WHERE REQUIRED DUE TO SOIL CONDITIONS AND THE PRESENCE OF ROCKS. THE ROUTING OF THE GROUND RING MAY BE ADJUSTED. ALL BONDS TO THE BURIED GROUND RING SHALL BE WITH EXOTHERMIC WELDS.
- BOND GATE POST TO BURIED GROUND RING. EXOTHERMICALLY WELD A #2 AWG SOLID BARE THINNED COPPER CONDUCTOR TO THE GATE POST AT 12" ABOVE GRADE AND CONNECT TO THE BURIED GROUND RING. PROVIDE CONDUCTOR LENGTH REQUIRED TO MAKE CONNECTION. BOND OPPOSITE SIDES OF FENCE, AND FENCE POST TO FENCE GATE AS SHOWN USING A WELDING CABLE GROUNDING STRAP.
- BOND REBAR IN CONCRETE FOR PAD TO THE BURIED GROUND RING. THE REBAR IS TO BE 1/2" DIA. AND 4" LONG. BOND THE BURIED GROUND RING TO THE REBAR (AT THE END OF THE REBAR) AND CONNECT THE BURIED GROUND RING.
- PROVIDE A 6" DIAMETER PVC INSPECTION SLEEVE WITH REMOVABLE COVER WHERE EXOTHERMIC CONNECTIONS TO BURIED GROUND RING. SEE GROUND RING DETAIL FOR WELDING DETAILS. INSPECTION SLEEVE SHALL BE USED AS A TEST WELL FOR GROUND LEVEL, INSPECTION AND GROUND RESISTANCE TESTING.
- INSTALL GROUNDING CONDUCTOR(S) FROM THE BURIED GROUND RING FOR CONNECTION TO THE GROUND BAR AT BOTTOM OF TOWER. VERIFY EXACT LOCATION OF GROUNDING BAR AND PROPER CONDUCTOR LENGTH. EXOTHERMICALLY WELD (2) #2 AWG SOLID BARE THINNED COPPER GROUNDING CONDUCTORS (LENGTH AS REQUIRED) TO THE GROUND BAR. GROUNDING CONDUCTORS MUST BE HELD AWAY FROM TOWER BY USING STAND-OFFS OR ROUTING THE CONDUCTORS IN FLEXIBLE PVC CONDUIT. COORDINATE LOCATION WITH CONSTRUCTION MANAGER. SEE TOWER GROUNDING.
- INSTALL 3/4" x 10'-0" LONG COPPER/CLAD STEEL GROUND RODS. SPACING BETWEEN RODS NOT TO EXCEED 20'-0" (NON-LINEAR). TYPICAL FOR ALL GROUND RODS SHALL BE 10'-0" ON CENTER. THE GROUNDING RODS SHALL BE INSTALLED WITH 1/2" DIA. WELDED END CAPS. THE GROUNDING RODS MUST BE ENCASED IN 1/2" DIA. PVC CONDUIT. THE CONDUIT SHALL BE PREPARED TO CORE DRILL TO INSTALL GROUND RODS AND BACKFILL WITH GROUND ENHANCEMENT MATERIAL.
- COIL (1) 10'-0" SECTION OF #2 AWG SOLID WIRE ADJACENT TO FUTURE T-MOBILE EQUIPMENT.
- BOND EQUIPMENT TO BURIED GROUND RING.
- BOND CABLE BRIDGE/1/4-TRAPE POSTS TO BURIED GROUND RING (TYP.). EXOTHERMICALLY WELD A #2 AWG SOLID BARE THINNED COPPER CONDUCTOR TO THE POST AT 12" ABOVE GRADE AND CONNECT TO THE BURIED GROUND RING. PROVIDE CONDUCTOR LENGTH AS REQUIRED TO MAKE CONNECTION.
- INSTALL GROUNDING CONDUCTOR(S) FROM THE GROUND BAR AT BOTTOM OF TOWER TO THE T-MOBILE EQUIPMENT. VERIFY EXACT LOCATION OF GROUNDING BARS AND PROPER CONDUCTOR LENGTH. EXOTHERMICALLY WELD (2) #2 AWG SOLID BARE THINNED COPPER GROUNDING CONDUCTORS (LENGTH AS REQUIRED) TO THE GROUND BARS.
- PROVIDE GROUND CONDUCTOR IN PVC CONDUIT. REFER TO ONE LINE DIAGRAM FOR WIRE AND CONDUIT SIZE.
- SYSTEM GROUND RESISTANCE SHALL NOT EXCEED 5 OHMS. A THREE POINT SYSTEM RESISTANCE TEST SHALL BE PERFORMED BY THE CONTRACTOR.
  - PERFORM THREE TESTS AT EACH SITE.
  - CONTRACTOR SHALL PROVIDE A WRITTEN REPORT CONSISTING OF THE FOLLOWING: SITE NAME, ADDRESS AND IDENTIFICATION NUMBER, DESCRIPTION OF TESTING EQUIPMENT, DATE OF LAST CALIBRATION, SITE SHEET NUMBER, LOCATION OF TEST PROBES, AND ALL FIELD DATA COLLECTED (READINGS, RANGE, TEST, MILLIVOLTS, ETC.).
  - CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER IF THERE ARE ANY DIFFICULTIES PERFORMING SYSTEM RESISTANCE TESTS OR IF MEASUREMENTS ARE ABOVE 5 OHMS. THE CONSTRUCTION MANAGER SHALL PROVIDE INSTRUCTIONS TO THE CONTRACTOR TO INSTALL ADDITIONAL GROUNDING MEASURES TO MEET THE 5 OHM REQUIREMENT.



- NOTES:**
- CONTRACTOR SHALL INSPECT AND TEST GROUNDING SYSTEM WITH A BUDDLE-NEGGER TESTER UTILIZING THE FALL OF POTENTIAL METHOD AND CONTACT CONSTRUCTION MANAGER IF RESISTANCE EXCEEDS 5 OHMS AND SHALL FIELD MODIFY GROUNDING SYSTEM AS NECESSARY TO ACHIEVE COMPLIANCE. TEST RESULTS AND CONCLUSIONS SHALL BE RECORDED FOR PROJECT CLOSE-OUT DOCUMENTATION.
  - CONTRACTOR SHALL PROVIDE PRE-CAST CONCRETE INSPECTION WELL WITH CAST IRON TRAFFIC RATED LID WHEN WELL WILL BE IN AN AREA WHERE THEY CAN BE DAMAGED.

TYPICAL SITE GROUNDING DIAGRAM



REV	DATE	DESCRIPTION
1	01-14-16	REV COMMENTS

PROJECT NO.:	14-1004-01
DRAWN BY:	JEF
CHECKED BY:	JEF

**DALLTRIP**  
Telecom

3400 LAKEVIEW DRIVE  
WINTER PARK, FL 32027

CERTIFICATE OF AUTHORIZATION 2014

**RG**  
RG TOWERS, LLC

214 ALBERTA AVE. SUITE 200  
JACKSONVILLE, FL 32207

JASON E. RIMARD, R.L.A.  
REG. NO. 11008

DATE OF SUBMITTAL: 01-14-16

LAKE PARK MARINA
SFL13
100 LAKE SHORE DRIVE LAKE PARK, FL 32043
LANDSCAPING PLAN
SHEET NUMBER
L1

**LANDSCAPE MATERIALS LIST**

QTY	RECY	DESCRIPTION	CONTRACT NAME	PERCENTAGE	NOTE
1	0	Grass seed	Quincy Street	10%	10% of 17' x 17' x 17' = 4913 cu. ft.
2	0	Grass seed	Quincy Street	10%	10% of 17' x 17' x 17' = 4913 cu. ft.
3	0	Grass seed	Quincy Street	10%	10% of 17' x 17' x 17' = 4913 cu. ft.
4	0	Grass seed	Quincy Street	10%	10% of 17' x 17' x 17' = 4913 cu. ft.

**LANDSCAPE REQUIREMENTS**

As per Town of Lake Park, current ordinance (http://www.lakepark.com/ordinances/)

1. All landscape material shall be No. 1 Grade or better, as specified in grades and standards for nursery plants and trees in Florida. All plants and trees shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services, and shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services, and shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services.

2. All trees shall be a minimum of 30% of the tree's canopy and a minimum of 2" in diameter at 4.5 feet above the ground. All trees shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services, and shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services.

3. All shrubs shall be a minimum of 12" in height at time of planting. All shrubs shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services, and shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services.

4. All plants shall be installed in a minimum of 2 feet from perimeter walkways, all streets, 1 foot from all buildings, 100% of the perimeter of the building, and 100% of the perimeter of the building.

5. The contractor shall be responsible for the delivery of plants and trees to the site. The contractor shall be responsible for the delivery of plants and trees to the site. The contractor shall be responsible for the delivery of plants and trees to the site.

6. The contractor shall be responsible for the delivery of plants and trees to the site. The contractor shall be responsible for the delivery of plants and trees to the site. The contractor shall be responsible for the delivery of plants and trees to the site.

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**GENERAL LANDSCAPE NOTES**

1. All landscape material shall be No. 1 Grade or better, as specified in grades and standards for nursery plants and trees in Florida. All plants and trees shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services, and shall be certified by the Florida Department of Agriculture and Consumer Services, Bureau of Plant Industry, Division of Plant Inspection Services.

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**DUCKBILL EARTH ANCHOR TABLE**

MODEL NUMBER	RATED CAPACITY	MEMBER SUPPLY
10' x 10' 2"	40,000 LBS. (20 TON)	2" x 10' x 10' x 10'
10' x 10' 4"	80,000 LBS. (40 TON)	2" x 10' x 10' x 10'
10' x 10' 6"	120,000 LBS. (60 TON)	2" x 10' x 10' x 10'
10' x 10' 8"	160,000 LBS. (80 TON)	2" x 10' x 10' x 10'
10' x 10' 10"	200,000 LBS. (100 TON)	2" x 10' x 10' x 10'

NOTE: RATED FOR WINDS UP TO 50 MPH

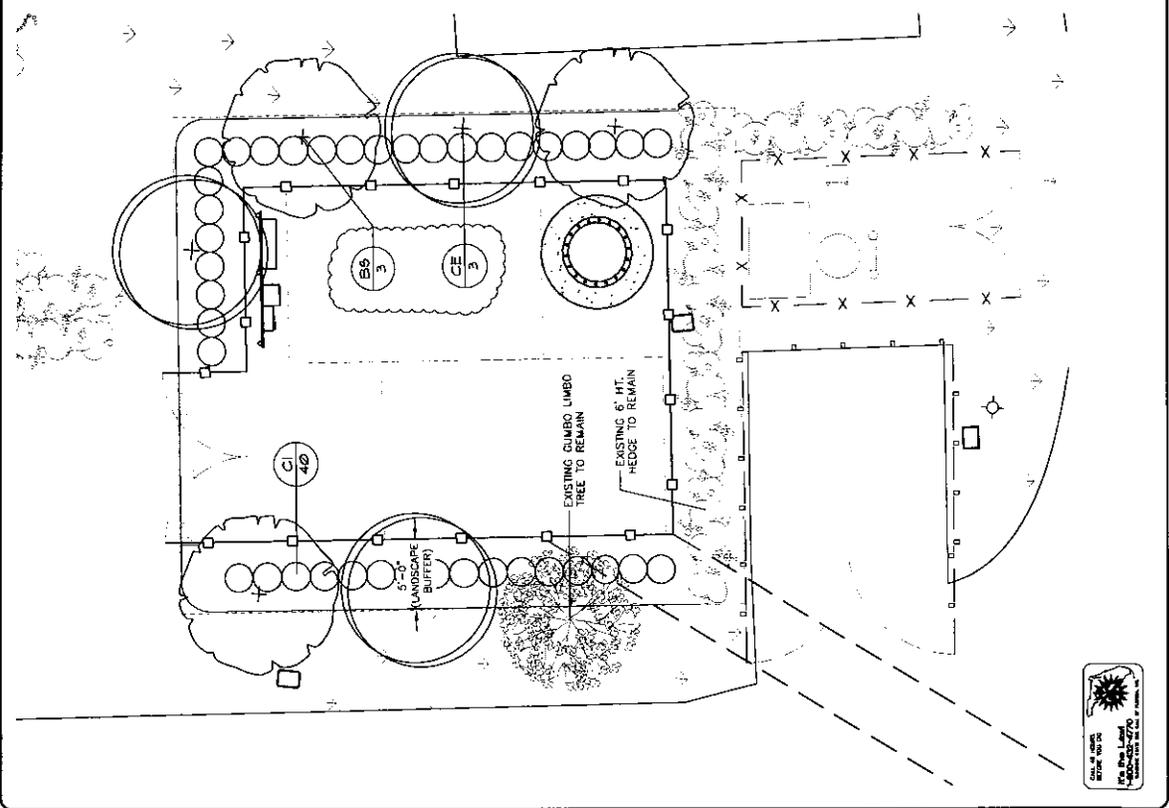
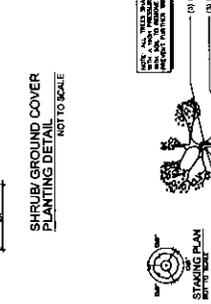
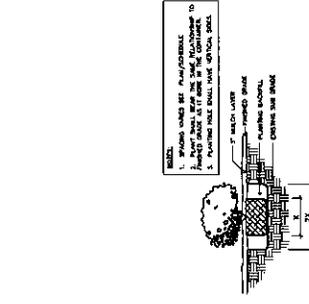
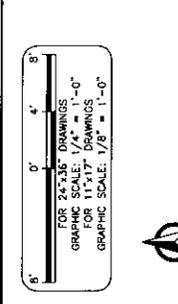




Exhibit "C"

**Scott Richards**

---

**From:** Michael Poirier <michael@jrcromptonelectric.com>  
**Sent:** Monday, March 21, 2016 4:46 PM  
**To:** 'Scott Richards'  
**Cc:** jon@jrcromptonelectric.com  
**Subject:** RE: Lake Park Lightning: Stealth Job #:RG15-00151W-05R0

Scott,

In addition to what Todd is mentioning below, with all of the grounding which we will be doing (driven ground rods and # 2 AWS solid around the compound / fence line) as well as the ground rings from the wireless carriers which will be co-locating on the site and will also be ties into the tower ground ring, we will easily exceed 200 feet of buried grounding conductor that the reviewer is looking for. We could also increase the grounding with chemical rods and other means, if the reviewer were a real stickler, however that would add to the cost of the installation. Also how far is the building shown on the site plan from the proposed tower?

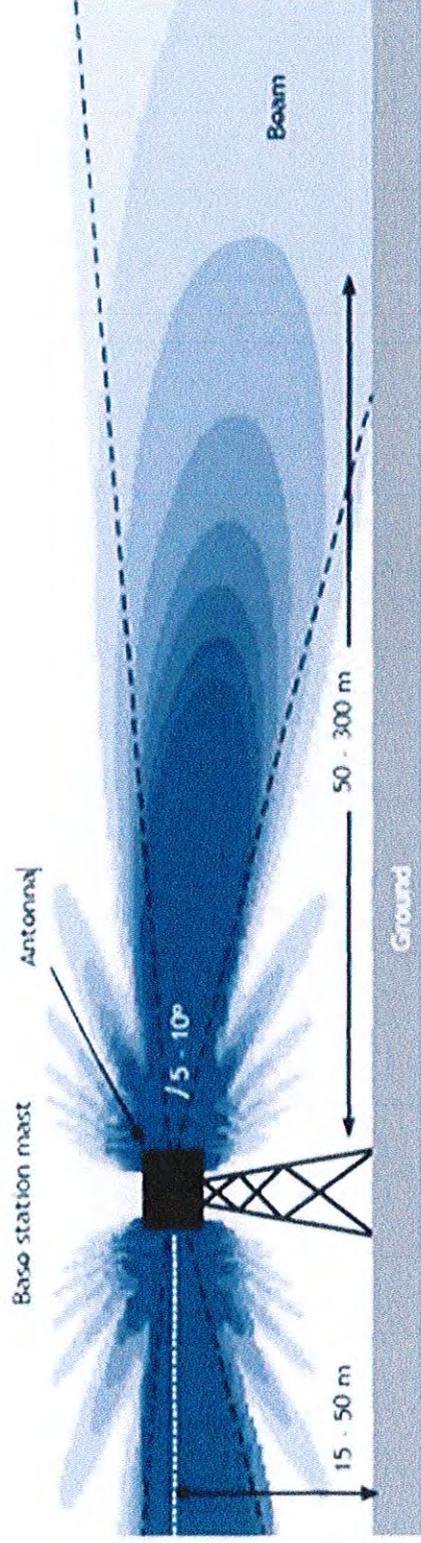
Thanks!

Michael

From: Scott

Exhibit "D"

## Radiation Pattern of a Cell Tower Antenna



Propagation of "main beam" from antenna mounted on a tower or roof top

People living within 50 to 300 meter radius are in the high radiation zone (dark blue) and are more prone to ill-effects of electromagnetic radiation

See Exhibit "E"

Special Call Commission Meeting – March 21, 2016

Staff closing remarks.

Staff would like to reiterate that the Code requires that the denial of a tower application must be supported by written evidence. The Staff Report clearly identifies both the P&Z Board and Staff's position on how the application does not meet certain policies of the Comprehensive Plan, and the Aesthetics component of the Land Development Regulations. While the Applicant's team stated this evening that the Comprehensive Plan is general in nature, the Comp Plan sets Goals, Policies and Objectives that the Town must adhere to. The Applicant's team also stated this evening that Code Section 74-65(6)(e) on Aesthetics must the Code to the "maximum extent possible". The last part of this Code Section actually specifies that a P&Z Board and Town Commission approval is required for the Aesthetics. Therefore, in light of the fact that the site plan details related to Aesthetics cannot be approved as part of a Lease Option, but rather through this site plan application – and since Staff and the P&Z Board have raised concerns on the Aesthetics and consequential compatibility with the area – it does not appear that a "maximum extent possible" on Aesthetics is even possible. Staff recommends Denial.

# TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016

Agenda Item No. Tab 5

Agenda Title: Amendment of the License Agreement between the Town of Lake Park and the Burt Reynolds Institute of Film and Theatre (BRIFT)

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

Approved by Town Manager *[Signature]* Date: 3.22-16  
*[Signature]*  
 Name/Title

HUMAN RESOURCES DIRECTOR

<b>Originating Department:</b>  Town Manager	<b>Costs: \$ -0-</b> Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> Copy of the February 17, 2016 License Agreement with BRIFT; and, Copy of Amendment to the February 17, 2016 License Agreement with BRIFT
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	<b>Yes I have notified everyone</b> <u>JA</u> or Not applicable in this case ____  <b>Please initial one.</b>

**Summary Explanation/Background:**

At its March 2, 2016 meeting, the Town Commission approved the renewal of the License Agreement between the Town of Lake Park and the Burt Reynolds Institute of Film and Theatre (BRIFT). This renewed License Agreement was executed by the Mayor on February 17, 2016 and was subsequently signed by BRIFT and a copy of it is attached. According to Section 8 of such agreement, the Town is required to provide BRIFT with seven days' advance notice of its rental of the Mirror Ballroom.

Section 17 Entire Agreement of the February 17, 2016 License Agreement provides as follows:

"This License sets forth all of the promises, agreements, conditions, and understandings between the Town and BRIFT relative to the Premises. There are no other promises, agreements, conditions, or understandings, either oral or written, between them. No subsequent alteration, amendment, change, or addition to this License will be binding on the parties hereto unless in writing and signed by them."

BRIFT has now requested that the February 17, 2016 License Agreement be amended at Section 8 to provide that the Town be required to provide BRIFT with sixteen days' advance notice of its rental of the Mirror Ballroom. The purpose of this agenda item is to approve such amendment to the February 17, 2016 License Agreement.

**Recommended Motion:** I move that the February 17, 2016 License Agreement between the Town of Lake Park and the Burt Reynolds Institute of Film and Theatre be amended to require that the Town of Lake Park provide the Burt Reynolds Institute of Film and Theatre with sixteen days' advance notice of its rental of the Mirror Ballroom.

Copy

## LICENSE AGREEMENT

THIS LICENSE AGREEMENT (License), executed this 17 day of February, 2016, is made between the TOWN OF LAKE PARK, a Florida municipal corporation and the BURT REYNOLDS INSTITUTE FOR FILM AND THEATRE, INC., a Florida not-for-profit corporation.

### WITNESSETH

**WHEREAS**, the Town of Lake Park (hereinafter "Town") has been approached by the Burt Reynolds Film Institute for Film and Theatre, Inc., (hereinafter "BRIFT") regarding whether or not the Town will make available to BRIFT a small office, classroom space, and the stage in the Mirror Ballroom at the Town's Town Hall building for BRIFT's acting and film training activities.

**WHEREAS**, the Town Commission hereby finds that BRIFT'S use of a small office, classroom space, and the stage in the Mirror Ballroom within the Town Hall building would further town residents and the general public's access to and enjoyment of the arts; and

**WHEREAS**, the Town Commission hereby finds that permitting BRIFT to use its Town Hall property is a public purpose and would be a public benefit to Town residents and the general public; and.

**NOW THEREFORE**, in consideration of the covenants contained herein, the Town hereby grants a non-exclusive License to BRIFT for the use of a portion of the Town Hall subject to the terms and conditions below.

### Section 1. Premises.

The Town agrees to provide BRIFT with one small office and classroom space and the use of the stage in the Mirror Ballroom within the Town Hall. The location of the spaces to be made available shall be at the Town's sole discretion in either the Commission Chambers or the Mirror Ballroom within the Town Hall. BRIFT'S use of the Mirror Ballroom from time to time shall be subject to the Town's confirmation of its availability. The area for the uses recited herein are collectively referred to herein as "the Premises."

**Section 2. Annual License Fee.**

BRIFT agrees to pay an annual license fee of One Dollar (\$1.00) to the Town payable on or before the anniversary date of the beginning of each term.

**Section 3. Term.**

The term of this License shall be for one year commencing upon the date of the last execution of this License by the parties. The annual term notwithstanding this License shall automatically renew on its anniversary date for successive one year terms unless either party provides written notice of termination of this License at least thirty days before the expiration date.

**Section 4. Surrender of the Premises / Termination.**

Upon termination of this License, BRIFT shall surrender the Premises in the same condition as existed upon the commencement date of the License, ordinary wear and tear excepted, and shall deliver all keys to the Premises to the Town.

**Section 5. As Is Condition of the Premises / Improvements.**

BRIFT accepts the Premises in its "as-is" condition. BRIFT hereby agrees that any improvements it may wish to make shall be at its sole cost and expense, and any proposed improvements shall be subject to the prior approval of the Town Commission. Furthermore, given that his License is intended to be temporary in nature, BRIFT acknowledges that this License in no way is meant to encourage improvements to the Premises.

**Section 6. Maintenance of the Premises.**

BRIFT shall use reasonable efforts to avoid unnecessary wear and tear on the Premises and to conserve water, electricity and other utilities. BRIFT, at its sole expense, shall maintain its portion of the Premises in a clean, orderly and presentable condition, free of rubbish and trash. Any garbage and trash generated from BRIFT's use of the Premises shall be promptly removed and deposited by BRIFT in the approved trash or recycling containers provided for such purposes. No outside storage of any of BRIFT'S personal property is permitted. BRIFT, including its members, invitees and guests shall not cause any litter or debris to be dumped or deposited upon interior or exterior portions or common areas of the Town Hall property.

**Section 7. Facilities Manager.**

BRIFT shall designate a Facilities Manager who shall be on the Premises at all times during BRIFT'S use of the Premises. The designated Facilities Manager shall be responsible for monitoring all use of the Premises and shall ensure that the Mirror Ballroom stage (both front stage and back stage) and floor are swept clean, and clear of any items after each use. The Facilities Manager shall also ensure that all restroom toilets are flushed and that all rubbish and trash are properly removed from the Premises at the

end of each day the Premises is used. Additionally, BRIFT shall pay the Town for a Town staff member to be present at all times during its use of the Premises. The staff fee which shall be paid to the Town by BRIFT for having a Town staff member present during its use of the Premises shall be \$15.00 per hour.

**Section 8. Use of Premises / Hours of Operation.**

The Town agrees to make available to BRIFT the use of the Premises during the weekday evenings of Monday, Tuesday and Thursdays until 10:00 p.m. and until 11:30 p.m. on Fridays; Saturday mornings from 9:00 a.m. to 12:01 p.m.; Sunday afternoons from 1:00 p.m. until 6:00 p.m. In all cases, the use of the Premises shall be subject to availability, and shall be confirmed in advance with the Town.

BRIFT's use of the Premises is prohibited during any time that the Town has a scheduled public meeting in the Commission Chambers, or during such time that the Town has rented the Mirror Ballroom. Public meetings include workshops, special or regular meetings of the Town Commission, its appointed boards or committees, including but not limited to the Community Redevelopment Agency, the Planning and Zoning Commission, and Special Magistrate hearings. The Town agrees to provide BRIFT with 16 (sixteen) days advance notice of the use of the Commission Chambers for a public meeting other than the regularly established days and times of the aforementioned meetings. BRIFT shall provide the Town with a schedule of all of its shows.

The Mirror Ballroom shall not be available to BRIFT for its use during any time the Town has rented it. The Town shall provide BRIFT seven (7) days advance notice of its rental of the Mirror Ballroom.

**Section 9. Keys.**

The Town Manager shall furnish to BRIFT one key fob and two keys for entrances to the Town Hall from the parking lot (North) side entrance. Further, one set of non-duplicated keys for access to the Commission Chambers and the Mirror Ball Room shall be provided to the BRIFT Facilities Manager. The Facilities Manager shall be solely responsible for maintaining possession of the Fob and the keys. No additional keys shall be made by BRIFT without the expressed written permission of the Town Manager, nor shall any locks be added or changed without the Town Manager's written approval.

**Section <sup>10</sup>~~9~~. Alcoholic Beverages Prohibited.**

No alcoholic beverages of any kind shall be brought into, stored, sold or consumed upon the Premises by BRIFT at any time.

**Section <sup>11</sup>~~10~~. Insurance.**

BRIFT shall at all times during the term of this License or any renewals thereof, keep and maintain in full force and effect the following specified insurance coverage in the amounts set forth hereafter during the full period of this License which must include the following coverage and minimum limits of liability:

- a. **WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE** for all employees of BRIFT for Statutory Limits in compliance with the applicable state and federal laws. Notwithstanding the number of employees or any other statutory provisions to the contrary, coverage shall extend to all employees of BRIFT and all subcontractors. **EMPLOYERS LIABILITY LIMITS** shall not be less than One Million (\$1,000,000.00) Dollars each accident; One Million (\$1,000,000.00) Dollars disease-policy limit; and, One Million (\$1,000,000.00) Dollars disease-each employee.
- b. **COMPREHENSIVE GENERAL LIABILITY** with the minimum limits of One Million (\$1,000,000.00) Dollars, per occurrence, premises and operations, independent contractors, products and completed operations, personal and advertising injury, XCU coverage, and a contractual liability endorsement of Two Million (\$2,000,000.00) Dollars aggregate.

The Town shall be included as an Additional Named Insured under the General Liability and Automobile Liability policies and a waiver of subrogation against the Town shall be included in all Workers' Compensation policies. Current valid insurance policies meeting the requirements herein identified shall be maintained during the duration of this License and any extensions thereof. BRIFT shall provide Town with 30 days advance written notice of any cancellation or modification of any of the above insurance policies. It shall be the responsibility of BRIFT to ensure that all subcontractors are adequately insured or covered under their policies.

BRIFT shall submit all Certificates of Insurance to the Town, and the Town shall have the right to review and confirm that the policies meet the requirements established herein prior to the commencement of any work activities. The Town may at its discretion, require BRIFT to provide a complete certified copy of the insurance policy(s). If this License includes the installation of machinery and/or equipment into an existing structure, the Comprehensive General Liability policy must include an endorsement covering same, including installation and transit.

The required insurance coverage shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with the following minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: A+ to B+.

All required insurance shall preclude any underwriter's rights of recovery or subrogation against the Town with the express intention of the parties being that the

required coverages protect both parties as the primary insurance for any and all losses covered by the above described insurance.

The clauses "Other Insurance Provisions" and "Insured Duties in the Event of an Occurrence, Claim or Suit" as they appear in any policy of insurance in which the Town is named as an additional named insured shall not apply to Town.

Violation of the terms of this section shall constitute a material breach of the License and the Town, at its sole discretion, may cancel the License and all rights, title and interest of BRIFT to the continued use of the Premises.

**Section 11 Parking.**

BRIFT agrees that its members and guests shall park their vehicles only in such spaces as the Town may designate for its use.

**Section 12 Promotion.**

BRIFT agrees to promote the Town in all of its advertising materials, including, but not limited to, the Newsletter of the Palm Beach County Film and Television Commission. In addition, BRIFT shall sponsor town Open House events to which all Lake Park residents shall be invited to observe the inner workings of BRIFT. Lake Park residents shall also be given a discount off class fees upon providing BRIFT with proof of residency.

**Section 13 Assignment.**

BRIFT shall not assign, delegate, or otherwise transfer any of its rights and obligations as set forth in this License. Any attempt to do so shall immediately terminate this License.

**Section 14 Notices.**

All notices under this License shall be given in writing. Notices to the Town shall be mailed or delivered to:

Town Manager  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

Notices to BRIFT shall be mailed or delivered to:

Burt Reynolds Institute of Film and Theatre, Inc.  
P.O. Box 264  
Jupiter, FL 33458

**Section 16. Governing Law / Venue.**

This License shall be governed by the laws of Florida and venue shall lie in Palm Beach County, Florida.

**Section 17. Attorney Fees.**

In the event the terms of this License must be legally enforced by either party, the prevailing party may recover its costs and reasonable attorney fees incurred in enforcement thereof, including appeals.

**Section 18. Entire Agreement.**

This License sets forth all of the promises, agreements, conditions, and understandings between the Town and BRIFT relative to the Premises. There are no other promises, agreements, conditions, or understandings, either oral or written, between them. No subsequent alteration, amendment, change, or addition to this License will be binding on the parties hereto unless in writing and signed by them.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals

the day and year first written above.

Signed and Sealed in the presence of:

TOWN OF LAKE PARK, FLORIDA

By: [Signature]  
Printed Name: James Dubois  
Title: Mayor

ATTEST:

[Signature]  
Vivian Mendez, Town Clerk

TOWN SEAL  
FLORIDA

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: [Signature]  
Thomas J. Baird, Town Attorney

BURT REYNOLDS INSTITUTE OF  
FILM AND THEATRE, INC.  
A Florida non-profit corporation

By: [Signature]  
Printed Name: DOUGLAS RICE  
Title: CHAIRMAN

**AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE  
TOWN OF LAKE PARK, FLORIDA AND THE  
BURT REYNOLDS INSTITUTE FOR FILM AND THEATRE, INC.**

**THIS AMENDMENT TO THE LICENSE AGREEMENT**, made this \_\_\_ day of \_\_\_\_\_, 2016, by and between the Town of Lake Park, a municipal corporation of the State of Florida, hereinafter referred to as "Town", and the Burt Reynolds Institute for Film and Theatre, Inc., a Florida not-for-profit corporation, hereinafter referred to as "BRIFT".

**WITNESSETH THAT:**

**WHEREAS**, the TOWN has previously entered into a License Agreement with BRIFT, to provide BRIFT with a small office space and the use of the stage in the Mirror Ballroom; and

**WHEREAS**, the parties desire to amend only Section 8, of the License Agreement, to clarify the advance notice requirements for the use of the Mirror Ballroom and/or the Commission Chambers, and wish to commit their agreement into written form.

**NOW THEREFORE**, the TOWN and BRIFT in consideration of the benefits flowing from each to the other do hereby agree to an Amendment to the Agreement as follows:

1. **Section 8. Use of Premises / Hours of Operation.** The Town agrees to make available to BRIFT the use of the Premises during the weekday evenings of Monday, Tuesday and Thursdays until 10:00 p.m. and until 11:30 p.m. on Fridays; Saturday mornings from 9:00 a.m. to 12:01 p.m.; Sunday afternoons from 1:00 p.m. until 6:00 p.m. In all cases, the use of the Premises shall be subject to availability, and shall be confirmed in advance with the Town.

BRIFT's use of the Premises is prohibited during any time that the Town has a scheduled public meeting in the Commission Chambers, or during such time that the Town

has rented the Mirror Ballroom. Public meetings include workshops, special or regular meetings of the Town Commission, its appointed boards or committees, including but not limited to the Community Redevelopment Agency, the Planning and Zoning Commission, and Special Magistrate hearings. The Town agrees to provide BRIFT with 16 (sixteen) days advance notice of the use of the Mirror Ballroom and / or the Commission Chambers for a public meeting other than the regularly established days and times of the aforementioned meetings. BRIFT shall provide the Town with a schedule of all of its shows.

2. All other terms and conditions of the License Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties or their duly authorized representatives hereby execute this Amendment to the License Agreement.

**Signed and Sealed in the presence of:**

**TOWN OF LAKE PARK, FLORIDA**

**ATTEST:**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: Mayor

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

(SEAL)

**Approved as to legal  
form and sufficiency**

**BURT REYNOLDS INSTITUTE OF  
FILM AND THEATRE, INC.**  
A Florida non-profit corporation

\_\_\_\_\_  
**Town Attorney**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

# **New Business**

# TAB 6



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** April 6, 2016      **Agenda Item No.** *Tab 6*

**Agenda Title:** VALIC 401K – RETIREMENT SAVINGS PLAN  
REVISED ADOPTION AGREEMENT

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

**Approved by Town Manager** *[Signature]*      **Date:** 3-22-16

**Blake K. Rane** *BKR* **Finance Director**  
 Name/Title

<b>Originating Department:</b>  <b>FINANCE</b>	Costs: \$ <u>75,420</u> per year Funding Source: To be budgeted beginning Oct-2016 Acct. # Various-22000 <input checked="" type="checkbox"/> Finance ____ BKR ____	<b>Attachments:</b>  <b>Resolution</b> <u>15-04-16</u> <b>Attachment 1 – Adoption Agreement</b> <u>#002</u>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>_BKR_</u> <b>Please initial one.</b>

**Summary Explanation/Background:**

As a result of several changes in Federal laws, IRS regulations require that the Town adopt a revision to the Town's VALIC 401 agreement. The changes in the law would not necessarily require a change in Town policy, but we are taking this opportunity to propose some enhancements to the plan.

This agreement applies to Town employees who pass the one-year mark in full time employment with the Town. The changes in Federal law require that the agreement contain references to the changed laws. The Federal laws that have been enacted that have resulted in these changes include the "Pension Protection Act", the "Heroes Earnings Assistance and Relief Tax Act", the "Workers, Retiree and Employer Recovery Act", and the "Small Business Jobs Act". There will be no additional costs to the Town for these elements of the agreement.

Additionally to the required changes, Town staff is proposing the following benefit changes:

1. Changing the vesting date from the first day of the fiscal year to each employees anniversary date (the date of full time employment),
2. Shorting the vesting schedule from six years to five years,
3. Increasing the Town's contribution from 5.0% to 7.5% for all eligible employees, and
4. Increasing the match to the employee's contribution to their 457 plan from a flat 50% of the first 5.0%, to a graduated plan of 50% for the first five years, 75% for the second five years of employment, and a 100% match after ten years of employment.

Items 1 and 2 will have little or no effect on the Town's cost of operating the pension plan, but make the plan easier to administrate and. Item 3 would have an estimated annual cost of \$36,130 for the General Fund and \$12,510 for all other funds. Item 4 would have an estimated cost if all employees maximized this benefit of \$20,089 for the General Fund and \$6,691 for all other funds, but only 65% of the eligible employees currently contribute to the VALIC 457 plan, therefore the total cost will be less-than these amounts based on future levels of participation.

Two of our three neighboring City's offer retirement packages with similar plans, Riviera Beach does not offer a retirement plan that is comparable to ours. The table below compares the proposed Lake Park plan with that of our two northern neighbors.

	100% Vesting at	Pension contribution	Matching of employees contributions toward retirement
Lake Park Proposal	After 5 years of employment	7.50%	Graduated from 50% to 100% of first 5% based on years of service
Palm Beach Gardens	After one year of employment	9.85%	None
North Palm Beach	After 5 years of employment	15.00%	50% up to \$60

**Recommended Motion:**

I move that we approve Resolution 15-04-16 and authorize the Mayor to sign the Adoption Agreement.

**RESOLUTION NO. 15-04-16**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AMENDMENT AND RESTATEMENT OF RETIREMENT PLAN VIA ADOPTION OF VALIC RETIREMENT SERVICES COMPANY RETIREMENT PLAN FOR GOVERNMENTAL EMPLOYERS.**

**WHEREAS**, the Town of Lake Park (“Town”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town OF Lake Park (hereinafter, the “Employer”), previously established the Town of Lake Park General Employees Retirement Plan (hereinafter, the “Plan”) for the exclusive benefit of its employees and their beneficiaries, which Plan was originally effective as of October 1, 1998; and

**WHEREAS**, the Employer retained the power to amend and/or terminate the Plan; and

**WHEREAS**, the Employer now desires to amend and restate the Plan by adopting the VALIC Retirement Services Company Retirement Plan for Governmental Employers document; and

**NOW, THEREFORE, BE IT RESOLVED** that the Employer hereby amends and restates that Plan, effective October 1, 2015, by adopting the document titled “VALIC Retirement Services Company Retirement Plan for Governmental Employers,” in the form and substance as the document heretofore presented to the governing body of the Employer; and

**RESOLVED FURTHER**, that the appropriate representatives of the Employer be, and the same hereby are, authorized and directed to:

**Section 1.** Execute the adoption agreement to the VALIC Retirement Services Company Retirement Plan for Governmental Employers document as approved;

**Section 2.** Execute all other documents and do to all other things as may be necessary or appropriate to make VALIC Retirement Services Company Retirement Plan for Governmental Employers document effective October 1, 2015, including the execution of any amendments required by the Internal Revenue Service in order to continue and maintain the qualified and exempt status of the Plan; and

**Section 3.** Execute any other documents required to obtain reliance on advisory letters issued to the VALIC Retirement Services Company Retirement Plan for Governmental Employers by the Internal Revenue Service.

**Section 4.** This Resolution shall become effective immediately upon adoption.

**VALIC Retirement Services Company  
Retirement Plan for Governmental Employers**

**Adoption Agreement #002 – Money Purchase Pension Plan**

**Advisory Letter Number: J593779a**

The undersigned, Town of Lake Park ("Employer"), by executing this Adoption Agreement, elects to establish (or restate) a retirement plan (and trust, if applicable) (hereinafter, the "Plan") under the VALIC Retirement Services Company Retirement Plan for Governmental Employers (the "Basic Plan Document"). The Employer, subject to the Employer's elections in this Adoption Agreement, adopts fully the Plan provisions (and if applicable, the Trust provisions). The Adoption Agreement and the Basic Plan Document together constitute the Employer's entire Plan (and Trust, if applicable) document. All section references within this Adoption Agreement are Adoption Agreement section references unless the Adoption Agreement or the context indicates otherwise. All "Article" references, and all "Plan Section" references, are references to the applicable article or section of the Basic Plan Document.

The Employer makes the following elections, as permitted under the corresponding provisions of the Basic Plan Document:

**A. VOLUME SUBMITTER PRACTITIONER INFORMATION.**

VALIC Retirement Services Company  
Attn: Institutional Services  
2929 Allen Parkway, L8-10  
Houston, Texas 77019  
888-478-7020

**B. PLAN INFORMATION.**

1. Plan Name: Town of Lake Park General Employees Retirement Plan
2. Plan Number (e.g., 001, 002, etc.): 001
3. Effective Date: *(Note: The Effective Date for a new Plan or the Restated Effective Date for a restated Plan generally cannot be earlier than the first day of the Plan Year in which this plan or restatement is adopted. If this is a restatement to comply with the Pension Protection Act of 2006 ("PPA"), the Restated Effective Date may be the first day of the current Plan Year as the Plan contains applicable retroactive effective dates with respect to provisions affected by PPA and subsequent legislation/guidance. Section 414(h) pick-up contributions must relate solely to Compensation for services rendered after the later of the adoption or effective date of this Plan or restatement.)*
  - a.  This is a new Plan effective as of \_\_\_\_\_ (hereinafter "Effective Date").
  - b.  This amendment is a restatement of a previously established qualified plan which was originally effective October 1, 1998 (hereinafter "Effective Date"). The effective date of this restatement is October 1, 2015 (hereinafter "Restated Effective Date").
4. Plan Year/Limitation Year means the 12-consecutive month period (except for Short Plan Years) ending every (Check a, b., and c., if applicable).
  - a.  December 31
  - b.  Other: September 30
  - c.  Short Plan Year commencing on \_\_\_\_\_ and ending on \_\_\_\_\_.
5. Anniversary Date (annual Valuation Date):
  - a.  last day of the Plan Year
  - b.  first day of the Plan Year

**C. EMPLOYER INFORMATION.**

1. Name of Employer: Town of Lake Park
2. Address: 535 Park Avenue  
(Number and Street)  
Lake Park Florida 33403  
(City) (State) (Zip Code)
3. Telephone Number: (561) 881-3350
4. Employer Identification Number: 59 - 6000355

5. By signing this Adoption Agreement, the Employer represents and affirms that it is a state or local governmental entity, as defined in Code section 414(d), and is a:
- a.  K-12 educational organization
  - b.  higher educational organization
  - c.  city or county government
  - d.  state government
  - e.  other governmental entity (specify) \_\_\_\_\_
6. Employer's Fiscal Year: September 30

**D. TRUST ELECTION.**

1. All or a portion of this Plan shall be Trusteed pursuant to Article V of the Plan.
- a.  No, this Plan shall be funded exclusively with annuity contracts pursuant to Article X.
  - b.  Yes, this Plan shall have a nondiscretionary Trustee (as described in Article V).
  - c.  Yes, this Plan shall have a discretionary Trustee (as described in Article V).

**E. SERVICE.**

1. PREDECESSOR EMPLOYER OR OTHER EMPLOYER.

This Plan shall recognize service with a predecessor Employer or other entity.

- a.  No
- b.  Yes, service with \_\_\_\_\_ shall be recognized for purposes of (check all that apply):
  - (i)  eligibility
  - (ii)  vesting
  - (iii)  contribution accrual
  - (iv)  early retirement
  - (v)  normal retirement
  - (vi)  other: \_\_\_\_\_

2. SERVICE CREDITING METHODS.

If this Plan requires an annual service requirement to receive an Employer contribution as selected in Section G, the Hours of Service crediting method shall be used for this purpose, and the applicable computation period shall be the Plan Year (or Short Plan Year). The service crediting method for all other purposes shall be as follows:

- a. SERVICE CREDITING METHOD (select one)
  - (i)  Hours of Service crediting method
  - (ii)  elapsed time crediting method
- b. If the Hours of Service crediting method is selected in Section E.2.a.(i) above, then the following must be completed, and shall apply to all Employees:
  - (i) Hours of Service crediting method (select one of the following):
    - (a)  actual hours
    - (b)  days worked
    - (c)  months worked
    - (d)  other: \_\_\_\_\_
  - (ii) Year of Service means the applicable computation period during which an Employee has completed (select one of the following):
    - (a)  at least \_\_\_\_\_ Hours of Service. (May not exceed 2000 hours.)
    - (b)  other: \_\_\_\_\_
- c. Break in service rules (described in Plan Section 6.04(e)) will be applied under this Plan.
  - (i)  No
  - (ii)  Yes

- d. If the Hours of Service Crediting Method is selected in E.2.a.(i) above, then the following computation period elections must be completed, and shall apply to all Employees (select all applicable):
- (i) If service is required for eligibility, the computation period for eligibility shall begin on the date an Employee first performs an Hour of Service and
    - (a)  each anniversary thereof.
    - (b)  shift to the Plan Year which includes the first anniversary of the date on which the Employee first performed an Hour of Service.
  - (ii) If service is required for vesting, early retirement or normal retirement, the computation period for such purposes shall begin on the date an Employee first performs an Hour of Service and:
    - (a)  each anniversary thereof.
    - (b)  shift to the Plan Year which includes the first anniversary of the date on which the Employee first performed an Hour of Service.
    - (c)  end on the last day of each Plan Year.

**F. ELIGIBILITY REQUIREMENTS; INITIAL PLAN ENTRY; PLAN ENTRY DATE.**

**NOTE:** This Section F must not be completed in a manner which restricts an Employee's participation to the Plan Year in which that Employee terminates employment.

1. EXCLUDED CLASSIFICATIONS OF EMPLOYEES shall mean all Employees of the Employer checked below: (**NOTE:** Any classification under "other" must be objectively determinable and free from Employer discretion, and may not identify specific individuals (other than by eligible position or title). In addition, any classification under "other" must not exclude all employees other than a closed or finite group of individuals. Exclusions shall not apply to contributions under Section G.3.b. of this Adoption Agreement.)

<u>For all purposes of the Plan (Do not check items in additional columns if this column selected):</u>	<u>For purposes of Employee nonelective (414(h) pick-up) contributions:</u>	<u>For purposes of Employer matching contributions:</u>	<u>For purposes of Special Pay contributions and Employer contributions, other than Employer matching contributions:</u>
<input type="checkbox"/> N/A. No exclusions	<input type="checkbox"/> N/A. No exclusions	<input type="checkbox"/> N/A. No exclusions	<input type="checkbox"/> N/A. No exclusions
<input type="checkbox"/> hourly paid	<input type="checkbox"/> hourly paid	<input type="checkbox"/> hourly paid	<input type="checkbox"/> hourly paid
<input type="checkbox"/> salaried	<input type="checkbox"/> salaried	<input type="checkbox"/> salaried	<input type="checkbox"/> salaried
<input type="checkbox"/> union employees	<input type="checkbox"/> union employees	<input type="checkbox"/> union employees	<input type="checkbox"/> union employees
<input type="checkbox"/> non-resident aliens	<input type="checkbox"/> non-resident aliens	<input type="checkbox"/> non-resident aliens	<input type="checkbox"/> non-resident aliens
<input type="checkbox"/> Leased Employees	<input type="checkbox"/> Leased Employees	<input type="checkbox"/> Leased Employees	<input type="checkbox"/> Leased Employees
<input type="checkbox"/> Reclassified Employees (as defined in the basic plan document)	<input type="checkbox"/> Reclassified Employees (as defined in the basic plan document)	<input type="checkbox"/> Reclassified Employees (as defined in the basic plan document)	<input type="checkbox"/> Reclassified Employees (as defined in the basic plan document)
<input type="checkbox"/> employees who have not accumulated at least _____ Special Pay days.	<input type="checkbox"/> employees who have not accumulated at least _____ Special Pay days.	<input type="checkbox"/> employees who have not accumulated at least _____ Special Pay days.	<input type="checkbox"/> employees who have not accumulated at least _____ Special Pay days.

- [X] other (see limitations in "Note" above) Fire Department Employees covered under the Town of Lake Park Municipal Firefighters Retirement Fund (defined benefit plan), Police Officers covered under the Town of Lake Park Municipal Police Officers Retirement Fund (defined benefit plan), Bond Project Employees and Part-time Employees who were not already participating in the Plan on April 1, 2009.
- [ ] other (see limitations in "Note" above) \_\_\_\_\_
- [ ] other (see limitations in "Note" above) \_\_\_\_\_
- [ ] other (see limitations in "Note" above) \_\_\_\_\_

2. CONDITIONS OF ELIGIBILITY (Plan Section 3.01).

Any Employee who is not a member of an excluded classification (Section F.1.) must satisfy the following minimum age and service requirements, if any, for participation in the Plan (other than contributions described in G.3.b.): (Check one of a. – e. May also check f., if applicable).

- a. [ ] No age or service required.
- b. [X] Attainment of age 18 (not to exceed 26).
- c. [X] Completion of 1 (not to exceed 5) Year(s) of Service.
- d. [ ] Completion of \_\_\_\_\_ (not to exceed 60) Month(s) of Service.
- e. [ ] Other age or service requirement (not to exceed the parameters in b.- d. above): \_\_\_\_\_
- f. [ ] FOR NEW PLANS ONLY – Regardless of any of the above age or service requirements, any Employee who was employed on the Effective Date of the Plan shall be eligible to participate in Employer contributions as of such date. (Must also elect 3.f. below.)

3. EFFECTIVE DATE OF PARTICIPATION (Plan Section 3.02).

An Employee who has satisfied the requirements, if any, of Section F shall become a Participant as of: (Check one of a. – e.; check f. if applicable.)

- a. [ ] such Employee's first Hour of Service (no age or service requirements).
- b. [X] the first day of the first payroll period coinciding with or next following the date the eligibility requirements are satisfied.
- c. [ ] the earlier of the first day of the Plan Year or the first day of the seventh month of the Plan Year coinciding with or next following the date on which the eligibility requirements are satisfied.
- d. [ ] the first day of the Plan Year next following the date the eligibility requirements are satisfied.
- e. [ ] other: \_\_\_\_\_
- f. [ ] FOR NEW PLANS ONLY – Any Employee who was employed on the Effective Date of the Plan shall become a Participant on the Effective Date of the Plan. All other Employees shall become Participants as of the date selected in 3.a. through 3.e. above. (Must also elect 2.f. above.)

G. CONTRIBUTIONS AND FORFEITURES.

1. EMPLOYEE NONELECTIVE CONTRIBUTIONS (414(h) pick up; Plan Section 4.01(c)):

- a. [X] N/A. No Employee nonelective contributions are allowed.
- b. [ ] Employee nonelective contributions in the amount of \_\_\_\_\_ (must be greater than zero if selected) percent of Compensation shall be made to the Plan.

2. EMPLOYER MATCHING CONTRIBUTIONS:

- a. Formulas (select all that apply):
- (i) [ ] N/A. No Employer matching contributions in this Plan.

- (ii)  \_\_\_\_\_% of a Participant's elective deferral contributions. Elective deferral contributions in excess of \_\_\_\_\_% of a Participant's Compensation for the year shall not be matched. (Must also complete G.2.b. below.)
- (iii)  Equals the percentage of elective deferral contributions determined under the following schedule: (Must also complete G.2.b. below.)

Years of Service	Matching Percentage
1-5	50%
6-10	75%
11+	100%

Elective deferral contributions in excess of 5% of a Participant's Compensation for the year shall not be matched.

- (iv)  Other: \_\_\_\_\_

- b. Employer matching contributions shall be made based on elective deferral (pre-tax) contributions to the following plan(s) of the Employer (insert name of plan(s) to which the elective deferral contributions being matched will be made):  
Town of Lake Park Deferred Compensation Plan

3. EMPLOYER CONTRIBUTIONS (other than Employer matching contributions):

The Employer shall make the following contribution(s) to the Plan:

- a.  EMPLOYER CONTRIBUTIONS GENERALLY (choose all that apply): *Note: The applicable dollar amount or percentage of Compensation in this section G.3.a. must be greater than zero. In addition, contributions under this Section G.3.a. must be for the exclusive benefit of Employees or their Beneficiaries.*

- (i)  An amount equal to \$\_\_\_\_\_ on behalf of each Participant per period indicated below:

- (a)  calendar quarter
- (b)  month
- (c)  pay period
- (d)  week
- (e)  plan year

- (ii)  An amount equal to \$\_\_\_\_\_ per Hour of Service up to \_\_\_\_\_ hours per Plan Year.

- (iii)  An amount, equal to 7.5% of each Participant's Compensation for the Plan Year, or \$\_\_\_\_\_ on behalf of each Participant for the Plan Year. (May select either percentage of Compensation or dollar amount, but not both.)

- (iv)  An amount equal to \_\_\_\_\_% of each Participant's Compensation for the Plan Year, plus \_\_\_\_\_% of such Compensation in excess of \$\_\_\_\_\_. (Must be an amount which is less than the applicable "annual compensation limit" as specified in Plan Section 1.08).

- (v)  Other: \_\_\_\_\_

- b.  CONTRIBUTIONS FOR PART-TIME, SEASONAL AND TEMPORARY EMPLOYEES: An amount equal to 7.5% of the Participant's Compensation for the entire Plan Year, reduced by the Employee Nonelective Contributions described in Section G.1. actually contributed to the Participant's account during such Plan Year, provided that such Contribution shall be made solely for Part-time, Seasonal, or Temporary Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Treasury Regulation Section 31.3121(b)(7)-2.

- c.  SPECIAL PAY CONTRIBUTIONS: An amount equal to the Employee's current daily rate of pay multiplied by the Participant's number of unused accumulated Special Pay Days in excess of 0 (enter 0 if no excluded days), but not to exceed N/A days (enter N/A if no upper limit).

Special Pay contributions shall be made with respect to:

- (i)  accumulated Vacation Pay Days
- (ii)  accumulated Sick Leave Days
- (iii)  both accumulated Vacation Pay and accumulated Sick Leave Days

Such contributions shall be made for a Plan Year:

- (i)  for any Employee who is terminating employment during such Plan Year and who has accumulated Special Pay Days described in this Section G.3.c.
- (ii)  for any active or terminating Employee with accumulated Special Pay Days described in this Section G.3.c.

4. HOURS REQUIRED TO SHARE IN ALLOCATION: An active Participant must work a specified number of Hours of Service in order to share in:
- a. Employer matching contributions.
    - (i)  No minimum number of hours is required.
    - (ii)  Yes, a Participant must work a minimum of \_\_\_\_\_ Hours of Service during such year. (May not exceed 2000 hours. This option not available if matching contributions are remitted to the Plan each pay period.)
  - b. Employer contributions described in Section G.3.a.
    - (i)  No minimum number of hours is required.
    - (ii)  Yes, a Participant must work a minimum of \_\_\_\_\_ Hours of Service during the Plan Year. (May not exceed 2000 hours. This option not available if Special Pay contributions are elected in Section G.3.c. This option also not available if Employer contributions are remitted to the Plan each pay period, or if an allocation period other than the Plan Year is selected in Section G.3.a.(i).)

5. FORFEITURES (Plan Section 4.03(e)):

Forfeitures of Employer contributions under Sections G.2. and G.3.a. shall be:

- a.  N/A. Employer contributions are 100% Vested.
- b.  used to reduce future Employer contributions under this Plan.
- c.  allocated to all Participants eligible to share in the allocations in the same proportion that each Participant's Compensation for the Plan Year bears to the Compensation of all Participants for the year.
- d.  Other (must require use/exhaustion of forfeitures as soon as administratively feasible):  
\_\_\_\_\_

6. CONTRIBUTIONS AND FORFEITURES ALLOCATED TO TERMINATED PARTICIPANTS (Plan Section 4.03(e)):

For contributions described in Section G.2. only, a Terminated Participant shall share in the allocation of Employer matching contributions and forfeitures for the Plan Year as follows:

- a.  A Participant must be employed on the last day of the Plan Year in order to share in the allocation.
- b.  A Participant must be employed on the last day of the Plan Year in order to share in the allocation, unless termination was for reason of death, Total and Permanent Disability, early retirement or normal retirement.
- c.  A Participant must be employed on the last day of the Plan Year in order to share in the allocation, unless such Participant worked at least \_\_\_\_\_ Hours of Service during such year. (May not exceed 2000 hours.)
- d.  A Participant must be employed on the last day of the Plan Year in order to share in the allocation, unless termination was for reason of death, Total and Permanent Disability, early retirement or normal retirement, and such Participant worked at least \_\_\_\_\_ Hours of Service during such year. (May not exceed 2000 hours.)
- e.  A Participant is not required to be employed on the last day of the Plan Year or work a minimum number of hours in order to share in the allocation.

For contributions described in Section G.3.a. only, a Terminated Participant shall share in the allocation of Employer contributions (other than Employer matching contributions) for the Plan Year or other allocation period as follows. Notwithstanding the period selected in Section G.3.a.(i), forfeitures shall be allocated based on the Plan Year.

- a.  A Participant must be employed on the last day of such Plan Year (or other applicable period as selected in Section G.3.a.(i)) to share in the allocation of Employer contributions.
- b.  A Participant must be employed on the last day of the Plan Year (or other allocation period as selected in Section G.3.a.(i)) in order to share in the allocation, unless termination was for reason of death, Total and Permanent Disability, early retirement or normal retirement. Notwithstanding the period selected in Section G.3.a.(i), forfeitures shall be allocated to any Participant employed on the last day of the Plan Year, unless termination was for reason of death, Total and Permanent Disability, early retirement or normal retirement.
- c.  A Participant must be employed on the last day of the Plan Year (or other applicable period as selected in Section G.3.a.(i)) in order to share in the allocation, unless such Participant worked at least \_\_\_\_\_ Hours of Service during such year. (May not exceed 2000 hours.) If Section G.3.a.(i) is selected, then the Hours of Service requirement is applicable to allocation of forfeitures only.
- d.  A Participant must be employed on the last day of the Plan Year (or other applicable period as selected in Section G.3.a.(i)) in order to share in the allocation, unless termination was for reason of death, Total and Permanent Disability, early retirement or normal retirement, and such Participant worked at least \_\_\_\_\_ Hours of Service during such year. (May not exceed 2000 hours.) If Section G.3.a.(i) is selected, then the Hours of Service requirement is applicable to allocation of forfeitures only.

- e.  A Participant is not required to be employed on the last day of the Plan Year (or other applicable period as selected in Section G.3.a.(i) or work a minimum number of hours in order to share in the allocation.

7. FROZEN PLAN:

- a.  N/A. Plan is not frozen.  
b.  This Plan is a frozen plan effective \_\_\_\_\_. No contributions will be made to the Plan with respect to any period following the stated date.

8. CONTINUED BENEFIT ACCRUALS FOR PARTICIPANTS ON MILITARY LEAVE (Plan Section 12.02). Continued benefit accruals for the HEART Act will not apply unless elected below:

- a.  The provisions of Plan Section 12.02 apply effective as of: (select one)  
(i)  the first day of the 2007 Plan Year  
(ii)  \_\_\_\_\_ (may not be earlier than first day of the 2007 Plan Year)

However, the provisions no longer apply effective as of: (select if applicable)

- (iii)  \_\_\_\_\_

**H. COMPENSATION.**

1. COMPENSATION with respect to any Participant means:

- a.  Wages, tips and other Compensation on Form W-2.  
b.  415 safe-harbor compensation.  
c.  Code section 3401 wages (wages for Federal income tax withholding).

However, Compensation shall exclude:

- (i)  N/A. No exclusions  
(ii)  overtime  
(iii)  bonuses  
(iv)  commissions  
(v)  shift differential pay  
(vi)  other \_\_\_\_\_  
(Must be objectively determinable and applied in a uniform, nondiscriminatory basis, e.g., taxable reimbursements or other fringe benefits.)

2. Compensation shall be based on:

- a.  the Plan Year.  
b.  the Fiscal Year ending with or within the Plan Year.  
c.  the calendar year ending with or within the Plan Year.

3. However, for an Employee's first year of participation, Compensation shall be recognized as of:

- a.  the first day of the period selected in 2. above.  
b.  the Participant's Effective Date of Participation (Section F.3.).

4. In addition, Compensation shall include compensation that is not currently includible in the Participant's gross income (salary reduction amounts) by reason of the application of Code Sections 125, 402(g)(3) or 457, and 132(f)(4).

- a.  Yes  
(i)  Code Section 125 elective deferrals will include deemed Code Section 125 compensation.  
(ii)  Code Section 125 elective deferrals will not include deemed Code Section 125 compensation.  
b.  No

5. Compensation for purposes of calculating contributions to the Plan will be determined:

- a.  on an annual basis.  
b.  on a payroll period basis (must also check (i) or (ii) below).  
(i)  Contributions will be adjusted, if necessary, to meet the Plan formula on an annual basis.  
(ii)  Contributions will not be adjusted to meet the Plan formula on an annual basis.

6. Differential wage payments (as described in Plan Section 12.03) will be treated, for Plan Years beginning after December 31, 2008, as Compensation for all Plan benefit purposes unless a. is elected below:

- a.  In lieu of the above default provision, the Employer elects the following (select all that apply):

- (i)  The inclusion is effective for Plan Years beginning after \_\_\_\_\_ (may not be earlier than December 31, 2008).
- (ii)  The inclusion only applies to Compensation for purposes of Employee nonelective contributions.
- (iii)  Differential wage payments shall not be treated as Compensation for purposes of any Plan benefit accruals.

7. Compensation paid after severance from employment (Plan Section 4.04). Note: The Employer only needs to complete Section H.7.b. in order to override the default provisions set forth in H.7.a., below. If the Plan will use all of the default provisions, then Section H.7.b. should be skipped.

- a. **Default provisions.** Unless the Employer elects otherwise in Section H.7.b. below, the following defaults will apply:
  - (i) The provisions of the Plan setting forth the definition of compensation for purposes of Code § 415 (hereinafter referred to as "415 Compensation") shall be modified (with respect to amounts paid after Severance from Employment) by (1) including payments for unused sick, vacation or other leave and payments from nonqualified unfunded deferred compensation plans (Plan Section 4.04(d)(2)(ii)), (2) excluding salary continuation payments for participants on military leave (Plan Section 4.04(d)(2)(iii)), and (3) excluding salary continuation payments for disabled participants (Plan Section 4.04(d)(2)(iv)).
  - (ii) The "first few weeks rule" does not apply for purposes of 415 Compensation (Plan Section 4.04(d)(2)).
  - (iii) The Plan's definition of compensation for allocation purposes (hereinafter referred to as "Plan Compensation") shall be modified to provide for the same adjustments to Plan Compensation (for all contribution types) that are made to 415 Compensation pursuant to this Section H.7.
- b. In lieu of the default provisions in H.7.a., above, the following apply (select all that apply; if no selections are made, then the defaults apply):

**415 Compensation** (select all that apply):

- (i)  Exclude leave cashouts and deferred compensation (Plan Section 4.04(d)(2)(ii))
- (ii)  Include military continuation payments (Plan Section 4.04(d)(2)(iii))
- (iii)  Include disability continuation payments (Plan Section 4.04(d)(2)(iv)) for all participants, and the salary continuation will continue for the following fixed or determinable period: \_\_\_\_\_
- (iv)  Apply the administrative delay ("first few weeks") rule (Plan Section 4.04(d)(2))

**Plan Compensation** (select all that apply):

- (v)  No change from existing Plan provisions
- (vi)  Exclude all post-severance compensation
- (vii)  Exclude post-severance regular pay
- (viii)  Exclude leave cashouts and deferred compensation
- (ix)  Include post-severance military continuation payments
- (x)  Include post-severance disability continuation payments for all participants, and the salary continuation will continue for the following fixed or determinable period: \_\_\_\_\_
- (xi)  Other: \_\_\_\_\_

**Plan Compensation Special Effective Date.** The definition of Plan Compensation is modified as set forth herein effective as of the same date as the 415 Compensation change is effective unless otherwise specified:

- (xii)  \_\_\_\_\_ (enter the effective date)

**I. TRANSFERS AND ROLLOVERS FROM OTHER EMPLOYER PLANS** (Plan Section 4.06) will be allowed:

- 1.  No.
- 2.  Yes, for Participants only.
- 3.  Yes, for all Employees. (Must be selected for plans which intend to accept transfers or rollovers from Code Section 414(k) accounts under defined benefit plans for all Employees, regardless of their status as Participants.)

If I.2. or I.3. is chosen:

Distributions from a Participant's Rollover Account may be made at any time, even if there is no distributable event which permits a distribution of other accounts.

- a.  No
- b.  Yes

**J. VESTING.** (Plan Section 6.04(b)).

- 1. The vesting schedule(s) for Employer contributions (other than those described in G.1., G.3.b. or G.3.c.), based on number of Years of Service (or twelve month Periods of Service, if Elapsed Time) shall be as follows:

Employer contributions (other than matching):

Employer Matching Contributions:

- |   |   |
|---|---|
| a. <input type="checkbox"/> 100% immediate                              | a. <input type="checkbox"/> 100% immediate                              |
| b. <input type="checkbox"/> _____ - Year Cliff (not to exceed 15 years) | b. <input type="checkbox"/> _____ - Year Cliff (not to exceed 15 years) |

c. <input checked="" type="checkbox"/> Graded:		c. <input checked="" type="checkbox"/> Graded:	
<u>Years of Service</u>	<u>Vesting Percentage</u>	<u>Years of Service</u>	<u>Vesting Percentage</u>
(not to exceed 15)		(not to exceed 15)	
1	0%	1	0%
2	25%	2	25%
3	50%	3	50%
4	75%	4	75%
5	100%	5	100%

d.  Other (must provide for 100% vesting after no more than 15 years of service): \_\_\_\_\_

2. In determining Years of Service or Periods of Service for vesting purposes, the following service shall be EXCLUDED:

- a.  N/A. All Years of Service or Periods of Service shall be counted.
- b.  Service prior to the Effective Date of the Plan or a predecessor plan.
- c.  Service prior to the time an Employee attained age 18.

3. Vesting Upon Death

- a.  100% vesting, or
- b.  apply vesting schedule

4. Vesting Upon Disability

- a.  100% vesting, or
- b.  apply vesting schedule

**K. NORMAL RETIREMENT AGE; EARLY RETIREMENT AGE.**

1. NORMAL RETIREMENT AGE ("NRA") means (must comply with Treas. Reg. § 1.401(a)-1(b)(2)):

- a.  attainment of age 65 (not to exceed 65).
- b.  the later of attainment of age \_\_\_\_\_ (not to exceed 65) or the \_\_\_\_\_ (not to exceed 10th) anniversary of the first day of the Plan Year in which participation in the Plan commenced.
- c.  other: \_\_\_\_\_

2. EARLY RETIREMENT AGE ("ERA") means:

- a.  no early retirement provision.
- b.  attainment of age \_\_\_\_\_ (not to exceed 65).
- c.  the later of attainment of age \_\_\_\_\_ (not to exceed 65) or the \_\_\_\_\_ (not to exceed 10th) anniversary of the first day of the Plan Year in which participation in the Plan commenced.
- d.  the later of attainment of age \_\_\_\_\_ (not to exceed 65) or completion of \_\_\_\_\_ (not to exceed 10) Years of Service or \_\_\_\_\_ (not to exceed 120) Months of Service.
- e.  other: \_\_\_\_\_

**L. DISTRIBUTIONS UPON TERMINATION OF EMPLOYMENT** (Plan Section 6.04(a)). Distributions upon termination of employment shall not be made unless the following conditions have been satisfied:

- 1.  N/A. Immediate distributions may be made at Participant's election.
- 2.  The Participant has incurred \_\_\_\_\_ (not to exceed five (5)) 1-Year Break(s) in Service.
- 3.  The Participant has reached Early or Normal Retirement Age.
- 4.  Distributions may be made at the Participant's election on or after the Anniversary Date following termination of employment.

**M. RESTRICTIONS ON FORM OF DISTRIBUTIONS** (Plan Sections 6.05 and 6.06). If the Employer has designated one or more annuity contracts as eligible investments under the Plan, distributions under the Plan may be made in the form of an annuity. In all cases, distributions under the Plan may be made:

- 1.  in lump sums.
- 2.  in lump sums or installments.

**N. INVOLUNTARY DISTRIBUTIONS**

An immediate distribution of a terminated Participant's Vested interest in the Plan may be made without the consent of the Participant. Note: If the Employer elects 3. or 4., below, the Employer must select an IRA provider for automatic rollovers. See Plan Section 6.05(b).

- 1.  No.
- 2.  Yes, but only if the distribution does not exceed \$1,000.

3.  Yes, but only if the Participant's Vested interest does not exceed the cash-out limit in effect under Code Section 411(a)(11)(A) for the Plan Year that includes the date of distribution. For purposes of determining whether the Participant's Vested interest exceeds the cash-out limit, rollover contributions shall be (must select a. or b. below):
  - a.  excluded
  - b.  included
4.  Yes, regardless of the amount. Note: If any portion of the Participant's Vested interest is attributable to contributions for Part-time, Seasonal or Temporary Employees under Section G.3.b., distribution may not be made without the Participant's consent if the Participant's Vested interest is greater than the cash-out limit in effect under Code Section 411(a)(11)(A) for the Plan Year that includes the date of distribution.
5.  Other: \_\_\_\_\_

**O. NON-SPOUSAL ROLLOVERS** (Plan Section 6.14(g)). Non-spousal rollovers are allowed after December 31, 2006 unless 1. or 2. is elected below (Plan Section 6.14(g) provides that such distributions are always allowed after December 31, 2009):

1.  Non-spousal rollovers are not allowed prior to January 1, 2010.
2.  Non-spousal rollovers are allowed effective \_\_\_\_\_ (not earlier than January 1, 2007 and not later than December 31, 2009).

**P. IN-SERVICE DISTRIBUTIONS AT AGE 62 OR LATER** (Plan Section 6.10). In-service distributions will not be allowed unless 1. is elected below:

1.  In-service distributions will be allowed for Participants at age \_\_\_\_ (cannot be less than 62), effective as of the first day of the 2007 Plan Year, unless another date is elected below:
  - a.  \_\_\_\_\_ (may not be earlier than the first day of the 2007 Plan Year).

**AND**, the following limitations apply to in-service distributions:

- b.  N/A. No limitations.
- c.  The following elections apply to in-service distributions at age 62 or later (select all that apply):
  - (i)  The minimum amount of a distribution is \$\_\_\_\_\_ (may not exceed \$1,000).
  - (ii)  No more than \_\_\_\_\_ distribution(s) may be made to a Participant during a Plan Year.
  - (iii)  Distributions may only be made from accounts that are fully Vested.
  - (iv)  In-service distributions may be made subject to the following provisions:  
 \_\_\_\_\_ (must be definitely determinable and not subject to discretion).

**Q. QUALIFIED RESERVIST DISTRIBUTIONS** (Plan Section 6.12). Qualified Reservist Distributions will not be allowed unless 1. is elected below:

1.  Qualified Reservist Distributions are allowed effective as of October 1, 2016 (may not be earlier than September 12, 2001).

**R. DISTRIBUTIONS FOR "DEEMED" SEVERANCE OF EMPLOYMENT OF PARTICIPANT ON MILITARY LEAVE** (Plan Section 12.04). The Plan does not permit distributions pursuant to Plan Section 12.04 unless otherwise elected below:

1.  The Plan permits such distributions, effective January 1, 2007.
2.  The Plan permits such distributions, effective as of October 1, 2016 (may not be earlier than January 1, 2007).

**S. LOANS TO PARTICIPANTS** (Plan Section 11.01)

Loans to Participants shall be made:

1.  No (must be selected for plans that select G.3.b.)
2.  Yes, for any reason
3.  Yes, but only on account of hardship or financial need

**T. DIRECTED INVESTMENT ACCOUNTS** (Plan Section 4.09) are permitted for the interest in any one or more accounts:

1.  Yes, but subject to the following restrictions:
  - a.  No restrictions apply.
  - b.  Only if accounts are 100% Vested.
2.  No
3.  Other: \_\_\_\_\_

**PARTICIPATION AGREEMENT**

[X] Check here if not applicable and do *not* complete this page

The undersigned, by executing this Participation Agreement, elects to become a Participating Employer in the Plan identified in Section B.1. of the accompanying Adoption Agreement, as if the Participating Employer were a signatory to that Adoption Agreement. The Participating Employer accepts, and agrees to be bound by, all of the elections granted under the provisions of the Plan as made by the Signatory Employer to the Adoption Agreement, except as otherwise provided in this Participation Agreement.

1. **EFFECTIVE DATE.** (Note: The Effective Date for a new Plan (or the Restated Effective Date for a restated plan) cannot be earlier than the first day of the Plan Year in which this plan is adopted (or restated). Restatements for the Pension Protection Act of 2006 ("PPA") may be effective as of the first day of the current Plan Year, as the Plan contains applicable retroactive effective dates with respect to provisions affected by PPA and subsequent legislation/guidance. Section 414(h) Pick-up contributions must relate solely to Compensation for services rendered after the later of the adoption or effective date of this Plan or restatement.)

The Effective Date (or Restated Effective Date) of the Plan for the Participating Employer is: \_\_\_\_\_.

2. **NEW PLAN/RESTATEMENT.** The Participating Employer's adoption of this Plan constitutes: *(Choose one of (a) or (b))*

- a.  The adoption of a new plan by the Participating Employer.
- b.  The adoption of an amendment and restatement of a plan currently maintained by the Participating Employer identified as: \_\_\_\_\_ and having an original effective date of: \_\_\_\_\_.

3. **PREDECESSOR EMPLOYER SERVICE.** In addition to the predecessor service credited by reason of Section E.1. of the Adoption Agreement, the Plan credits as Service under this Plan, service with this Participating Employer for purposes of: *(Choose one or more of (a) through (e) as applicable)*

- a.  Eligibility.
- b.  Vesting.
- c.  Contribution Accrual.
- d.  Early Retirement Age.
- e.  Normal Retirement Age.

Name of Plan: \_\_\_\_\_

Name of Participating Employer: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Participating Employer's EIN: \_\_\_\_\_

**Acceptance by the Signatory Employer of the Adoption Agreement and by the Trustee, if applicable.**

Name of Signatory Employer: \_\_\_\_\_

Name(s) of Trustee: \_\_\_\_\_

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

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

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

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*[Note: Each Participating Employer must execute a separate Participation Agreement.]*

# TAB 7



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** April 6, 2016

**Agenda Item No.** Tab 7

**Agenda Title:** ICMA-RC 401K – RETIREMENT SAVINGS PLAN  
REVISED ADOPTION AGREEMENT

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

- CONSENT AGENDA
- OLD BUSINESS

**Approved by Town Manager** [Signature] **Date:** 3-22-16

**Blake K. Rane** [Signature] **Finance Director**  
Name/Title

<b>Originating Department:</b>  <b>FINANCE</b>	Costs: \$ 11,700 per year Funding Source: Budgeted Acct. # 104-22000 <input checked="" type="checkbox"/> Finance _____ BKR _____	<b>Attachments:</b>  <b>Attachment 1 – Adoption Agreement</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 _BKR_ <b>Please initial one.</b>

**Summary Explanation/Background:**

As a result of several changes in Federal laws, IRS regulations require that the Town adopt a revision to the Town's ICMA-RC agreement. This agreement only applies to the Town Managers contractually required pension plan. The changes in Federal law do not affect the way we utilize the plan, but the plan document must include references to the changed laws, which include the "Pension Protection Act", the "Heroes Earnings Assistance and Relief Tax Act", the "Workers, Retiree and Employer Recovery Act", and the "Small Business Jobs Act". There is no additional cost to this agreement.

**Recommended Motion:**

I move that we authorize the Mayor to sign the Adoption Agreement.

**ICMA RETIREMENT CORPORATION**

**GOVERNMENTAL MONEY PURCHASE PLAN & TRUST  
ADOPTION AGREEMENT**



**ICMA RETIREMENT CORPORATION  
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST  
ADOPTION AGREEMENT**

Plan Number 107986

The Employer hereby establishes a Money Purchase Plan and Trust to be known as TOWN OF LAKE PARK  
(the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

Yes                       No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

TOWN OF LAKE PARK

I. **Employer:** TOWN OF LAKE PARK

**II. Effective Dates**

1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: \_\_\_\_\_

(Note: An alternate effective date can be no earlier than January 1, 2007.)

2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:  
\_\_\_\_\_

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

**III. Plan Year will mean:**

The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)

The twelve (12) consecutive month period commencing on October 1 and each anniversary thereof.

**IV. Normal Retirement Age shall be age 59.5 (not to exceed age 65).**

*Important Note to Employers:* Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

## V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- All Employees
- All Full Time Employees
- Salaried Employees
- Non union Employees
- Management Employees
- Public Safety Employees
- General Employees
- Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) Town Managers

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

## VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

**Fixed Employer Contributions With or Without Mandatory Participant Contributions.** (If Option B is chosen, please complete section C.)

A. Employer Contributions. The Employer shall contribute on behalf of each Participant 10% of Earnings or \$ \_\_\_\_\_ for the Plan Year (subject to the limitations of Article V of the Plan).  
Mandatory Participant Contributions

are required     are not required

to be eligible for this Employer Contribution.

B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

Yes

No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

Yes                       No

Contribution Schedule.

(i) \_\_\_\_\_% of Earnings,

(ii) \$ \_\_\_\_\_, or

(iii) a whole percentage of Earnings between the range of \_\_\_\_\_ (*insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)*), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up." The Employer hereby elects to "pick up" the Mandatory Participant Contributions<sup>1</sup> (pick up is required if Option A is not selected).

Yes                       No (*"Yes" is the default provision under the Plan if no selection is made.*)

C. Election Window (Complete if Option B is selected):

Newly eligible Employees shall be provided an election window of \_\_\_\_\_ days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant \_\_\_\_\_% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed \_\_\_\_\_% of Earnings or \$ \_\_\_\_\_. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

\_\_\_\_\_ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding \_\_\_\_\_% of Earnings or \$ \_\_\_\_\_);

---

<sup>1</sup> Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

PLUS \_\_\_\_\_% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate \_\_\_\_\_% of Earnings or \$ \_\_\_\_\_).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ \_\_\_\_\_ or \_\_\_\_\_% of Earnings, whichever is \_\_\_\_\_ more or \_\_\_\_\_ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

Yes       No (***"No" is the default provision under the Plan if no selection is made.***)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

- A. Plan contributions will be made based on differential wage payments:

Yes       No (***"Yes" is the default provision under the Plan if no selection is made.***)

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

October 1, 2016

- B. Participants who die or become disabled will receive Plan contributions with respect to such service:

Yes       No (***"No" is the default provision under the Plan if no selection is made.***)

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

\_\_\_\_\_

**VII. EARNINGS**

Earnings, as defined under Section 2.09 of the Plan, shall include:

- 1. Overtime  
 Yes                       No
- 2. Bonuses  
 Yes                       No
- 3. Other Pay (specifically describe any other types of pay to be included below)  
N/A

**VIII. ROLLOVER PROVISIONS**

- 1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:  
 Yes                       No (*"Yes" is the default provision under the Plan if no selection is made.*)
- 2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.  
 Effective Date is \_\_\_\_\_.

*(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)*

**IX. LIMITATION ON ALLOCATIONS**

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

- 1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.  
 Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)
- 2. The Limitation Year is the following 12 consecutive month period: \_\_\_\_\_
- 3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. \_\_\_\_\_

*(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)*

## X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

<b>Period of Service Completed</b>	<b>Percent Vested</b>
Zero	100 %
One	100 %
Two	100 %
Three	100 %
Four	100 %
Five	100 %
Six	100 %
Seven	100 %
Eight	100 %
Nine	100 %
Ten	100 %

## XI. WITHDRAWALS AND LOANS

- In-service distributions are permitted under the Plan after a participant attains (select one of the below options):
  - Normal Retirement Age
  - Age 70½ (*"70½" is the default provision under the Plan if no selection is made.*)
  - Alternate age (after Normal Retirement Age): \_\_\_\_\_
  - Not permitted at any age
- A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.
  - Yes
  - No (*"Yes" is the default provision under the plan if no selection is made.*)
- Tax-free distributions of up to \$3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.
  - Yes
  - No (*"No" is the default provision under the Plan if no selection is made.*)
- In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.
  - Yes
  - No (*"No" is the default provision under the Plan if no selection is made.*)
- Loans are permitted under the Plan, as provided in Article XIII of the Plan:
  - Yes
  - No (*"No" is the default provision under the Plan if no selection is made.*)

## XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (***"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.***)
- 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

## XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

- All Eligible Employees
- Other: Town Managers

**Final Pay shall be defined as (select one):**

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (*insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave*):  
\_\_\_\_\_

- 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant 10.0 % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
- 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute \_\_\_\_ % (insert fixed percentage of final pay to be contributed) or up to \_\_\_\_\_% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

#### XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- All Eligible Employees
- Other: \_\_\_\_\_

**Accrued Leave shall be defined as (select one):**

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):  
\_\_\_\_\_

1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of \_\_\_\_\_ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).

For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant \_\_\_\_\_% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute \_\_\_\_\_% (insert fixed percentage of accrued unpaid leave to be contributed) or up to \_\_\_\_\_% (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

**XV.** The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

**XVI.** The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

**XVII.** The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

**XVIII.** The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

**XIX.** An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

EMPLOYER

ICMA RETIREMENT CORPORATION  
777 North Capitol St., NE Suite 600  
Washington, DC 20002  
800-326-7272

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: James DuBois

Print Name: \_\_\_\_\_

Title: Mayor

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_



ICMA RETIREMENT CORPORATION  
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240  
800-669-7400  
[WWW.ICMARC.ORG](http://WWW.ICMARC.ORG)  
BRC000-214-21268-201405-W1303

# TAB 8



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016

Agenda Item No. *Tab 8*

Agenda Title: Resolution No. *16-04-2016* Authorizing Execution of an Agreement between the Town of Lake Park and Craven Thompson & Associates for Engineering Services Related to the Replacement of the Town's Stormwater Outfall Structures Adjacent to 541 Northlake Boulevard

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

Approved by Town Manager *[Signature]* Date: *3-24-16*

*[Signature]*  
David Hunt / Public Works Director

<b>Originating Department:</b>  Public Works	Costs: N.T.E. \$18,050.00 Funding Source: Stormwater Utility Fund Acct. # 402-3100 <input checked="" type="checkbox"/> Finance <i>BKR</i>	<b>Attachments:</b> - Resolution No. <i>16-04-16</i> - Craven Thompson & Assoc.'s Proposal
<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 <b>Not applicable in this case</b> <i>[Signature]</i> Please initial one.

**Summary Explanation/Background:** At the January 6, 2016 Regular Commission Meeting, staff was authorized to commence negotiations with the 'Most Qualified' Civil Engineering firm for the replacement of the Town's stormwater outfall to the Earman River, adjacent to 541 Northlake Boulevard. Craven Thompson & Associates (CTA) submitted a proposal for the initial project services. Phase 1 – Gathering of Information leads off with a complete survey of the site conditions, surrounding structures, and drainage basin. A hydrographic cross-section survey of the bottom of

the Earman River is also included which will serve as an exhibit in grant applications and in discussions with other regulatory agencies.

Outfall remediation plans will have to take into consideration the sediment build-up that has occurred in the river since the outfall pipe was permitted in 1962. CTA will argue on behalf of the Town that in order to rebuild the pipe as originally approved, the responsible agencies will have to dredge the river bottom.

Final design of the project cannot begin until agreements are in place regarding the extent of dredging operations along with the accompanying funding commitments.

This "Phase 1 – Gathering of Information" work will further define the tasks required for the outfall pipe repairs. A separate scope of work and future proposal for "Phase 2" tasks will be prepared and include Outfall Design, Permitting, Plan Review, and Construction Phase Services. Staff and CTA believe that a more accurate proposal for Phases 2 services can be prepared after the surveys have been performed and discussions with the various parties have clarified everyone's financial responsibilities.

Staff is seeking Commission approval for Craven Thompson & Associates to perform the Phase 1 task of their contract in the amount not to exceed \$18,050.00

The proposal for Phase 2 services will be brought before the Commission once the scope of the project is better defined.

**Recommended Motion:** I move to approve Resolution No. 16-04 -2016, authorizing the Mayor to execute the Professional Services Contract with Craven Thompson & Associates for Phase 1 work in the amount not to exceed \$18,050.00.

**RESOLUTION NO. 16-04-2016**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES WITH CRAVEN THOMPSON & ASSOCIATES, INC. PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, in accordance with the Consultants Competitive Negotiation Act, the Town of Lake Park (Town) published RFQ No. 103-2015 soliciting proposals from engineering firms; and

**WHEREAS**, in response to RFQ No. 103-2015, seven engineering consulting firms submitted proposals to provide engineering services on an “as-needed” basis; and

**WHEREAS**, Town Staff requested that the seven firms submit proposals for designing the replacement of a storm sewer outfall pipe and drainage structures permitting outfalls, (the Project); and

**WHEREAS**, two firms responded to the Town’s solicitation by the October 30, 2015 deadline; and

**WHEREAS**, a Selection Committee comprised of the Directors of the Public Works, Community Development, and Human Resources Departments, and the Town Manager, numerically scored each firm’s proposal; and

**WHEREAS**, the engineering firm of Craven Thompson & Associates, Inc. received the Selection Committee’s highest ranking; and

**WHEREAS**, on January 6, 2016, the Town Commission authorized the negotiation of an agreement with Craven Thompson & Associates, Inc., for the Project; and

**WHEREAS**, the Town Manager negotiated with Craven Thompson & Associates, Inc. and an agreement was reached; and

**WHEREAS**, the agreement provides that Craven Thompson & Associates, Inc. will gather information regarding the necessary work to survey and map the Project, to provide the basis for cost estimates for Phase 1 of the Project; and

**WHEREAS**, the agreement provides that the costs for services of subsequent phases of the Project will be negotiated with Craven Thompson & Associates.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Commission of the Town of Lake Park, Florida

**Section 1:** The whereas clause are incorporated herein.

**Section 2:** The Mayor is authorized and directed to execute the agreement with Craven Thompson & Associates, Inc.

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

March 22, 2016

Mr. Richard Pittman, Project Manager  
Town of Lake Park  
Public works Department  
650 Old Dixie Highway  
Lake Park, Florida 33403

RE: **LAKE PARK OUTFALL GATHERING OF INFORMATION PHASE 1**  
**CTA PROPOSAL NO. 2016-S13.026 (REVISED)**

Dear Mr. Pittman:

The firm of Craven Thompson & Associates (CTA) is pleased to provide you with the following proposal for providing professional surveying and engineering services for the above referenced project.

As discussed with City staff, the intent of this proposal is to provide an information gathering scope of work that provides the surveying and engineering services required to determine the design process required by all applicable agencies for repair of the failing Town-owned drainage outfall adjacent to 541 North Lake Boulevard. We will identify and delineate the properties and contributing areas draining to the outfall, and determine which agencies may assist in the funding of the repair.

It is also our understanding based upon discussion with Town staff that the scope of work in this proposal, "Lake Park Outfall Information Gathering Phase 1", will be preliminary and further define the tasks required for design, permitting, and construction of the repair of the outfall pipe that will then require a separate scope of work and future proposal, "Lake Park Outfall Design, Permitting, Plan Review, and Construction Phase 2". The tasks to provide the Phase 1 services are as follows:

**PHASE 1 - GATHERING OF INFORMATION**

**1.a SURVEYING SERVICES**

**NAME OF PERSON PERFORMING TASKS: RICHARD PRYCE, P.S.M. & FIELD CREW**

- 1.1a **As-built Survey - On Site** (CTA Task No. 11050)  
Prepare As-built survey of the two (2) outfalls and two (2) drainage structures on-site at the Firestone Property in the City of Lake Park, Florida and also including one (1) structure at the car wash property and the next three (3) drainage structures upstream from and south of the Firestone property within the North Lake Boulevard Right of Way as delineated on the attached "Exhibit A".

**CRAVEN THOMPSON**



**& ASSOCIATES INC.**

Engineers  
Planners  
Surveyors  
Landscape Architects

3563 N.W. 53rd Street  
Fort Lauderdale, FL 33309-6311  
(954)739-6400  
Fax (954) 739-6409

The survey will also include three (3) hydrographic cross-sections of a portion of SFWMD Canal C-17 at the two (2) outfall locations to show existing bank slope conditions, above and below the water out to the north edge of water of the canal.

The survey will include the recovery and measurement of sufficient boundary and/or right-of-way monumentation, in order to tie down the drainage structures, canal topography, and cross-section locations. All locations and elevations will be based upon boundary survey control and benchmark information provided by the client to us from an existing survey of the Firestone property by others.

All boundary control horizontal locations provided by the client will be tied into the State Plane, Florida East Zone, NAD 83/90 Coordinate system using Real Time Kinematic (RTK) GPS using the Trimble Navigation VRS State-wide GPS network.

The vertical datum will be based on the elevations shown on the previous survey by others provided by the client so that everything is relative.

*Lump Sum* ..... \$6,100.00

- 1.2a Additional Survey (CTA Task No. 11050)  
Prepare As-built survey of minor additional items, as necessary.

*Hourly, Not-to-Exceed*..... \$2,000.00

- 1.3a Drainage Delineation Map (CTA Task No. 12160)  
Utilizing the 2007-08 Florida Department of Emergency Management (FDEM) coastal LiDAR we will extract and process the bare-earth ground LiDAR to create a Digital Elevation Model (DEM) of the area to determine what other areas of the Town may be contributing to the drainage in this project.

*Lump Sum* ..... \$1,500.00

**1.b ENGINEERING SERVICES**

NAME OF PERSON PERFORMING TASKS: ZACH GAMBLE, P.E. & DOUGLAS TAYLOR, P.E.

- 1.1b Meetings (CTA Task No. 31101)  
Prepare for and attend meetings with agencies to discuss project requirements. Meet with agencies including but not limited to the Army Corps of Engineers, Florida Department of Environmental Protection, Florida Department of Transportation, Village of North Palm Beach, South Florida Water Management District, and the Town of Lake Park.

*Lump Sum* ..... \$2,300.00

- 1.2b Drainage Basin Analysis (CTA Task No. 31031a)  
Using survey information, LIDAR data, and the appropriate drainage software, create a basin delineation map and identify areas and flows attributable to specific parcels that drain to the outfall.

*Lump Sum* ..... \$2,000.00

- 1.3b Existing Vs. Proposed Canal Conditions (CTA Task No. 31031b)  
Based on the 1962 permitted cross section, evaluate the difference between the original permitted cross section and the existing cross section from our Phase 1.1a survey data. Discuss with agencies possible funding opportunities for dredging of this section of the outfall canal.

*Lump Sum* ..... \$4,000.00

**1C. MISCELLANEOUS EXPENSES**

- 1.1c Reimbursable Expenses (CTA Task No. 31140)  
Reimbursable expenses shall include printing, mylars, copying, postage, photographic services, long distance phone calls, Federal Express and courier services.

*Estimated Budget* ..... \$150.00

**SUMMARY OF FEES**

**I. PHASE 1 - GATHERING OF INFORMATION**

SURVEYING SERVICES ..... \$9,600.00

ENGINEERING SERVICES ..... \$8,300.00

**GRAND TOTAL** ..... **\$17,900.00\***

**\*Note: Totals above do not include Reimbursable Expenses**

**SERVICES NOT INCLUDED**

Additional services will be performed as authorized in writing by the Client.

Additional services include but are not limited to the following:

1. Seagrass survey
2. Dredging and filling survey for army corps permitting
3. Engineering service for proposed design or permitting
4. Construction or bidding services
5. Environmental Report
6. Additional Environmental Permitting or Consulting Services/Geotechnical Testing (shall be provided by client if required).

7. Utility locates and test holes (shall be provided by client if required).
8. Soil analysis and testing.
9. Material testing.
10. Any additional services requested by Client.
11. Additional survey information required by FDEP.
12. Additional modification to current design by FDEP.
13. Permit Fees.
14. Utility Locates.

**HOURLY FEE SCHEDULE**

**Civil Engineering Services**

Principal Engineer .....	\$195/Hour
Senior Supervising Engineer .....	\$175/Hour
Senior Engineer .....	\$130/Hour
Project Engineer.....	\$110/Hour
Engineering Senior CADD Technician .....	\$90/Hour

**Land Surveying & Mapping Services**

Principal Surveyor .....	\$155/Hour
Professional Land Surveyor .....	\$120/Hour
Project Surveyor .....	\$110/Hour
Survey CADD / GIS Tech.....	\$80/Hour
Survey Field Crew (1-Man Crew) .....	\$87/Hour
Survey Field Crew (2-Man Crew) .....	\$125/Hour
Survey Field Crew (3-Man Crew) .....	\$155/Hour
Survey Crew with Laser Scan (3-Man Crew) .....	\$250/Hour

**Landscape Architecture and Planning Services**

Principal Landscape Architect / Principal Planner .....	\$155/Hour
Senior Landscape Architect .....	\$130/Hour
Landscape Architect.....	\$120/Hour
Project Landscape Designer.....	\$110/Hour
Project Planner .....	\$110/Hour

**Construction Administration Services**

Director of Construction Management .....	\$140/Hour
Senior Field Representative .....	\$90/Hour
Field Representative .....	\$80/Hour

**Miscellaneous**

Clerical .....	\$70/Hour
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**Acceptance**

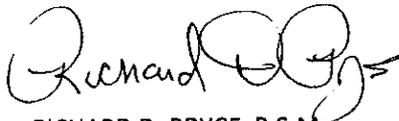
This proposal and fee schedules are based on acceptance within 30 days of the date of preparation. If not accepted by you within that time period, we reserve the right to re-evaluate the terms and conditions contained herein.

The above will be subject to the terms and conditions as specified in the Contract Documents. If the proposed work and fees contained herein are agreeable with you, please provide a Purchase Order and a Notice to Proceed.

Should you have any questions regarding the above, please do not hesitate to call.

Sincerely,

**CRAVEN THOMPSON & ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read "Richard D. Pryce". The signature is stylized with a large initial "R" and a long horizontal stroke at the end.

RICHARD D. PRYCE, P.S.M.  
Vice President, Surveying & GIS

RDP/tg

# TAB 9



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016

Agenda Item No. Tab 9

Agenda Title: Resolution Authorizing the Submittal of an Application to the Florida Inland Navigation District Waterways Assistance Program for Fiscal Year 2016 for the Installation of Boat Lifts at the Lake Park Harbor Marina

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *J. D. Ayton* Date: 3-30-16

Name/Title

<p><b>Originating Department:</b></p> <p>Town Manager</p>	<p><b>Costs: \$ 55,000.00</b></p> <p>Funding Source: 2017 Fiscal Budget</p> <p>Acct. # <u>800-64100</u></p> <p><input checked="" type="checkbox"/> Finance <u>BK2</u></p>	<p><b>Attachments:</b></p> <p>Resolution for Assistance 2016 Under the Florida Inland Navigation District (FIND) Waterways Assistance Program; and, Copy of FIND Application</p>
<p><b>Advertised:</b></p> <p>Date: _____</p> <p>Paper: _____</p> <p><input checked="" type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone _____</p> <p>or</p> <p><b>Not applicable in this case</b></p> <p><u>BMT</u></p> <p>Please initial one.</p>

**Summary Explanation/Background:**

At its March 16, 2016 meeting, the Town Commission approved by Resolution 12-03-16 the Lake Park Harbor Marina Market Study and Business Plan which contains several recommendations for making the Lake Park Harbor Marina a sustainable and profitable marine facility which will serve the boating public and provide the Town of Lake Park and its residents with a consistent financial contributions to the General Fund. Among such recommendations is the installation of five (5) boat lifts capable of lifting and storing 30 to 50 foot boats along the Marina's hard to fill fixed 30 foot boat slip area, south of the slip area, nearest the boat launch area of the Marina. The Florida Inland Navigation District (FIND) has indicated that such a project is eligible for 50 percent funding assistance under the FIND Waterways Assistance Program for Fiscal Year 2016. With this project, staff will seek a maintenance agreement for the ongoing maintenance of the boat lifts.

Among the FIND Waterways Assistance Program application requirements is the submittal by the Town of the Resolution for Assistance 2016 Under the Florida Inland Navigation District Waterways Assistance Program. The purpose of this agenda item is the adoption of such Resolution.

The Town match for this grant will be included in the Fiscal Year 2016/2017 Marina budget. The cost of the project is estimated to be \$110,000, if the grant is funded, the FIND contributing will be 50 percent. Staff is in the process of preparing a preliminary financial projection for the Marina Fund for Fiscal Year 2016/2017. Staff will bring forward other grant opportunities to supplement the Town's portion of the match when those grants become available.

A copy of the FIND Waterways Assistance Grant Application is attached as information. Staff will provide the completed application to the Commission prior to its submittal to FIND.

Staff recommends approval.

**Recommended Motion:** I move to adopt Resolution 17-04-16.

ATTACHMENT E-7

RESOLUTION FOR ASSISTANCE 2016  
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE Town of Lake Park is interested in carrying out the  
*(Name of Agency)*  
following described project for the enjoyment of the citizenry of Town of Lake Park  
and the State of Florida:

Project Title Lake Park Harbor Marina Docking Facility Retrofit Phase I

Total Estimated Cost \$ 110,000

Brief Description of Project:

Permitting and construction of boat lifts in selected underutilized public docking facilities.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Town of Lake Park  
*(Name of Agency)*  
that the project described above be authorized,

AND, be it further resolved that said Town of Lake Park  
*(Name of Agency)*  
make application to the Florida Inland Navigation District in the amount of 50 % of the  
actual cost of the project in behalf of said Town of Lake Park  
*(Name of Agency)*

AND, be it further resolved by the Town of Lake Park  
*(Name of Agency)*  
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said \_\_\_\_\_  
Town of Lake Park \_\_\_\_\_ for public use.

*(Name of Agency)*

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the \_\_\_\_\_ at a legal meeting held on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title



# FLORIDA INLAND NAVIGATION DISTRICT

To: Local Governments  
From: Janet Zimmerman, Assistant Executive Director  
Subject: 2016 Waterways Assistance Program  
Date: January 11, 2016

J. CARL BLOW  
CHAIR  
ST. JOHNS COUNTY

DONALD J. CUOZZO  
VICE-CHAIR  
MARTIN COUNTY

JON NETTS  
TREASURER  
FLAGLER COUNTY

SUSANNE McCABE  
SECRETARY  
VOLUSIA COUNTY

E. TYLER CHAPPELL  
BROWARD COUNTY

T. SPENCER CROWLEY, III  
MIAMI-DADE COUNTY

DON DONALDSON  
ST. LUCIE COUNTY

PAUL U. DRITENBAS  
INDIAN RIVER COUNTY

CHARLES C. ISIMINGER  
PALM BEACH COUNTY

MICHAEL O'STEEN  
DUVAL COUNTY

JERRY H. SANSOM  
BREVARD COUNTY

LYNN A. WILLIAMS  
NASSAU COUNTY

MARK T. CROSLY  
EXECUTIVE DIRECTOR

JANET ZIMMERMAN  
ASSISTANT EXECUTIVE DIRECTOR

Attached is an application package for the District's 2016 Waterways Assistance Program. Through this program over the past 27 years, the District has provided a total of over \$193 million in funding assistance to local governments within our District to perform waterways improvement projects. Project types eligible for funding include public navigation, public waterway access facilities, waterfront parks, environmental education and boating safety projects directly related to the waterways. The District also provides grants for land acquisition which include opportunities for waterway access. Generally, ineligible costs include project maintenance, landscaping, in-house staff and reoccurring fees. Please see the program rules for more details on project eligibility. The funding level of this year's program will be determined in July based upon the availability of funding to the District and the quality and number of applications received.

## **Applications are due in the District office by 4:00 PM, April 1, 2016.**

Your application must be discussed with your local FIND Commissioner prior to March 4, 2016. The application must be initialed by the Commissioner prior to submission to the District office on April 1, 2016. Please see the application package for the complete program schedule and the name and address of your Commissioner.

Please provide 2 copies of your application (One printed copy and one electronic copy). Only the requested information should be submitted. Do not submit "extra" information, dividers or binders. **It is VERY important that the application forms remain in the same 8.5 x 11", paginated format, and the forms must be presented in the order listed on the application checklist.** Applications that do not follow the program directions, rules, or the application format may be rejected.

Please review the application checklist and be sure you can provide all of the required items. If you cannot provide ALL of the items on the application checklist, please contact staff immediately for advice on the potential resolution of a required item. Any application failing to include the required application items (with the exception of environmental resource permits & exemptions) will be eliminated from consideration on May 27, 2016. There is no waiver or exception available for this deadline. Solving questions or problems prior to the preparation and submission of your application will save us both time and effort and result in a more successful application.

**FY 2016**

**WATERWAYS ASSISTANCE**

**PROGRAM**

**APPLICATION PACKAGE**

**Part 1: Attachments A through D**

**TABLE OF CONTENTS**  
**FY 2016**  
**WATERWAYS ASSISTANCE PROGRAM APPLICATION**

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**Part 1.**

<b>ATTACHMENT A</b>	PROGRAM SCHEDULE
<b>ATTACHMENT B</b>	COMMISSIONERS LISTING
<b>ATTACHMENT C</b>	PROJECT PRIORITY LIST
<b>ATTACHMENT D</b>	PROGRAM RULES

**Part 2.**

<b>ATTACHMENT E</b>	PROGRAM APPLICATION/TIPS SHEET (1 PAGE)
E-1.	APPLICATION CHECK LIST (2 PAGES)
E-2.	APPLICANT INFORMATION/PROJECT SUMMARY
E-3.	PROJECT INFORMATION
E-4.	EVALUATION AND RATING FORM (20 PAGES)
E-5.	COST ESTIMATE FORM
E-6.	PROJECT TIMELINE
E-7.	RESOLUTION (2 PAGES)
E-8.	ATTORNEYS CERTIFICATION OF TITLE
E-9.	REQUIRED MAPS
	County/City Map of project location
	Site plan map

**ATTACHMENT A**  
**FY 2016**  
**WATERWAYS ASSISTANCE PROGRAM**  
**SCHEDULE**

January 2016                      Availability of application packages.

**Prior to March 4**              Applicants schedule review of proposed projects with local FIND Commissioner, required before submission to the District office.

**April 1, 2016              Application due in District office by 4:00 PM (No Exceptions)**

May 27, 2016                  Application requirements must be completed or application will be eliminated from further consideration.

June 17 & 18,  
2016                              Applicants make a 10-minute presentation of application to FIND Board. Meeting held in Brevard County.

July 22, 2016                  FIND Board reviews additional requested information and the Commissioners will complete the Application's Rating & Evaluation Form. Board makes final funding decisions on remaining eligible applications (subject to budget process).

~4th week of Sept.              In mid-September a date will be scheduled for Final TRIM Hearing. All remaining permits due. *(Note: Meeting date subject to change)*

October 1, 2016              Funded applicants execute project agreement. Project funds become available, project initiates, timeline begins.

**ATTACHMENT B  
BOARD OF COMMISSIONERS - FIND**

<p><b>NASSAU COUNTY</b> Mr. Lynn Williams 1899 S. Fletcher Ave Fernandina Beach, FL 32034-2329 Ph# (904) 491-0059 <a href="mailto:lynwil3@gmail.com">lynwil3@gmail.com</a></p>	<p><b>DUVAL COUNTY</b> Mr. Michael O'Steen c/o Parc Group 4314 Pablo Oaks Court Jacksonville, FL 32224 Office Ph# (904) 992-9750 <a href="mailto:Michael@parcgroup.net">Michael@parcgroup.net</a></p>
<p><b>ST. JOHNS COUNTY</b> Mr. Carl Blow 100 Santa Monica Avenue St. Augustine, FL 32080-5417 Ph# (904) 710-2655 <a href="mailto:john.carl.blow@gmail.com">john.carl.blow@gmail.com</a></p>	<p><b>FLAGLER COUNTY</b> Mr. Jon Netts 17 Flintstone Court Palm Coast, FL 32137-8307 Ph# (386) 445-2121 <a href="mailto:jnetts@palmcoastgov.com">jnetts@palmcoastgov.com</a></p>
<p><b>VOLUSIA COUNTY</b> Mrs. Susanne McCabe 6080 Shallow Brook Court Port Orange, FL 32128-7147 Ph # (386) 295-9965 <a href="mailto:sdm@mccabelawyers.com">sdm@mccabelawyers.com</a></p>	<p><b>BREVARD COUNTY</b> Mr. Jerry H. Sansom P.O. Box 98 Cocoa, FL 32923-0098 Ph# (321) 777-8130 <a href="mailto:jerryhsansom@aol.com">jerryhsansom@aol.com</a></p>
<p><b>INDIAN RIVER COUNTY</b> Mr. Paul Dritenbas 4885 13<sup>th</sup> Place Vero Beach, FL 32966-2671 Ph# (772) 569-4320 <a href="mailto:aiapdrit@comcast.net">aiapdrit@comcast.net</a></p>	<p><b>ST. LUCIE COUNTY</b> Mr. Don Donaldson 138 Commonwealth Court Fort Pierce, FL 34949 Ph# (772) 260-1969 <a href="mailto:ddonald5@bellsouth.net">ddonald5@bellsouth.net</a></p>
<p><b>MARTIN COUNTY</b> Mr. Donald J. Cuzzo Cuzzo Design Group 289 SW Harbor View Drive Palm City, FL 34990-4329 Ph # (772) 485-1600 <a href="mailto:dcuzzo@cdgplan.com">dcuzzo@cdgplan.com</a></p>	<p><b>PALM BEACH COUNTY</b> Mr. Charles Isiminger c/o Isiminger &amp; Stubbs Engineering, Inc. 649 U.S. Highway 1, Suite 9 North Palm Beach, FL 33408-4616 Ph# (561) 881-0003 <a href="mailto:cisiminger@coastal-engineers.com">cisiminger@coastal-engineers.com</a></p>
<p><b>BROWARD COUNTY</b> Mr. Tyler Chappell The Chappell Group – Vice President 714 East McNab Road Pompano Beach, FL 33060-9430 Ph # (954) 782-1908 ext. 300 <a href="mailto:tyler@thechappellgroup.com">tyler@thechappellgroup.com</a></p>	<p><b>MIAMI-DADE COUNTY</b> Mr. Spencer Crowley, III c/o Akerman LLP One Southeast Third Ave., 25<sup>th</sup> Floor Miami, FL 33131-1700 Ph# (305) 982-5549 <a href="mailto:spencer.crowley@akerman.com">spencer.crowley@akerman.com</a></p>

**ATTACHMENT C  
2016 ASSISTANCE PROGRAM PROJECT PRIORITY LIST**

<b><u>PRIORITY</u></b>	<b>PROJECT CATEGORY</b>	<b>MAX POINTS AVAILABLE (Question #1)</b>	<b><i>Highest Potential Score</i></b>
1.	Public navigation channel dredging.	8	50
2.	Public navigation aids & markers.	8	50
3.	Inlet management projects that are a benefit to public navigation in the District.	7	49
4.	Public shoreline stabilization directly benefiting the District's waterway channels.	7	49
5.	Acquisition and development of publicly owned spoil disposal sites & public commercial/industrial waterway access	6	48
6.	Waterway signs & buoys for safety, regulation or information.	6	48
7.	Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;	5	47
8.	Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;	5	47
9.	Derelict vessel removal	4	46
10.	Waterway related environmental education programs & facilities	4	46
11.	Public fishing & viewing piers	3	45
12.	Public waterfront parks and boardwalks and associated improvements	3	45
13.	Maritime Management Planning	3	45
14.	Waterway boating safety programs & equipment	2	44
15.	Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project	2	44
16.	Environmental restoration, enhancement or mitigation projects	2	44
17.	Other waterway related projects.	1	43

***NOTE:*** Projects qualifying for Emergency Re-Construction status may have an additional 3 points available to the potential score.

## CHAPTER 66B-2 WATERWAYS ASSISTANCE PROGRAM (2016)

66B-2.001	Purpose
66B-2.002	Forms
66B-2.003	Definitions
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.0061	Emergency Applications
66B-2.008	Project Eligibility
66B-2.009	Project Administration
66B-2.011	Reimbursement
66B-2.012	Accountability
66B-2.013	Acknowledgement
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects
66B-2.015	Small-Scale Derelict Vessel Removal Projects
66B-2.016	Waterways Cleanup Events

### **66B-2.001 Purpose.**

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.001.*

### **66B-2.002 Forms.**

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.002.*

### **66B-2.003 Definitions.**

The basic terms utilized in this rule are defined as follows:

(1) "APPLICANT" means an eligible governmental agency submitting an application through this program.

(2) "APPLICATION" means a project proposal with the required documentation.

(3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.

(4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.

(5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.

(6) "DISTRICT" means the Florida Inland Navigation District (FIND).

(7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(28) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(29) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(30) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways;

develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11.*

#### **66B-2.004 Policy.**

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail, email and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and

management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, 3-7-12. 1\_\_-14.*

### **66B-2.005 Funds Allocation.**

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (A) through (F) Waterways Assistance Program Application and Evaluation Worksheet (effective 1/2014), hereby incorporated [by reference](#) and available from the District office or by download from the District's webpage at: [www.aicw.org](http://www.aicw.org).

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects

in accordance with subsection 66B-2.005(7) and Rule 66B-2.008, F.A.C., small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, F.A.C. derelict vessel projects consistent with Rule 66B-2.0015, and Waterway Cleanup Projects approved under 66B-2.0016. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more publicly accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

Navigation projects or project elements that have one facility open to the public will qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: Land acquisition projects that provide for commercial/industrial waterway access shall qualify for a maximum of fifty (50) percent funding. All other land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13, 1-27-14, - - .*

#### **66B-2.006 Application Process.**

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and the Waterway Assistance Program Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) (effective date 1/2014) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and the Waterway Assistance Program Project Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application and Evaluation Worksheets No. 91-25 (a thru f) for Waterways Assistance Program applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06).

(10) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-*

24-06, 4-15-07, 3-25-08, 3-7-1, 1-27-14.

**66B-2.0061 Disaster Relief Applications.**

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.*

**66B-2.008 Project Eligibility.**

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
16. Environmental restoration, enhancement or mitigation projects, and
17. Other waterway related projects. Waterway projects that do not meet specific criteria in Section 66B-2.005(5) or (6) or 66B-2.008 (1)(a)1-16, but are located on eligible waterways shall be considered for funding under the priority listing of "other waterway related project" and eligible for 25% funding.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;

6. Lighting for non-waterway related facilities;
  7. Project maintenance and maintenance equipment;
  8. Picnic shelters and furniture for non-waterway related facilities;
  9. Vehicles to transport vessels;
  10. Operational items such as fuel, oil, etc.
  11. Office space that is not incidental and necessary to the operation of the main eligible public building;
  12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences;
- and
13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
  - a. Project management, administration and inspection;
  - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
  - c. Restoration of sites disturbed during the construction of an approved project;
  - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting vessels, Marine law enforcement and other vessels are eligible for a maximum of \$60,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will

be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp and ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.
4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.

8. Economic conditions affecting the boating community and boating facilities.

9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

(c) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to pursue and assign any available mitigation credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15, \_\_\_-\_\_-\_\_.*

#### **66B-2.009 Project Administration.**

The District will appoint a project manager who shall be responsible for monitoring the project and the

project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report", dated 7-30-02, hereby incorporated by reference and available at the District office. A Final Project Report shall be submitted at the completion of the project and shall at minimum include: project summary, photo of completed project, final cost, project benefits to the waterway and location address.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

- (d) Photograph(s) of the completed project clearly showing the program improvements.
- (9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02, 3-7-11, 1-27-14*

#### **66B-2.011 Reimbursement.**

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

- (a) The percentage total of project funding that the Board has agreed to fund, or
- (b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02, 3-7-11.*

#### **66B-2.012 Accountability.**

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses

incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.*

#### **66B-2.013 Acknowledgement.**

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.*

#### **66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.**

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by

reference and available from the District office.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 7-30-02, Amended 4-24-06, 3-7-11.*

#### **66B-2.015 Small-Scale Derelict Vessel Removal Projects.**

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$30,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended 4-15-07, 3-25-08, 3-7-11, 1-27-14*

#### **66B-2.016 Waterways Cleanup Events.**

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of subsections (8) through (10), below.

(3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.

(4) Funding: District funding shall be limited to \$5,000 per waterway, per county, except for the provisions of subsections (8) through (10), below.

(5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.

(6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.

(7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

(8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.

(9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

(10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 3-7-11.*

**FY 2016**

**WATERWAYS ASSISTANCE**

**PROGRAM**

**APPLICATION PACKAGE**

**Part 2.**

THE FOLLOWING ATTACHMENT E-1 THROUGH E-8 FORMS,  
IN ADDITION TO THE REQUIREMENTS OF ITEMS 10  
THROUGH 13 OF THE APPLICATION CHECKLIST,  
CONSTITUTE YOUR FORMAL APPLICATION.

SUBMIT THE APPLICATION INFORMATION IN THE ORDER  
LISTED ON THE CHECKLIST.

**ONE ORIGINAL AND ONE ELECTRONIC COPY OF YOUR  
APPLICATION IS REQUIRED.**

## ATTACHMENT E - APPLICANT TIPS SHEET

(Mistakes Common to the application process and how to avoid them)

**Scheduling** – The new application is available by the 2<sup>nd</sup> week of January each year, and District funding is available AFTER October 1<sup>st</sup> of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 1<sup>st</sup> of April; Property Control – 27<sup>th</sup> of May, Permits – 2<sup>nd</sup> week of September. *(Staff suggestion: Begin to secure property control and permits PRIOR to applying for funding.)*

**Property Control Verification** – Please have your attorney complete and sign the form in the application verifying applicant property control. Support documentation is not necessary. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. *(Staff suggestion: Resolve this requirement outside the application "window".)*

**Project Costs Eligibility** – Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item's eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant's match. Make sure you have delineated your required minimum cost-share on the project cost estimate. *(Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline. Do not include applicant project management in your cost estimate).*

**Cost-Share** – Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. You may desire to have the District pay for some items and the applicant pay for others, or various percentages of each, etc. This may allow for a stronger application and easier accounting. *(Staff suggestion: Concentrate the District's cost-share funding into those items most related to the waterway.)*

**Pre-Agreement Expenses** - Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1<sup>st</sup> to be considered as pre-agreement expenses. The Board's past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible, or limit them to a small percentage of the project. Note, that pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only 1/2 of the original District funding. *(Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1<sup>st</sup>. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1<sup>st</sup> is eligible as project expenses (i.e. \$50,000). Then only 1/2 of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).*

**Submitted Materials & June Presentation** –The Board must review and evaluate every application and each year we receive about 90 applications for consideration. The final product for the Commissioner's review is two 8-1/2" x 11" spiral-bound notebooks containing the essential information for the application. **If the submitted material will not fit in these bound notebooks, it is discarded. NOTE; also make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation.** *(Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation! Don't create unnecessary work for yourself!)*

**ELECTRONIC SUBMISSIONS** - Submit your electronic file in Word or PDF format on a CD or flash drive. Make sure to label your disc with the applicant and project title (*handwritten is fine*). Where feasible, you may combine multiple files from the same grant into one larger file on the disc (i.e. scan the entire document as a PDF etc.). Note however, each grant application must be a separate electronic file, but you may combine multiple grants from the same applicant on to one disc or drive.

**ATTACHMENT E-1.**  
**APPLICATION CHECKLIST 2016**  
*(To be completed by the Applicant)*

<b>Project Title:</b>	Lake Park Harbor Marina Docking Facility Retrofit Phase I
<b>Applicant:</b>	Town of Lake Park

**This checklist and the other items listed below in items 1 through 13 constitute your application. The required information shall be submitted in the order listed.**

**Any additional information submitted by the applicant is subject to being removed from the package by District staff prior to presentation to the District Board because of reproduction and space considerations.**

**Two (2) copies of your application are required. One original and one electronic copy.**

**All information is required to be on 8 1/2" x 11" paper so they may be included in agenda books bound by staff.**

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 4th) <b>(NOTE: For District Commissioner initials ONLY!)</b> <b>(District Commissioner must initial the yes line on this checklist for the application to be deemed complete)</b>	_____	_____
2. Application Checklist – E-1 (Form No. 90-26, 2 pages) (Form must be signed and dated)	x _____	_____
3. Applicant Info/Project Summary – E-2 (Form No. 90-22, 1 page) <b>(Form must be completed and signed)</b>	x _____	_____
4. Project Information – E-3 (Form No. 90-22a, 1 page)	x _____	_____
5. Project Evaluation and Rating – E-4(+) (Form No. 91-25) (Form must be completed, proper attachment included) <b>(No signatures required)</b>	x _____	_____
6. Project Cost Estimate – E-5 (Form No. 90-25, 1 page) <b>(Must be on District form)</b>	x _____	_____
7. Project Timeline – E-6 (Form No. 96-10, 1 page)	x _____	_____
8. Official Resolution Form – E-7 (Form No. 90-21, 2 pages) <b>(Resolution must be in District format and include items 1-6)</b>	_____	x _____

**ATTACHMENT E-1 (Continued)**

**APPLICATION CHECKLIST**  
*(To be completed by the Applicant)*

	<u>YES</u>	<u>NO</u>
9. Attorney's Certification (Land Ownership) – E-8 (Must be on or follow format of Form No. 94-26, (Legal descriptions NOT accepted in lieu of form)	_____	_____ <b>X</b>
10. County/City Location Map	_____ <b>X</b>	_____
11. Project Boundary Map	_____ <b>X</b>	_____
12. Clear & Detailed Site Development Plan Map	_____ <b>X</b>	_____
13. Copies of all Required Permits (Required of development projects only)	_____	_____ <b>X</b>

The undersigned, as applicant, acknowledges that Items 1 through 12 above constitutes a complete application and that this information is due in the District office no later than 4:00 PM, April 1, 2016. By May 27, 2016 my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 13 is due to the District no later than the final TRIM Hearing in September 2016. If the information in Item 13 is not submitted to the District office by the District's final TRIM hearing in September 2016, I am aware that my application will be removed from any further funding consideration by the District.

LIAISON: John D'Agostino TITLE: Town Manager

\_\_\_\_\_  
**\*\* SIGNATURE - PROJECT LIAISON \*\*** \_\_\_\_\_  
DATE

<b>FIND OFFICE USE ONLY</b>	
Date Received:	_____
Local FIND Commissioner Review:	_____
All Required Supporting Documents:	_____
Applicant Eligibility:	_____
Project Eligibility:	_____ Available Score: _____
Compliance with Rule 66B-2 F.A.C.:	_____
Eligibility of Project Cost:	_____

**ATTACHMENT E-2**

**WATERWAYS ASSISTANCE PROGRAM FY 2016  
PROJECT APPLICATION  
APPLICANT INFORMATION – PROJECT SUMMARY**

<b>APPLICANT INFORMATION</b>			
<b>Applicant:</b>	Town of Lake Park		
<b>Department:</b>	Marine		
<b>Project Title:</b>	Lake Park Harbor Marina Docking Facility Retrofit Phase I		
<b>Project Director:</b>	John D'Agostino	<b>Title:</b>	Town Manager
<b>Project Liaison:</b> <i>(if different from Project Director)</i>		<b>Title:</b>	
<b>Mailing Address:</b>	535 Park Avenue		
<b>City:</b>	Lake Park, Florida	<b>Zip Code:</b>	33404
<b>Email Address:</b>	jd'agostino@lakeparkflorida.gov	<b>Phone #:</b>	561-881-3304
<b>Project Address:</b>	105 Lake Shore Drive, Lake Park, FL 33403		

\*\*\*\*\* I hereby certify that the information provided in this application is true and accurate.\*\*\*\*\*

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**PROJECT NARRATIVE** (Please summarize the project in space provided below in 2 paragraphs or less.)

Lake Park Harbor Marina has 26 boat slips which are configured in a manner which make them difficult for the public to use. The existing slips are awkward and difficult for users to board for vessel lengths (25'-30') for which they were designed for. Because of this, a large sector the public is unable to use them. The project consists of a phased approach to retrofit these boat slips with boat lifts. Boat lifts will provide a unique and safe boat storage option to the boating public who use the District's waterways. Phase I of this project will be the design, permitting and installation of five boat lifts with the capacity to store vessels up to 16,000 pounds out of the water.

**ATTACHMENT E-3 - PROJECT INFORMATION 2016**

<b>Applicant:</b>	Town of Lake Park		<b>Project Title:</b>	Lake Park Harbor Marina Docking Facility	
<b>Total Project Cost: \$</b>	110,000	<b>FIND Funding Requested: \$</b>	55,000	<b>% of Total Cost:</b>	50
<b>Amount and Source of Applicant's Matching Funds:</b>	\$45,000 will be allocated from the Town's General Fund Balance by resolution of the Town Commission.				

**1. Ownership of Project Site (check one):** Own:  Leased:  Other:

**2. If leased or other, please describe lease or terms and conditions:**

N/A

**3. Once completed, will this project be insured against damage? Explain**

Yes, The Town is insured for property and casualty by The Preferred Governmental Insurance Trust (PGIT)

**4. Has the District previously provided assistance funding to this project or site? Yes:  No:**

**5. If yes, please list:**

Project agreement numbers: PB-LP-01-93, PB-LP-04-109, PB-07-124, PB-LP-94-32, PB-LP-98-73, PB-LP-99-80

**6. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable):**

The Facility is comprised of 108 public wet slips, 2 public boat launch ramps, 71 public trailer parking spaces, 135 public parking spaces, public restrooms/showers and a waterfront park. The entire facility is open to the public on a first-come-first-served basis.

**7. How many additional ramps, slips, parking spaces or other access features will be added by this project?**

The project will not yield any additional slips, ramp or parking. The project will increase access/utilization to an area of the marina which has been difficult for the public utilize.

**8. Are fees charged for the use of this project? No  Yes**

**9. If yes, please attach additional documentation of fees and how they compare with fees from similar public & private facilities in the area.**

**Please list all Environmental Resource Permits required for this project:**

AGENCY	Yes / No / N/A	Date Applied For	Date Recieved
WMD	y	In Process	
DEP	y	In Process	
ACOE	y	In Process	
COUNTY / CITY	y	In Process	

**ATTACHMENT E-4**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

**STEP 1:** All applicants will complete Attachment E-4 of the worksheet, which includes questions 1 through 6. **\*\*Do not answer with more than four sentences.\*\***

**STEP 2:** Complete **one and only one sub-Attachment** (E-4 A, B, C, D or E, questions 7-10) according to the applicant's project type.

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

<b>Project Title:</b>	Lake Park Harbor Marina Docking Facility Retrofit Phase I
<b>Applicant:</b>	Town of Lake Park

**1) PRIORITY LIST:**

**a) Denote the priority list category of this project from Attachment C in the application.** (The application may only be of one type based upon the predominant cost of the project elements.)

8 - Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities

**b) Explain how the project fits this priority category.**

The retrofitting or redevelopment of an existing docking facility intended to increase public access and usage fits into this category of the priority list.

*(For reviewer only)*

Max. Available Score for application \_\_\_\_\_

Question 1. Range of Score (1 to \_\_\_\_\_ points)

---

**2) WATERWAY RELATIONSHIP:**

- a) Explain how the project directly relates to the ICW and the mission of the Navigation District.**

Lake Park Harbor Marina is located on the northern reaches Lake Worth Lagoon and adjacent to the ICW. Local and regional boater access to and from the project site and the Atlantic Ocean is provided by the ICW.

- b) What public access or navigational benefit to the ICW or adjoining waterway will result from this project?**

Currently the project site does not effectively serve the smaller area boater it was designed for. The completed project will greatly improve afford-ability and access for smaller size vessels.

*(For reviewer only)*  
*(1-6 points)*

---

**3) PUBLIC USAGE & BENEFITS:**

- a) How is the public usage of this project clearly identified and quantified? Estimate the amount of total public use.**

Historical occupancies for the project site has been on average less than 20% since the Marina was redeveloped in 2006. It is estimated the completed project will be very attractive to area small boaters and will reach 100% occupancy within 18 months.

- b) Discuss the regional and local public benefits that will be provided by the project.**

Once complete, the retrofitted slips will be available to the general public and provide a unique small boat storage option which is not now available in Palm Beach County. The project will enhance the boating experience to anyone wishing to avail themselves to this boat storage option.

- c) Can residents from other counties of the District reasonably access and use the project? Explain.**

Yes, the completed project will be available to the general public from any region in the District on a first-come-first-served basis.

*(For reviewer only)*  
*(1-8 points)*

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**4) TIMELINESS**

- a) Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-6.**

Project permitting is in process. Project completion is planned for March 2017.

- b) Briefly explain any unique aspects of this project that could influence the project timeline.**

There are no unique aspects to this project that will influence the projects time line.

*(For reviewer only)*  
*(1-3 points)*

---

**5) COSTS & EFFICIENCY:**

- a) List funding sources and the status and amount of the corresponding funding that will be utilized to complete this project.**

Funding has not been allocated to this project.. However, by resolution, the Commission approved the the project and pursuing Grant assistance on March 16, 2016. Funds will be allocated from fund balance to the project account by the required resolution on April 6, 2016.

- b) Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.**

No increased project costs are expected, however the use of sustainable composite pilings may be explored.

- c) Describe any methods to be utilized to increase the cost efficiency of this project.**

Economies of scale will be realized by the simultaneous purchase of 5 identical lifts, required pilings and a one time mobilization and demobilization.

- d) If there are any fees associated with the use of this facility, please detail. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.**

The current annual rate for Dockage is \$17.00 per foot per month. This rate is well below the area averages. Please see the attached January 2016area rate surveys.

*(For reviewer only)*  
*(1-6 points)*

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**6) PROJECT VIABILITY:**

- a) What specific need in the community does this project fill? Is this project referenced or incorporated in an existing maritime management, public access or comp plan?**

This project will provide additional boat storage options to area boaters where one does not exist today. The project area is underutilized due to the site's present configuration. Boarding vessels in this area is difficult and is a safety issue depending on weather conditions. The plan is not presently part of any maritime access plan, however it will enhance public access.

- b) Clearly demonstrate how the project will continue to be maintained and funded after District funding is completed.**

Annual maintenance will be contracted to a suitable vendor through the RFP process. Spare parts will be inventoried at the project site by the applicant to expedite unexpected failures.

- c) Will the program result in significant and lasting benefits? Explain.**

Yes, The useful life of a well maintained boat lift is 20 years or more. Using a phased approach to increase public access to this area, the project boundaries will be extended to install additional boat lifts providing for increased access and extended public benefit.

- d) Please describe any environmental benefits associated with this project.**

There are no measurable environmental benefits associated with this project.

*(For reviewer only)*  
*(1-7 points)*

---

SUB-TOTAL \_\_\_\_\_

**ATTACHMENT E-4A  
DEVELOPMENT & CONSTRUCTION PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

**THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A  
DEVELOPMENT OR CONSTRUCTION PROJECT BUT IS NOT AN INLET  
MANAGEMENT OR BEACH RENOURISHMENT PROJECT.**

---

**7) PERMITTING:**

- a) Have all required environmental permits been applied for? If permits are NOT required, explain why not.**

Permits for this project are required. The application process is underway. Environmental impacts are minimal if any. It is expected all permits will be in hand by September 2016.

- b) If the project is a Phase I project, list the tasks scheduled to obtain the necessary permits and engineering work. Please provide a general cost estimate for the future Phase II work.**

Tasks will be: Application, benthic and sea grass survey, and RAI response. Estimated total project costs are \$110,000. The permitting process will be managed by Town engineering staff. Please see Form E-6 for a detailed project time line.

- c) Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.**

No impediments are anticipated as no environmental impacts are anticipated.

*(For reviewer only)  
(1-4 points)*

---

**8) PROJECT DESIGN:**

- a) **Has the design work been completed? If this is a Phase I project, has a preliminary design been developed?**

Design is conceptual as product selection may change from original estimates through the bid process. Project design will be finalized after bid award.

- b) **Are there unique beneficial aspects to the proposed design that enhance public usage or access, minimize environmental impacts, improve water quality or reduce costs?**

Yes, public usage will be enhanced as a unique, safe and a convenient docking option is installed and offered to the boating public at this facility.

*(For reviewer only)*  
*(1-2 points)*

---

**9) CONSTRUCTION TECHNIQUES:**

- a) **Briefly explain the construction techniques to be utilized for this project. If a Phase 1, elaborate on potential techniques.**

Traditional construction techniques will be utilized for this project : CCA piling installation will be jetted or driven into position and the lift assembly will be installed atop of the pilings. All electrical connections will be made to current code requirements by a suitable licensed vendor.

- b) **How are the utilized construction techniques appropriate for the project site?**

The lifts will be installed with the boundary of the selected slips within the marina basin utilizing a barge and crane methodology.

- c) **Identify any unusual construction techniques that may increase or decrease the costs of the project.**

N/A

*(For reviewer only)*  
*(1-3 points)*

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**10) CONSTRUCTION MATERIALS:**

- a) **List the materials to be utilized for this project. What is the design life of the proposed materials compared to other available materials?**

14" wrapped CCA pilings, quality boat lift assemblies of aluminum, stainless steel and pressure treated bunks. It is expected with proper maintenance the project lift will exceed 20 years.

- b) **Identify any unique construction materials that may significantly alter the project costs.**

The use of composite pilings is an option to be considered which may alter the project's cost and increase the projects longevity.

*(For reviewer only)*  
*(1-3 points)*

---

**RATING POINT**  
**TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)





---

**10) PROJECT GOALS:**

a) **What are the long-term goals of this project as it relates to the ICW?**

b) **What is the expected duration/frequency of this program?**

*(For reviewer only)*  
*(1-3 points)*

---

**RATING POINT**  
**TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

**ATTACHMENT E-4C  
LAW ENFORCEMENT & BOATING SAFETY PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A LAW  
ENFORCEMENT OR BOATING SAFETY PROJECT

---

**7) VIABILITY:**

**c) Describe how the project will address particular public health, safety, or welfare issues of the Navigation District's Waterways.**

**d) How does the project provide significant benefits or enhancements to the District's Waterways?**

*(For reviewer only)  
(1-3 points)*

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**10) EDUCATION:**

**a) What are the educational benefits (if any) of this proposed project?**

**b) How does the project or program provide effective public boating education or expand boater safety?**

*(For reviewer only)*  
*(1 -3 points)*

---

**RATING POINT  
TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)





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**10) PROJECT MAINTENANCE:**

**a) When was this area last dredged? What is the expected frequency of future dredging?**

**b) Explain the funding mechanism for the long-term maintenance of the project.**

**c) Describe the long-range dredge material management plans.**

*(For reviewer only)*  
*(1 -2 points)*

---

**RATING POINT**

**TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

**ATTACHMENT E-4E  
BEACH RENOURISHMENT PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A BEACH  
RENOURISHMENT PROJECT

---

**7) WATERWAY RELATIONSHIP:**

- a) Describe how the District and other navigation interests will benefit from the implementation of this project.

*(For reviewer only)*  
*(1 -4 points)*

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**8) VIABILITY:**

- a) **Is the project site defined as critically eroded area by a statewide beach management plan?**
  
- b) **Cite the quantifiable rate of erosion in this area.**
  
  
  
  
  
  
  
  
  
  
- c) **Is the project an important component of an overall beach management effort?**

*(For reviewer only)*  
(1 -4 points)

---

**9) PUBLIC BENEFITS:**

- a) **Are there quantifiable public benefits demonstrated by the project?**
  
  
  
  
  
  
  
  
  
  
- b) **Is there adequate public access to the project area? Please describe location and amount.**

*(For reviewer only)*  
(1-2 points)

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**10) PROJECT FUNDING:**

**a) Describe any assistance funding from other sources.**

**b) Clarify the availability of long-term funding for this project.**

*(For reviewer only)*  
*(1 -2 points)*

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**RATING POINT**

**TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

**ATTACHMENT E-4F  
EMERGENCY RE-CONSTRUCTION**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED ONLY IF YOUR PROJECT IS A WATERWAY PROJECT THAT WAS DAMAGED BY A NATURAL DISASTER AS DECLARED BY A STATE OF EMERGENCY UNDER CHAPTER 252, FLORIDA STATUTES.

---

**11 (Extra) STORM DAMAGE EVALUATION:**

- a) **List the State emergency declaration order or proclamation.**
  
- b) **Is this project a previously funded FIND grant project?**
  
- c) **Detail the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair.**

*(For reviewer only)  
(0-3 points)*

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**ATTACHMENT E-5**

**FLORIDA INLAND NAVIGATION DISTRICT  
ASSISTANCE PROGRAM 2016**

**PROJECT COST ESTIMATE**

**(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)**

<b>Project Title:</b>	Lake Park Harbor Marina Docking Facility Retrofit Phase I
<b>Applicant:</b>	Town of Lake Park

<b>Project Elements</b> <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	<b>Quantity or Total Estimated Cost</b> <i>(Number and/or Footage etc.)</i>	<b>Applicant's Cost</b>	<b>FIND Cost</b>
Design and Permitting for the installation of 5 boat lifts capable of lifting 16,000 pounds.  Not to Exceed Lump Sum	\$110,000	\$55,000	\$55,000
<b>*** TOTALS =</b>	\$110,000	\$55,000	\$55,000

<b>**TOTALS =</b>	\$	\$ 0	\$
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**ATTACHMENT E-6  
WATERWAYS ASSISTANCE PROGRAM 2016**

**PROJECT TIMELINE**

<b>Project Title:</b>	Lake Park Harbor Marina Docking Facility Retrofit Phase I
<b>Applicant:</b>	Town of Lake Park

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

**NOTE: All funded activities must begin AFTER October 1<sup>st</sup>**  
(or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses)

---

April 2016 through September 2016

- \* Finalize Project Design
- \*Acquire required permits for the installation of boat lifts.

September 2016

- \* Submit Required Permits to FIND prior to final TRIM as required

November 2016

- \* Begin Project Bid Process

January 2017

- \* Commission Award of Contract

February 2017

- \*Begin Construction

March 2017

- \* Project Completion

ATTACHMENT E-7

RESOLUTION FOR ASSISTANCE 2016  
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE Town of Lake Park  
*(Name of Agency)* is interested in carrying out the  
following described project for the enjoyment of the citizenry of Town of Lake Park  
and the State of Florida:

Project Title Lake Park Harbor Marina Docking Facility Retrofit Phase I

Total Estimated Cost \$ 110,000

Brief Description of Project:

Permitting and construction of boat lifts in selected underutilized public docking facilities.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Town of Lake Park  
*(Name of Agency)*  
that the project described above be authorized,

AND, be it further resolved that said Town of Lake Park  
*(Name of Agency)*  
make application to the Florida Inland Navigation District in the amount of 50 % of the  
actual cost of the project in behalf of said Town of Lake Park  
*(Name of Agency)*

AND, be it further resolved by the Town of Lake Park  
*(Name of Agency)*  
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said \_\_\_\_\_  
Town of Lake Park \_\_\_\_\_ for public use.  
*(Name of Agency)*

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the \_\_\_\_\_ at a legal meeting held on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Attest  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Title

ATTACHMENT E-8

ATTORNEYS CERTIFICATION OF TITLE 2016  
(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE TOWN ATTORNEY  
4741 Military Trail, Suite 200  
Jupiter, FL 33458

March 28, 2016

TO WHOM IT MAY CONCERN:

I, Thomas J. Baird, am the Attorney for the Town of Lake Park, Florida. I hereby state that I have examined copies of deeds from:

Parcel 1 (Easement):	TESDEM, Inc.;
Parcel 1A (Fee Simple):	Trustees of the Internal Improvement Fund of the State of Florida;
Parcel 2 (Fee Simple)	Trustees of the Internal Improvement Fund of the State of Florida;
Parcel 3 (Fee Simple)	Trustees of the Internal Improvement Fund of the State of Florida;
Parcel 4 (Fee Simple)	TESDEM, Inc.; and Bankers Life & Casualty Co.;
Parcel 5 (Fee Simple)	Trustees of the Internal Improvement Fund of the State of Florida; and
Parcel 6 (Fee Simple)	Max Schmidt and Theresa H. Schmidt, his wife and Water K. Schmidt and Doratheia, his wife

Conveying Interest in the following described property:

**See Exhibit A attached**

I have also examined a document showing that this property is listed on the tax rolls as belonging to the Town of Lake Park. Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "The Lake Park Marina."

I certify that the Town of Lake Park does in fact own this property and has owned the property for over 25 years.

Very truly yours,

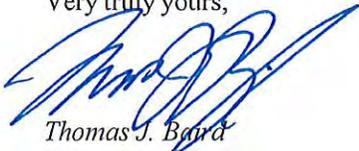
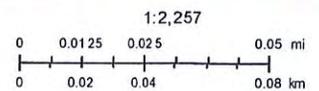
  
Thomas J. Baird  
Town Attorney

Exhibit 'A'



36434221000040010



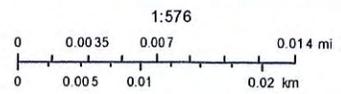


Silver Beach Rd

Lake Shore Dr



36434220011140250





Lake Shore Dr

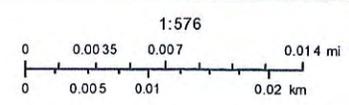
Lake Shore Dr

Silver Beach Rd

Lake Shore Dr

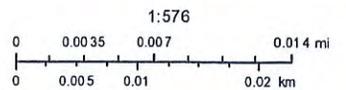


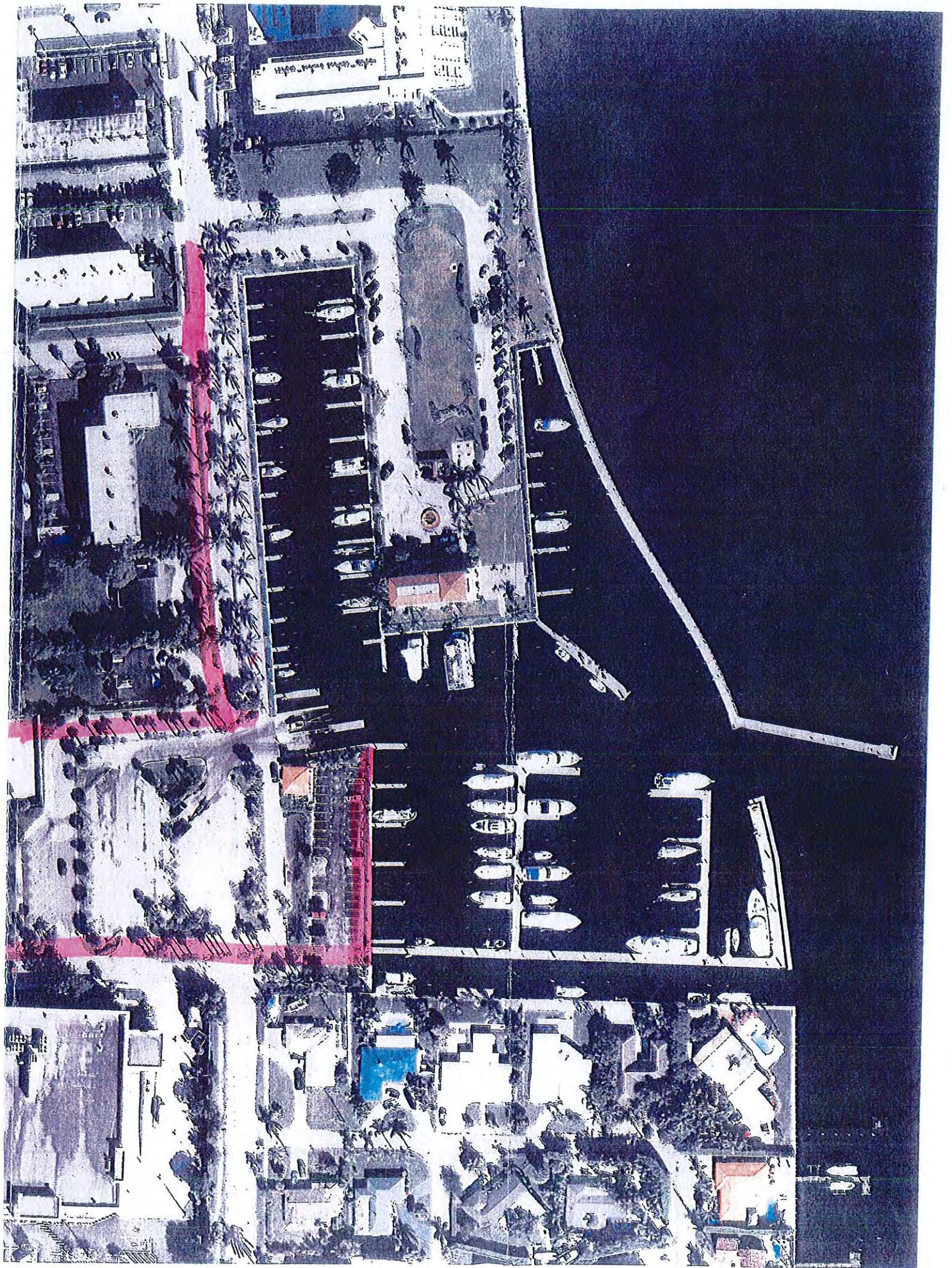
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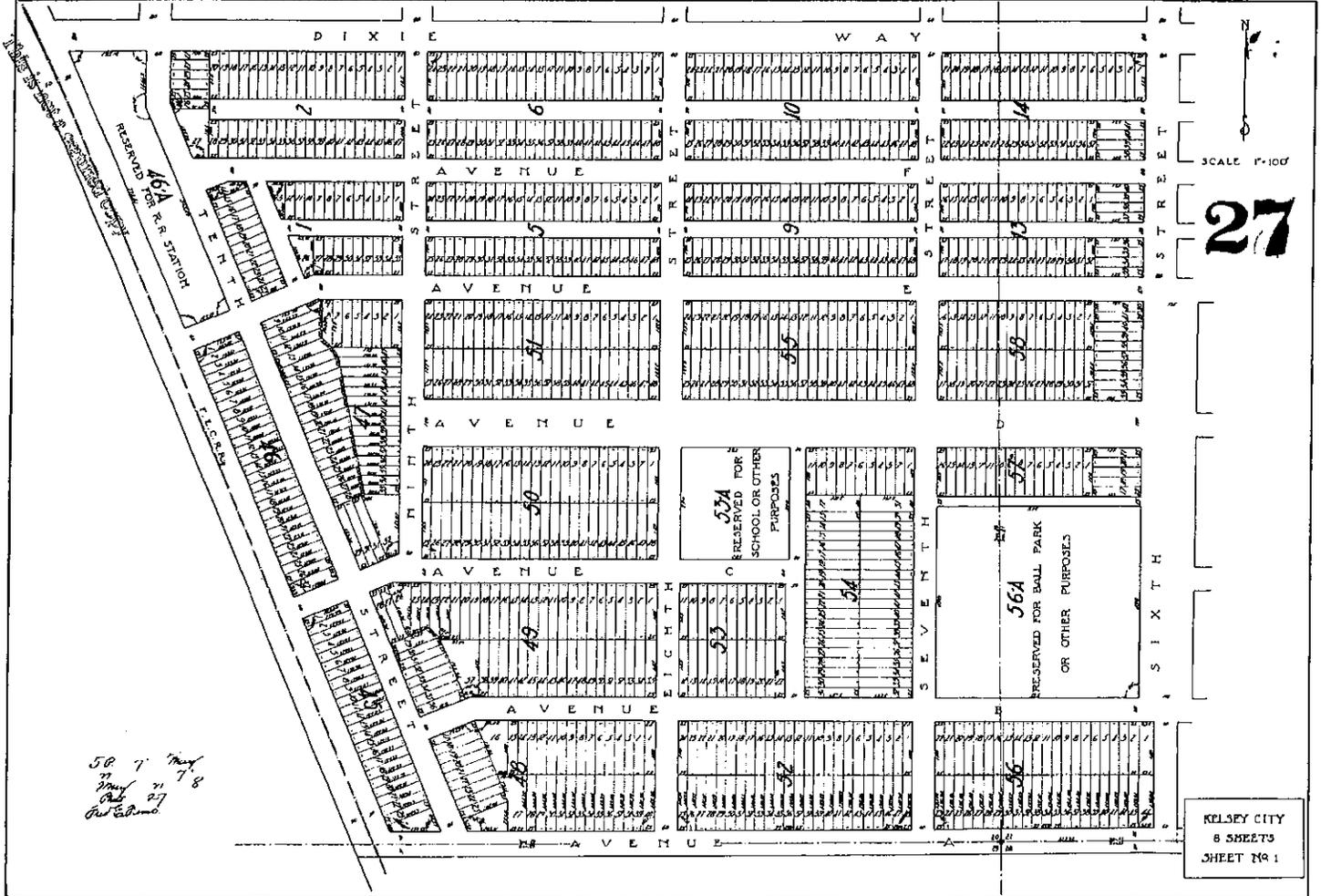






24.215 P.M. 1881 Replat. 53-7th Ward of Kelsey City, Mo. S. 1/4 Sec. 10, T. 25 N., R. 15 W., Co. 20, Mo. 27  
Sec. 26, 1/4 Sec. 31, R. 15 W., T. 25 N., Co. 20, Mo. 27

P. 192,00017



SCALE 1" = 100'

27

KELSEY CITY  
8 SHEETS  
SHEET NO 1

58 7 May  
27 21 78  
27 21 78  
27 21 78

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Real Estate Attorney



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ATTORNEYS & COUNSELORS AT LAW

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JUDY D. MONTEIRO  
DENISE B. PAOLUCCI  
ADMINISTRATOR  
FLORENCE SHERMAN

December 19, 2008

Patrick Sullivan, Community Development Director  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

RE: Lake Park Marina Deeds: Restrictions and Reverters

Dear Mr. Sullivan:

PURPOSE: The purpose of this Title Report is to summarize the Town of Lake Park Marina property and identify any title reverters, restrictions and encumbrances upon the property.

PROPERTY IDENTIFICATION: There are four (4) Property Control Numbers ("PCNs") for the properties making up the Town of Lake Park Marina.

There is one large waterfront parcel east of Lake Shore Drive and 3 smaller parcels west of Lake Shore Drive. The PCNs are as follows:

PCN: 36-43-42-21-00-004-0010 ("Waterfront parcel").

PCN: 36-43-42-20-01-114-0250 (PCN 250),

PCN: 36-43-42-20-01-114-0260 (PCN 260),

PCN: 36-43-42-20-01-114-0281 (PCN 281) (collectively the "Parking Lot parcels").

The Parking Lot parcels were acquired by the Town by Condemnation (PCN 250 & 281) and under threat of Condemnation (PCN 260), and do not appear to have any title reversions, restrictions or title encumbrances.

The Waterfront parcel was acquired by separate instruments, copies of which are enclosed. For reference in the letter, attached is Figure 17 dated 09/23/98 which shows the location of the parcels in the Lake Park Marina, plus three color coded sketches indentifying the parcels. The legal descriptions of parcel 1 though 6 are also enclosed herein. These parcels are identified as:

Parcel 1: Easement Deed from Tesdem Corp. to the Town recorded in ORB 632, page 467 & 468 from constructing and maintaining a drainage ditch on Parcel 1. NO REVERTER CLAUSE.

Parcel 1A: Dedication from Trustees of the Internal Improvement Fund ("TIIF") to the Town recorded in ORB 1633, page 606 for public drainage and park purposes only under the supervision and management of the Town. NO REVERTER CLAUSE.

**Parcel 2:** Indenture from TIIF to Town recorded in ORB 688, page 507. NO RESTRICTIONS. NO REVERTER CLAUSE.

**Parcel 3:** Indenture from TIIF to Town recorded in ORB 694, page 327 for public park and boat ramp purposes only. REVERTER CLAUSE – REVERTS to TIIF:

- “1. That said premises shall be used for public park and boat ramp purposes only; and**
- 2. That in the event said land is not used for public park and boat ramp purposes for a period of Three (3) consecutive years shall not be maintained and used for said purposes, or in the event said land is used for other purposes, then the premises hereinabove described and conveyed shall revert to the Trustees of the Internal Improvement Fund of the State of Florida.” (underlining supplied for emphasis)**

Reference is made to my legal opinion letter to the Town dated November 19, 2008 for further explanation as to the reverter clause for Parcel 3.

**Parcel 4:** Deed from Tesdem Corp to Town recorded in ORB 632, page 464 for public park or municipal dock and wharf. Deed contained a reverter clause. The reverter clause was released by QCD from Bankers Life to Town recorded in ORB 2143, page 1720. REVERTER RELEASED.

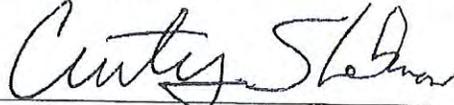
**Parcel 5:** Indenture from TIIF to Town recorded in ORB 1239, page 59 for public purposes. If used for other than public purposes REVERTER CLAUSE – REVERTS to TIIF.

**Parcel 6:** Deed from Schmidt to Town (upland parcel) recorded in ORB 1154, page 25. Subsequent Deed from Palm Beach County to Town recorded in ORB 9195, page 1555 (due to prior Tax Deed). NO REVERTER CLAUSE.

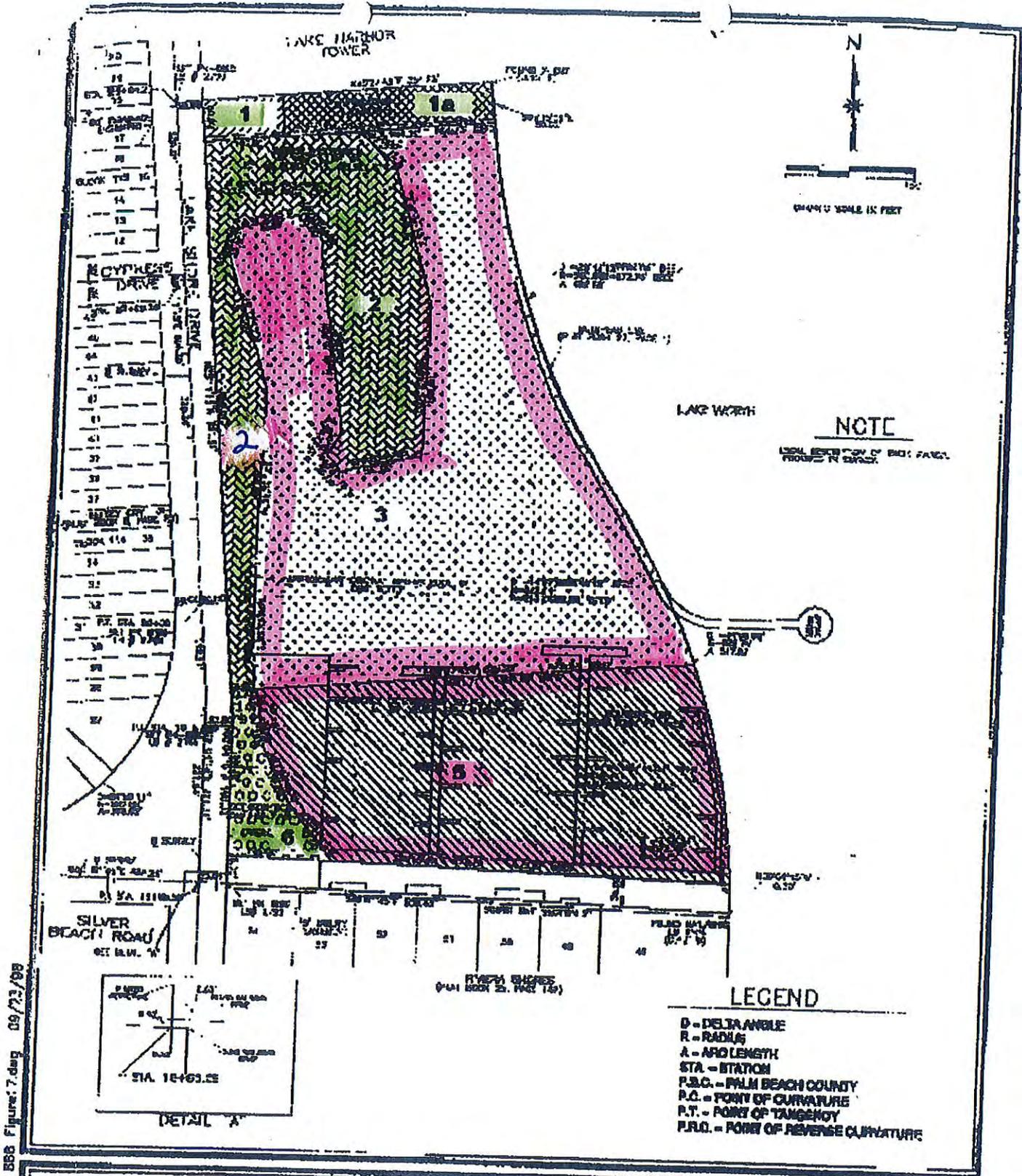
**35' PERPETUAL EASEMENT:** Town to Schmidt recorded in ORB 1154, page 30 for perpetual easement for navigation, docking and other marine purposes. Restrictions that the Town will not install, place or locate any structures, such as docks, pilings, buoys or other installations within the above property that is located easterly of the approximate high water line.

**Parcel 7:** Sovereign Submerged Lands Easement from TIIF to Town recorded in ORB 11909, Page 636 to be used solely for construction of a breakwater. Term is 30 years to May 4, 2030. If Easement breached REVERTER CLAUSE – REVERTS to TIIF upon 30 days notice to Town.

Respectfully submitted,  
DeSantis, Gaskill, Smith & Shenkman, P.A.

By: 

Curtis L. Shenkman, For the Firm

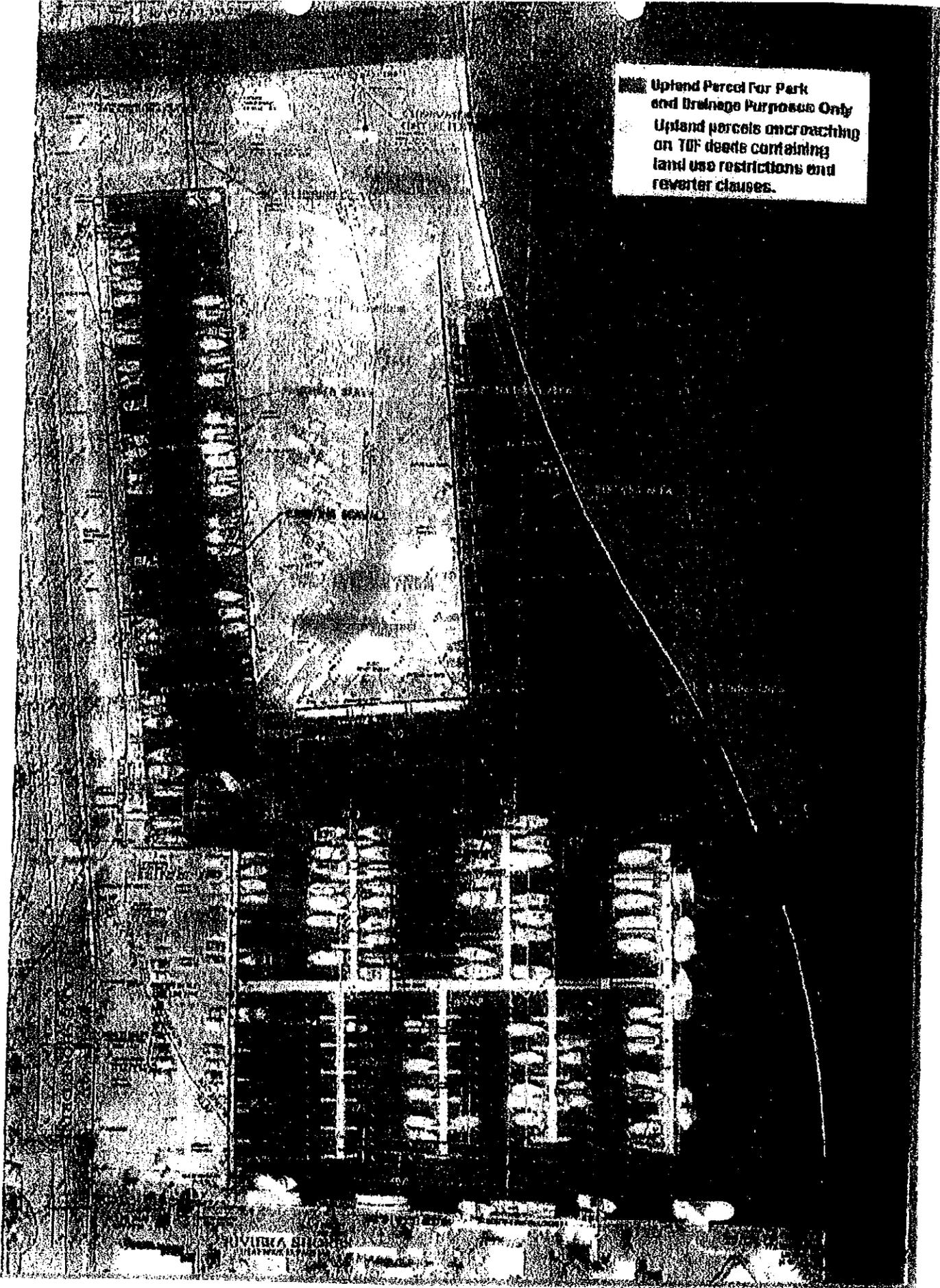


BBB Figure 7.dwg 09/23/08

Figure 17  
 LOCATION OF SUBMERGED LANDS PARCELS  
 LAKE PARK MARINA



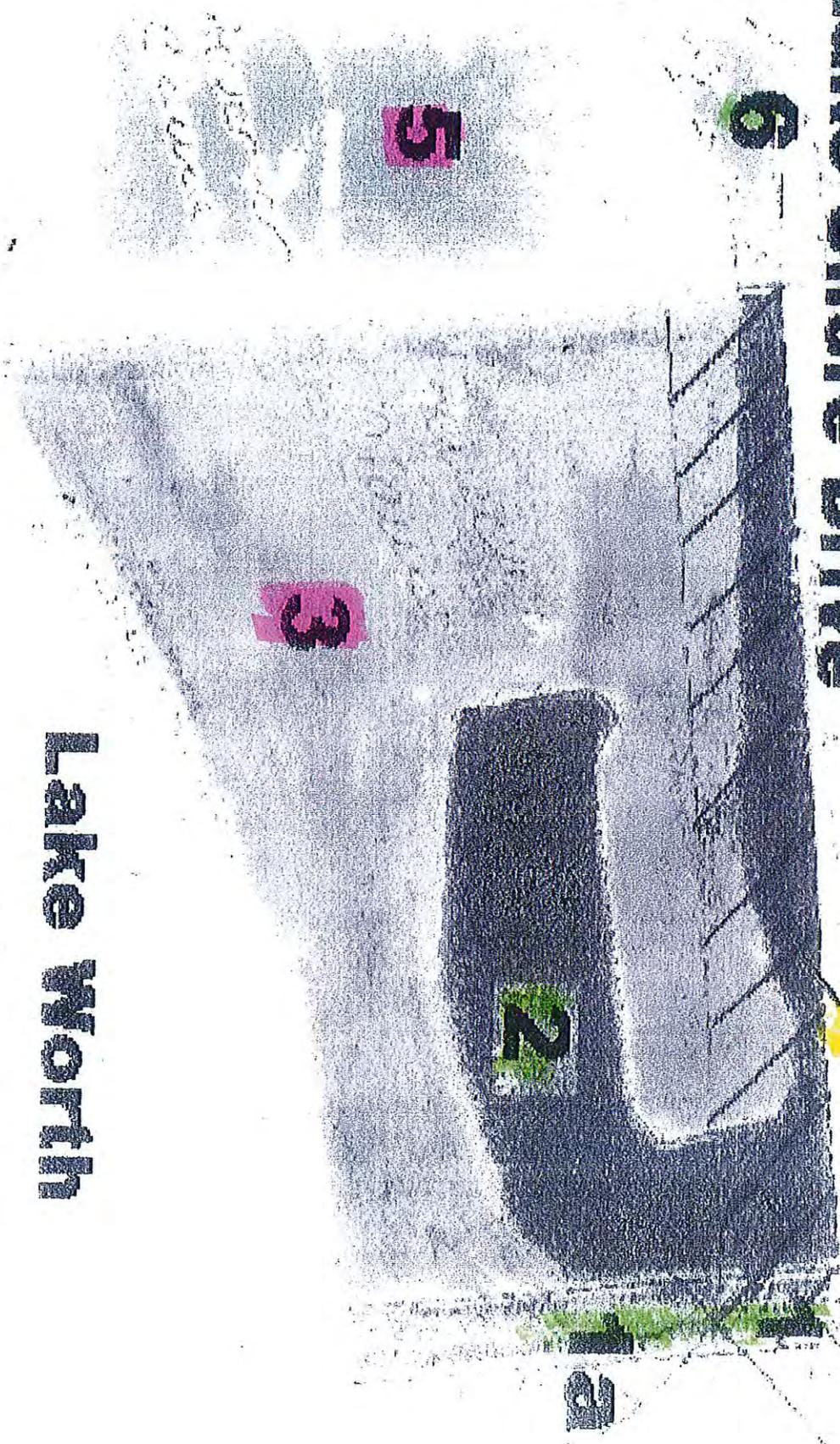
**Upland Parcel For Park  
and Drainage Purpose Only**  
Upland parcels encroaching  
on TDF deeds containing  
land use restrictions and  
reverter clauses.

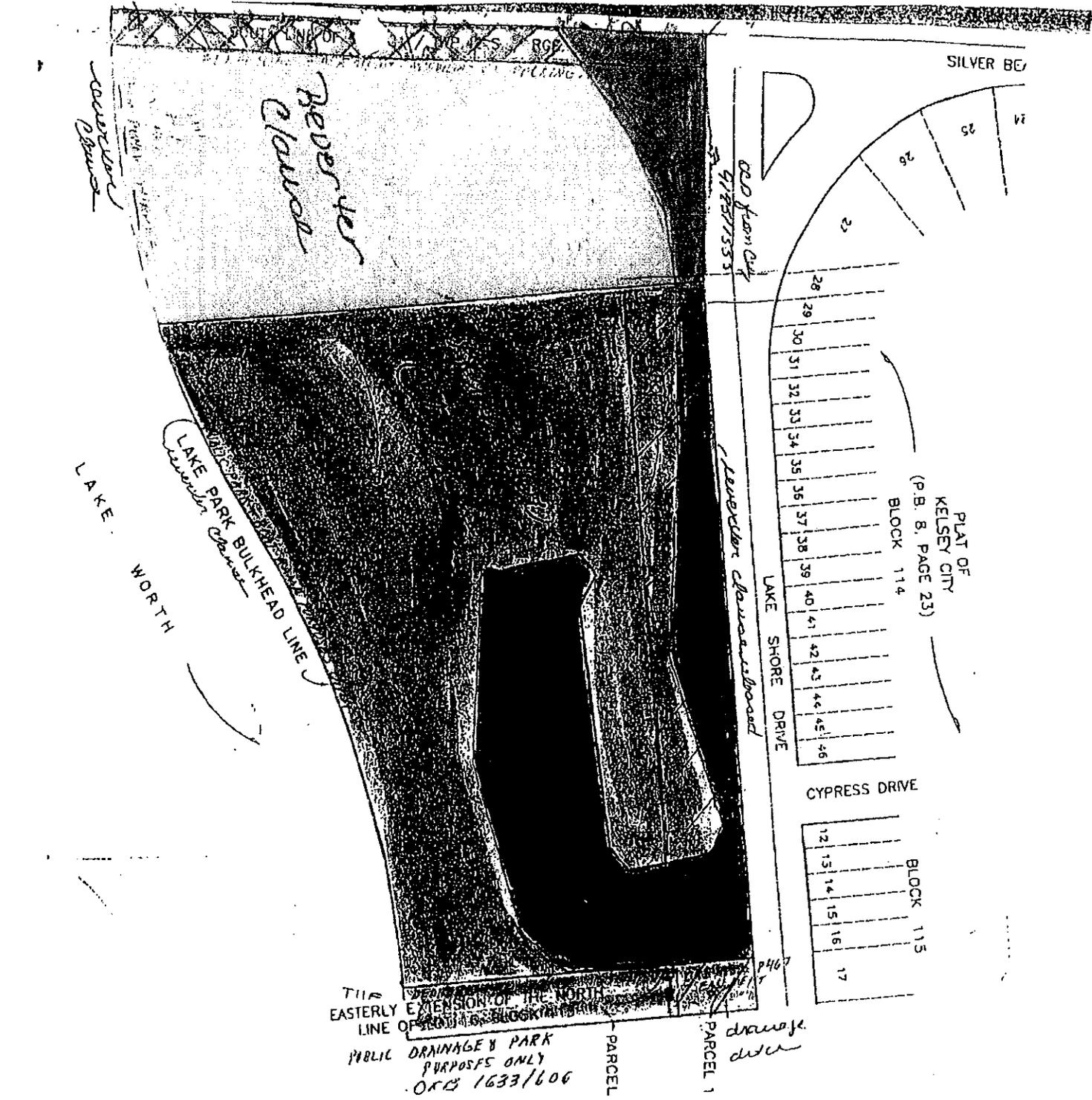


Lake Shore Drive

Lake Worth

35' Easement





PURPLE = PARCEL 1 (EASEMENT FOR CONSTRUCTING AND MAINTAINING DRAINAGE DITCH) NO REVERTER

PURPLE = PARCEL 1A (DEDICATION FOR PUBLIC DRAINAGE AND PARK PURPOSES - NO REVERTER)

PARCEL 2 (DEED TITF TO TLP - NO RESTRICTIONS) - NO REVERTER

PINK = PARCEL 3 (DEED TITF - TLP FOR PUBLIC PARK AND BOAT RAMP PURPOSES) REVERTER CLAUSE

BLUE LINES = PARCEL 4 (Deed TITF TO TLP) - REVERTER CLAUSE RELEASED IN ORB 2143/1720

YELLOW = PARCEL 5 (DEED TITF TO TLP - FOR PUBLIC PURPOSES) - REVERTER CLAUSE

PARCEL 6 (DEED SCHMIDT TO TLP (UP- LAND PARCEL)) - NO REVERTER CLAUSE

35' PERPETUAL EASEMENT FOR NAVIGATION DOCKING & OTHER MARINE PURPOSES TLP TO SCHMIDT WITH RESTRICTIONS ON TLP NOT TO INSTALL CERTAIN STRUCTURES.

# TITLE SEARCH REPORT

*Fund File Number:* 06-2008-7159

## *EXHIBIT A*

Parcel 1:

An Easement for the purpose of constructing and maintaining a drainage ditch in, over and upon the following described land, to wit:

The land bounded on the North by the Easterly extension of the North line of Lot 17, Block 115, Kelsey City (now Lake Park), recorded in Plat Book 8, Page 23, Public Records of Palm Beach County, Florida; on the East by the waters of Lake Worth, on the South by the Easterly extension of the South line of Lot 17, Block 115 and on the West by the East line of Lake Shore Drive; and

All of Kelsey City (now Lake Park), according to the plat thereof, recorded in Plat Book 8, Page 23, Public Records of Palm Beach County, Florida.

Parcel 1A:

A parcel of sovereignty land in Lake Worth in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Bounded on the North by the Easterly extension of the North line of Lot 17, Block 115, according to the plat of Kelsey City as recorded in Plat Book 8, Page 23, Public Records of Palm Beach County, Florida; bounded on the East by the Bulkhead Line as recorded in Plat Book 27, Page 1, Public Records of Palm Beach County, Florida; bounded on the South by the Easterly extension of the South line of Lot 17, Block 115, according to said plat of Kelsey City and bounded on the West by the waters edge of Lake Worth.

Parcel 2:

A tract of land in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Beginning at the intersection of the East right of way line of Lake Shore Drive, as said right of way is shown on the plat of Kelsey City (now Lake Park), recorded in Plat Book 8, Page 23, Public Record of Palm Beach County, Florida; with the Easterly projection of the North line of Lot 16, Block 115, as shown on said plat; thence North 85°22'45" East, along the said Easterly projection of the North line of Lot 16, a distance of 190 feet to a point in the high water line of the West Shore of Lake Worth; thence South 50°37'15" East along said high water line, a distance of 60 feet; thence South 16°37'15" East, along said high water line, a distance of 175 feet; thence South 01°52'45" West along said high water line, a distance of 185 feet; thence South 79°22'45" West along said high water line, a distance of 100 feet; thence North 40°37'15" West, along said high water line, a distance of 25 feet; thence North 27°22'45" East, along said high water line, a distance of 35 feet; thence North 08°07'15" West along said high water line, a distance of 240 feet; thence North 40°07'15" West, along said high water line a distance of 30 feet; thence South 77°52'45" West along said high water line, a distance of 85 feet; thence South 19°52'45" West along said high water line, a distance of 32 feet; thence South 18°37'15" East along said high water line, a distance of 175 feet; thence South 01°52'45" West along said high water line, a distance of 185 feet; thence South 01°13'26" East along said high water line, a distance of 173 feet to a point on the Easterly projection of the South line of Lot 28, Block 114 of said plat of Kelsey City (now Lake Park);

## TITLE SEARCH REPORT

**Fund File Number:** 06-2008-7159

thence South 85°22'45" West along said Easterly projection of Lot 28, Block 114, a distance of 28 feet to a point in the Easterly right of way of said Lake Shore Drive; thence North 05°11'15" West along said Easterly right of way line of Lake Shore Drive, a distance of 660.01 feet to the Point of Beginning.

Parcel 3:

A tract of sovereignty land in Lake Worth in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Beginning at a point of intersection of the East right of way line of Lake Shore Drive, as said right of way as shown on the plat of Kelsey City (now Lake Park), recorded in Plat Book 8, Page 23, Public Records of Palm Beach County, Florida, with the Easterly projection of the North line of Lot 16, Block 115, as shown on the plat of Kelsey City; thence North 85°22'45" East, along said Easterly projection of the North line of Lot 16, a distance of 190 feet to a point in the high water line of the West shore of Lake Worth and the Point of Beginning of the herein described tract of sovereignty land; thence continuing along the same course, a distance of 164.23 feet to a point in the Town of Lake Park Bulkhead Line as established by Ordinance No. 28, said point being also the beginning of a curve concave to the Northeast, having a radius of 872.74 feet and a central angle of 34°00'06"; thence Southerly and Southeasterly along the arc of said curve, and said bulkhead line, a distance of 482.88 feet to a point of reverse curvature, said reverse curve being concave to the Southwest, having a radius of 960 feet and a central angle of 28°49'12"; thence Southeasterly and Southerly along the arc of said curve and said bulkhead line, a distance of 215.27 feet to a point in the Easterly projection of the South line of Lot 28, Block 114 of said plat of Kelsey City; thence South 85°22'45" West along said Easterly projection of the South line of Lot 28, a distance of 525.53 feet to a point in the aforesaid high water line of the West shore of Lake Worth; thence North 01°13'26" West along said high water line, a distance of 173 feet; thence North 01°52'45" East along said high water line, a distance of 185 feet; thence North 18°37'15" West, along said high water line, a distance of 175 feet; thence North 19°52'45" East, along said high water line, a distance of 32 feet; thence North 77°52'45" East, along said high water line, a distance of 85 feet; thence South 40°07'15" East, along said high water line, a distance of 30 feet; thence South 08°07'15" East along said high water line, a distance of 240 feet; thence South 27°22'45" West, along said high water line, a distance of 35 feet; thence South 40°37'15" East, along said high water line, a distance of 25 feet; thence North 79°22'45" East, along said high water line, a distance of 100 feet; thence North 01°52'45" East along said high water line, a distance of 185 feet; thence North 16°37'15" West along said high water line, a distance of 175 feet; thence North 50°37'15" West along said high water line, a distance of 60 feet to the Point of Beginning.

Parcel 4:

Beginning at a point on the East line of Lake Shore Drive as shown on the plat of Kelsey City (now Lake Park), recorded in Plat Book 8, Page 23, Public Records of Palm Beach County, Florida, where the Easterly extension of the North line of Lot 17, Block 115 of Kelsey City intersects said East line of Lake Shore Drive; thence run in an Easterly direction along the Easterly extension of the said North line of Lot 17, Block 115, Kelsey City, to the waters of Lake Worth; thence run in a Southerly direction along the waters edge of Lake Worth to a point where the Easterly extension of the South line of Lot 28, Block 114 of said Kelsey City, meets the waters edge of Lake Worth; thence run in a Westerly direction along the Easterly extension of the South line of Lot 28, Block 114, Kelsey City, to a point where said Easterly extension of the South line of Lot 28, Block 114, Kelsey City, intersects the East line of said Lake Shore Drive; thence run in a Northerly direction along the said East line of Lake Shore Drive to the Point of Beginning.

Parcel 5:

## TITLE SEARCH REPORT

***Fund File Number:*** 06-2008-7159

A parcel of sovereignty land in Section 21, Township 42 South , Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Beginning at a point in a line 35 feet North of and parallel to the South line of said Section 21, said point being in the high water line on the Westerly shore of Lake Worth at a distance of 126 feet South 88°01'45" East from the Easterly right of way line of Lake Shore Drive according the plat thereof recorded in Road Plat Book 1, Page 157, Public Records of Palm Beach County, Florida; thence North 37°31'45" West, along said high water line, a distance of 83.50 feet; thence North 27°46'45" West, along said high water line, a distance of 78 feet; thence North 09°09'05" West along said high water line a distance of 68.8 feet, more or less, to a point in the Easterly projection of the South line of Lot 28, Block 114, plat of Kelsey City, according to the plat thereof recorded in Plat Book 8, Page 23, Public Records of Palm Beach County, Florida; thence North 85°22'45" East, along the South line of Lot 28, Block 114, Kelsey City, projected Easterly , a distance of 521.69 feet to a point in the Town of Lake Park bulkhead line, established by Ordinance No. 28 on February 6, 1961, recorded in Plat Book 27, Page 1, Public Records of Palm Beach County, Florida, said point being in the arc of a curve concave to the Southwest having a radius of 872.74 feet and a central angle of 17°34'03"; thence Southeasterly and Southerly along the arc of said curve and said Town of Lake Park bulkhead line, a distance of 267.59 feet to a point in the aforesaid parallel line 35 feet North of the South line of said Section 21; thence North 88°01'45" West along said parallel line, a distance of 473.67 feet to the Point of Beginning.

Parcel 6:

That part of Government Lot 4 of Section 21, Township 42 South, Range 43 East, lying Easterly of the plat of Kelsey City (now Lake Park), recorded in Plat Book 8, Pages 18, 23 and 35, Public Records of Palm Beach County, Florida, bounded on the North by an extension Easterly of the South line of Lot 28, Block 114, as shown on said plat of Kelsey City, and bounded on the South by the South line of Government Lot 4.

DEED

THIS INDENTURE, Made this 24<sup>th</sup> day of April, A. D. 1939 between TESDKA, INC., a corporation organized and existing under the laws of the State of Florida, party of the first part, and TOWN OF KELSEY CITY, a municipal corporation organized and existing under the laws of the State of Florida, in the county of Palm Beach, State of Florida, party of the second part, WITNESSETH, that the said party of the first part for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part an easement for the purpose of constructing and maintaining a drainage ditch in, over and upon the following described land, to-wit:



The South 25 feet of Lots 1 to 19, inclusive, all of Lot 25, and the North 25 feet of Lots 31 to 49, inclusive, of Block 61;

The South 25 feet of Lots 1 to 24, inclusive, and the North 25 feet of Lots 25 to 46, inclusive, of Block 65;

The South 25 feet of Lots 1, 2, 5 to 9, inclusive, and 12 to 24, inclusive, and the North 25 feet of lots 25 to 44, inclusive, 47 and 48, of Block 60

The South 25 feet of Lots 7 to 10, inclusive, and 14 to 21, inclusive, the North 25 feet of Lots 22 to 43, inclusive, and all of Lot 49, of Block 73;

The South 25 feet of Lots 1 to 3, inclusive, and 7 to 11, inclusive, the North 25 feet of Lots 16 to 28, inclusive and all of Lot 36, of Block 39;

Lots 6 and 17 of Block 115;

The land bounded on the North by the Easterly extension of the north line of Lot 17, Block 115, on the East by the waters of Lake Worth, on the South by the Easterly extension of the South line of Lot 17, Block 115 and on the West by the East line of Lake Shore Drive;

SEE 632 468

All of Kelsey City, Florida, according to the plat thereof on file in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida.

TO HAVE AND TO HOLD the same unto the said party of the second part forever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its Assistant Secretary, the day and year above written.



TESDEM, INC. (SEAL)

By Walter W. Campbell  
President

ATTEST:

William C. C. C.  
Assistant Secretary

Signed, sealed and delivered  
in our presence:

Charles R. Brading  
Clarence Allen

DEED 632 PAGE 461

STATE OF FLORIDA )  
COUNTY OF PALM BEACH )

I HEREBY CERTIFY, That on this 24<sup>th</sup> day of April, A. D. 1939, before me personally appeared WALTER W. FOSKETT and WILLIAM A. COBB, JR., President and Assistant Secretary respectively of TESLEM, INC., a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing conveyance to TOWN OF KELSEY CITY, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at West Palm Beach, Florida, in the County of Palm Beach and State of Florida, the day and year last aforesaid.



Clarence Allen  
Notary Public

My Commission expires: May 14, 1940

This instrument was filed for Record at 10:25 A.M. the 1 day of July 1941, and Recorded in Book 632 at page 467. Record verified. J. ALEX ARNETT, Clerk Circuit Court, Palm Beach County, Florida.  
By [Signature] Deputy Clerk

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND  
OF THE STATE OF FLORIDA

PARCEL  
1A

DEDICATION

1257

NO. 24709 (2054-50)

JAN 9 4 55 PM '68

KNOW ALL MEN BY THESE PRESENTS: That the Trustees of the Internal Improvement Fund of the State of Florida, in pursuance of application made by the Town of Lake Park, a municipal corporation of the State of Florida, by Resolution No. 514, 1967, for dedication of the lands hereinafter described for public drainage and park purposes, approved by said Trustees on December 5, 1967, have dedicated, and by these presents do hereby dedicate the following described lands in Palm Beach County, Florida, to-wit:

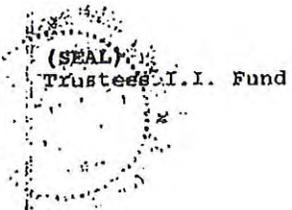
A parcel of sovereignty land in Lake Worth in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Bounded on the North by the easterly extension of the North line of Lot 17, Block 115, according to the Plat of Kelsey City as recorded in Plat Book 8, Page 23, in and for the Public Records of Palm Beach County, Florida. Bounded on the East by the Bulkhead Line as recorded in Plat Book 27, Page 1, in and for the Public Records of Palm Beach County, Florida. Bounded on the South by the easterly extension of the South line of Lot 17, Block 115, according to the said Plat of Kelsey City. Bounded on the West by the waters edge of Lake Worth; containing 0.41 acre, more or less.

The above described lands shall be used for public drainage and park purposes only, under the supervision and management of the Town of Lake Park.

IN TESTIMONY WHEREOF, the said Trustees of the Internal Improvement Fund of the State of Florida have hereunto subscribed their names and have caused the official seal of said Trustees to be hereunto affixed, in the City of Tallahassee, Florida, on this the 11th day of December, A. D. 1967.

MASON & GILDMAN



[Signature]  
Governor  
[Signature]  
Secretary of State  
[Signature]  
Attorney General  
[Signature]  
Comptroller  
[Signature]  
Treasurer  
[Signature]  
Superintendent of Public Instruction  
[Signature]  
Commissioner of Agriculture

Recorded in Official Record Book  
Of Palm Beach County, Florida  
John B. Dunkle  
Clerk of Circuit Court

As and Constituting the Trustees of the Internal Improvement Fund of the State of Florida

PALLEZ  
2

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND  
OF THE STATE OF FLORIDA

Oct 13 10 01 AM '61

1919

(Sec. 253.129 Florida Statutes 1957)

NO. 22881 (960-50)

THIS INDENTURE, made this 20th day of September, A. D. 1961, by and between the TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, as the first parties, and THE TOWN OF LAKE PARK, a municipal corporation of the State of Florida, as the second party.

WITNESSETH: That the first parties in pursuance of the provisions of Sec. 253.129 Florida Statutes 1957, and in consideration of the sum of Ten and 00/100 Dollars to them paid by second party, receipt of which is hereby acknowledged, have transferred, remised, released, relinquished, surrendered, quit-claimed and disclaimed, and by these presents do hereby transfer, remise, release, relinquish, surrender, quitclaim and disclaim to said second party, its successors and assigns, forever, any and all right, title or interest of the first parties, of, in and to the following described land in Palm Beach County, Florida, to-wit:

A tract of land in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Beginning at the intersection of the East right-of-way line of Lake Shore Drive, as said right of way line is shown on plat of Kelsey City (now Lake Park) on file in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 8, Page 23, with the easterly projection of the north line of Lot 16, Block 115, as shown on said plat of Kelsey City; thence North 85° 22' 45" East, along the said easterly projection of the north line of Lot 16, a distance of 190 feet to a point in the high water line of the West shore of Lake Worth; thence South 50° 37' 15" East along said high water line, a distance of 60 feet; thence South 16° 37' 15" East, along said high water line, a distance of 175 feet; thence South 1° 52' 45" West along said high water line, a distance of 185 feet; thence South 79° 22' 45" West, along said high water line, a distance of 100 feet; thence North 40° 37' 15" West, along said high water line, a distance of 25 feet; thence North 27° 22' 45" East, along said high water line, a distance of 35 feet; thence North 3° 07' 15" West, along said high water line, a distance of 240 feet; thence North 40° 07' 15" West,



BFD NEW 7 WEBER & BROWN

along said high water line, a distance of 30 feet; thence South 77° 52' 45" West along said high water line, a distance of 85 feet; thence South 19° 52' 45" West along said high water line, a distance of 32 feet; thence South 18° 37' 15" East along said high water line, a distance of 175 feet; thence South 1° 52' 45" West, along said high water line, a distance of 185 feet; thence South 1° 13' 26" East, along said high water line, a distance of 173 feet, to a point in the easterly projection of the south line of Lot 28, Block 114 of said plat of Kelsey City; thence South 85° 22' 45" West along said easterly projection of Lot 28, Block 114, a distance of 28 feet to a point in the easterly right of way line of said Lake Shore Drive; thence North 5° 11' 15" West along said easterly right of way line of Lake Shore Drive, a distance of 660.01 feet to the Point of Beginning. Containing 1.825 acres, more or less.

IN TESTIMONY WHEREOF the said Trustees of the Internal Improvement Fund of the State of Florida have hereunto subscribed their names and affixed their seal and have caused the seal of THE DEPARTMENT OF AGRICULTURE OF THE STATE OF FLORIDA to be hereunto affixed at the Capitol, in the City of Tallahassee, on this the 20th day of September, A. D. 1961.

*[Signature]* (SEAL)  
Governor

*[Signature]* (SEAL)  
Comptroller

\_\_\_\_\_  
Treasurer (SEAL)

*[Signature]* (SEAL)  
Attorney General

*[Signature]* (SEAL)  
Commissioner of Agriculture

As and Composing the Trustees of the Internal Improvement Fund of the State of Florida.



Recorded in Official Record Book  
of Palm Beach County, Florida.  
J. ALEX ARNETTE  
CLERK OF CIRCUIT COURT

4170

EX 694 no 327

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND  
OF THE STATE OF FLORIDA

Oct 30 9 05 AM '61

PARCEL  
3

DEED NO. 22899 (960-50)

THIS INDENTURE, made this 11th day of October, A. D. 1961, by and between the TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, as the first parties, and THE TOWN OF LAKE PARK, a municipal corporation of the State of Florida, as the second party.

WITNESSETH: Whereas, application having been made by the second party for conveyance of the land hereinafter described, for public park and boat ramp purposes, being land held by the first parties, and said application having been approved by the Trustees of the Internal Improvement Fund at their meeting on September 12, 1961,

NOW, THEREFORE, the Trustees of the Internal Improvement Fund of the State of Florida, in consideration of the sum of Ten and 00/100 Dollars, and other good and valuable consideration, to them paid by the second party, receipt of which is hereby acknowledged, have remised, released, granted and conveyed, and by these presents do hereby remise, release and convey, subject to the provisions hereinafter set forth, unto said second party, its successors and assigns, the following described land in PALM BEACH COUNTY, Florida, to-wit:

A tract of sovereignty land in Lake Worth in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Beginning at the point of intersection of the East right of way line of Lake Shore Drive, as said right of way is shown on plat of Kelsey City (now Lake Park) on file in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 8, Page 23, with the easterly projection of the north line of Lot 16, Block 115, as shown on said plat of Kelsey City, thence North 85° 22' 45" East, along said easterly projection of the north line of Lot 16, a distance of 190 feet to a point in the high water line of the west shore of Lake Worth and the point of beginning of the herein described tract of



PALM BEACH COUNTY

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B. N. v. B.

sovereignty land; thence continuing along the same course, a distance of 164.23 feet to a point in the Town of Lake Park Bulkhead Line, as established by Ordinance No. 28; said point being also the beginning of a curve concave to the northeast, having a radius of 872.74 feet and a central angle of 34° 00' 06"; thence southerly and southeasterly along the arc of said curve, and said Bulkhead Line, a distance of 482.88 feet to a point of reverse curvature, said reverse curve being concave to the southwest, having a radius of 960 feet and a central angle of 28° 49' 12"; thence southeasterly and southerly along the arc of said curve and said Bulkhead Line, a distance of 215.27 feet to a point in the easterly projection of the south line of Lot 28, Block 114 of said plat of Kelsey City; thence South 85° 22' 45" West along said easterly projection of the south line of Lot 28, a distance of 525.53 feet to a point in the aforesaid high water line of the West shore of Lake Worth; thence North 1° 13' 26" West along said high water line, a distance of 173 feet; thence North 1° 52' 45" East, along said high water line, a distance of 185 feet; thence North 18° 37' 15" West, along said high water line, a distance of 175 feet; thence North 19° 52' 45" East, along said high water line, a distance of 32 feet; thence North 77° 52' 45" East, along said high water line, a distance of 85 feet; thence South 40° 07' 15" East along said high water line, a distance of 30 feet; thence South 8° 07' 15" East along said high water line, a distance of 240 feet; thence South 27° 22' 45" West, along said high water line, a distance of 35 feet; thence South 40° 37' 15" East, along said high water line, a distance of 25 feet; thence North 79° 22' 45" East, along said high water line, a distance of 100 feet; thence North 1° 52' 45" East along said high water line, a distance of 185 feet; thence North 16° 37' 15" West along said high water line, a distance of 175 feet; thence North 50° 37' 15" West along said high water line, a distance of 60 feet to the Point of Beginning. Containing 4.713 acres, more or less.

This instrument is granted subject to the following provisions, viz:

1. That said premises shall be used for public park and boat ramp purposes only; and
2. That in the event said land is not used for public park and boat ramp purposes and for a period of Three (3) consecutive years shall not be maintained and used for said purposes, or in the event said land is used for other purposes, then the premises hereinabove described and conveyed shall revert to the Trustees of the Internal Improvement Fund of the State of Florida.
3. The Trustees of the Internal Improvement Fund hereby reserve unto themselves and their successors title to an undivided three-fourths of all phosphate, minerals and metals, and title to an undivided one-half of all petroleum that may be in, on or under the above described land.

TO HAVE AND TO HOLD said premises and the appurtenances thereof, subject to the above mentioned provisions and limitations,

684 No. 329

unto said second party, its successors and assigns, forever

IN TESTIMONY WHEREOF, the said Trustees of the Internal Improvement Fund have hereunto subscribed their names and affixed their seal, and have caused the seal of THE DEPARTMENT OF AGRICULTURE OF THE STATE OF FLORIDA to be hereunto affixed, at the Capitol, in the City of Tallahassee, on this the date first above written.



Fund

*[Signature]* (SEAL)

*[Signature]* (SEAL)

*[Signature]* (SEAL)

*[Signature]* (SEAL)  
Attorney General

*[Signature]* (SEAL)  
Commissioner of Agriculture

(SEAL)  
Department of Agriculture

As and Composing the Trustees of the Internal Improvement Fund of the State of Florida.

Recorded in Official Record Book  
of Palm Beach County, Florida  
J. ALEX ARNETTE  
CLERK OF CIRCUIT COURT

THE DEPARTMENT OF AGRICULTURE

BEST COPY

PARCEL 4

1944 164

2212

THIS INSTRUMENT, Made this first day of June, A. D. 1948, between IRIDEM, INC., a corporation organized and existing under the laws of the State of Florida, party of the first part, and TOWN OF LAKE PARK, a municipal corporation organized and existing under the laws of the State of Florida, in the County of Palm Beach and State of Florida, party of the second part,

WITNESSETH, That the said party of the first part for and in consideration of the sum of One (\$1.00) Dollar to it in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, and sold to the said party of the second part the following described land situate, lying and being in the County of Palm Beach and State of Florida, to-wit:

Beginning at a point on the east line of Lake Shore Drive as shown on the plat of Kelsey City, Florida, on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, where the easterly extension of the north line of Lot 17 of Block 116 of Kelsey City, Florida, according to said plat thereof, intersects said east line of Lake Shore Drive; thence run in an easterly direction along the easterly extension of the said north line of Lot 17, Block 116, Kelsey City, Florida, to the waters of Lake Worth; thence run in a southerly direction along the waters edge of Lake Worth to a point where the easterly extension of the south line of Lot 18, Block 116 of Kelsey City, Florida, according to said plat thereof, meets the waters edge of Lake Worth; thence run in a westerly direction along the easterly extension of said south line of Lot 18, Block 116, Kelsey City, Florida, to the point where said easterly extension of the south line of Lot 18, Block 116, Kelsey City, Florida, intersects the east line of said Lake Shore Drive; thence run in a northerly direction along the said east line of Lake Shore Drive to the point of beginning.

Together with all riparian or littoral rights thereto appertaining.

TO HAVE AND TO HOLD the same unto the said party of the second part in fee determinable for as long as said land and appurtenances thereto shall be used and maintained by said party

BEST COPY

COE 247  
on 682 no. 405

of the second party as a public park or municipal dock and wharf,  
and in case said land and appurtenances thereto shall not be or  
shall ever cease to be used and maintained by said party of the  
second part as a public park or municipal dock and wharf, then  
and in that event the estate hereby granted shall determine and the  
title to said land and appurtenances thereto shall thereupon re-  
vert to said party of the first part, its successors or assigns  
in fee simple forever.

IN WITNESS WHEREOF, the said second party of the first  
part has caused these presents to be signed in its name by its  
President and its corporate seal to be affixed, attested by its  
Assistant Secretary, the day and year above written.



*William A. Dally*  
Assistant Secretary

TESERA, INC.

By *Walter A. ...*  
As President

Signed, Seal and Delivered  
in our presence:

*James ...*  
*James ...*

BEST COPY

DEED 682 NE 488

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I HEREBY CERTIFY, That on this 1st day of June  
A. D. 1940, before me personally appeared WALTER V. FOREST and  
WILLIAM A. COBB, JR., President and Assistant Secretary, respect-  
ively, of FISHER, INC., a corporation under the laws of the State  
of Florida, to me known to be the persons described in and who  
executed the foregoing conveyance to the TOWN OF LAKE PARK, and  
generally acknowledged the execution thereof to be their free act  
and deed as such officers, for the uses and purposes therein  
mentioned; and that they affixed thereto the official seal of said  
corporation, and the said instrument is the act and deed of said  
corporation.

WITNESS my signature and official seal at West Palm  
Beach, Florida, in the County of Palm Beach and State of Florida,  
the day and year last aforesaid.

Notary Public

My Commission Expires: \_\_\_\_\_



This instrument was filed for Record at  
1940 on this 1st day of June  
and recorded in Book 682, at page 488  
witnessed by ALFRED ARNETTE, Clerk Circuit  
Court, Palm Beach County, Florida,  
By Alfred Arnette Deputy Clerk

PARCEL  
4

QUIT-CLAIM DEED FROM CORPORATION

37795

DREW'S FORM R. E. 43

Manufactured and for sale by The H. & W. S. Drew Company Jacksonville, Florida

This Quit-Claim Deed, Executed this 4 day of April, A. D. 1973, by BANKERS LIFE AND CASUALTY COMPANY, an Illinois corporation authorized to do business in the State of Florida and having its principal place of business at 1001 Park Avenue, Lake Park, Florida first party, to TOWN OF LAKE PARK, a municipal corporation under the laws of the State of Florida, whose postoffice address is c/o Herbert L. Gildan, 2250 Palm Beach Lakes Boulevard, West Palm Beach, Florida second party

(Whenever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**Witnesseth**, That the said first party, for and in consideration of the sum of \$10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has and to the following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach State of Florida to wit: All of the rights of reverter contained in that certain deed recorded in Deed Book 632 at Page 464, Palm Beach County, Florida Public Records, involved with the following described real property: Beginning at a point on the east line of Lake Shore Drive as shown on the plat of Kelsey City, Florida, on file in the office of the clerk of the Circuit Court in and for Palm Beach County, Florida, where the easterly extension of the north line of Lot 17 of Block 115 of Kelsey City, Florida, according to said plat thereof, intersects said east line of Lake Shore Drive; thence run in an easterly direction along the easterly extension of the said north line of Lot 17, Block 115, Kelsey City, Florida, to the waters of Lake Worth; thence run in a southerly direction along the waters edge of Lake Worth to a point where the easterly extension of the south line of Lot 28, Block 114 of Kelsey City, Florida, according to said plat thereof meets the waters edge of Lake Worth; thence run in a westerly direction along the easterly extension of said south line of Lot 28, Block 114, Kelsey City, Florida, to the point where said easterly extension of the south line of Lot 28, Block 114, Kelsey City, Florida, intersects the east line of said Lake Shore Drive; thence run in a northerly direction along the said east line of Lake Shore Drive to the point of beginning.

**To Have and to Hold** the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

**In Witness Whereof**, the said first party has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

(CORPORATE SEAL)

ATTEST: *C. T. Hyland*  
Secretary

BANKERS LIFE AND CASUALTY COMPANY, an Illinois corporation authorized to do business in Florida  
By: *James M. ...* President

Signed, sealed and delivered in the presence of:  
*Eileen B. Blakely*  
*Eileen B. Blakely*

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOHN D. MAC ARTHUR and C. T. HYLAND

well known to me to be the President and Secretary respectively of the corporation named as first party in the foregoing deed, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 4th day of April, A. D. 1973

INSTRUMENT PREPARED BY:  
Ronald Sales, Lawyer  
249 Royal Palm Way  
Palm Beach, Florida

*Eileen B. Blakely*  
Notary Public, State of Florida  
at Large  
My commission expires: 7-16-73

73 APR 10 PM 2:43

Return to Notary Public Eileen B. Blakely, 250 P.O. Office Bldg. W.P.B. 4:30

PALM BEACH COUNTY  
1 2 0 5 5 8

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
DEPT. OF REVENUE  
APR 10 1973  
00.30



PALM BEACH COUNTY  
1 2 0 5 5 8

FLORIDA  
DEPT. OF REVENUE  
APR 10 1973  
RB. 10824

DOCUMENTARY SUR TAX  
00.55

DREW'S MOON, S. E. 42

# Quit-Claim Deed

FROM CORPORATION

*This is not a certified copy*

(R-22) The H. & W. B. Drew Company, Jacksonville, Florida. 78-072514

Recorded in O R Book B  
Record verified  
Palm Beach County, Fla.  
John B. Dentle  
Clerk Circuit Court

SEE RECORD 2143 PAGE 1721

ENCLOSURE

JUL 14

RECORDED 1239 PAGE 59

JUL 26 11 20 AM '65

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA

3455

PARCEL 5

DEED NO: 24018 (1339-50)

THIS INDENTURE, made this 23rd day of June, A. D. 1965, by and between the TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, as the first parties, and the TOWN OF LAKE PARK, a municipal corporation of the State of Florida, as the second party.

WITNESSETH: Whereas, application having been made April 21, 1965, by the second party for conveyance of the land hereinafter described, for public purposes, being lands held by the first parties, and said application having been approved by the Trustees of the Internal Improvement Fund at their meeting held June 22, 1965;

NOW, THEREFORE, the Trustees of the Internal Improvement Fund of the State of Florida, in consideration of the premises and the sum of One Dollar to them paid by the second party, receipt of which is hereby acknowledged, have remised, released, granted and conveyed, and by these presents hereby remise, release, grant and convey, subject to the provisions hereinafter set forth, unto said second party, its successors and assigns, the following described land in PALM BEACH COUNTY, Florida, to-wit:

A parcel of sovereignty land in Lake Worth in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Beginning at a point in a line 35 feet north of and parallel to the south line of said Section 21, said point being in the high water line on the westerly shore of Lake Worth at a distance of 126 feet South 89° 01' 45" East from the easterly right of way line of Lake Shore Drive according to the plat thereof recorded in Road Plat Book 1, Page 157, Public Records of Palm Beach County, Florida; thence North 37° 31' 45" West, along said high water line, a distance of 83.50 feet; thence North 27° 46' 45" West, along said high water line, a distance of 78 feet; thence North 9° 09' 05" West, along said high water line a distance of 68.8 feet, more or less, to a point in the easterly projection of the south line of Lot 78, Block 114, Plat of Kelsey City, according to the plat thereof



PALM BEACH COUNTY

Wagon & Bullen  
Honey Bldg.  
w. P. B.

13 55  
30  
13 55

recorded in Plat Book 8, Page 28, Public Records of Palm Beach County, Florida; thence North 85° 22' 45" East, along said south line of Lot 28, Block 114, Kelsey City projected easterly, a distance of 521.69 feet to a point in the Town of Lake Park Bulkhead Line, established by Ordinance No. 28 on February 6, 1961, recorded in Plat Book 27, Page 1, Public Records of Palm Beach County, Florida, said point being in the arc of a curve concave to the southwest having a radius of 872.74 feet and a central angle of 17° 34' 03"; thence southeasterly and southerly along the arc of said curve and said Town of Lake Park Bulkhead Line, a distance of 267.59 feet to a point in the aforesaid parallel line 35 feet north of the south line of said Section 21; thence North 88° 01' 45" West along said parallel line, a distance of 473.67 feet to the Point of Beginning; containing 2.748 acres, more or less.

This deed is granted subject to the following provisions and limitations, viz:

1. In the event the said Town of Lake Park shall (a) use said lands for other than public purposes, or (b) for a period of three consecutive years shall fail and neglect to maintain and use the same for said purposes, the interest herein granted shall automatically revert to and re-vest in the Trustees of the Internal Improvement Fund.
2. The Trustees of the Internal Improvement Fund hereby reserve unto themselves and their successors title to an undivided three-fourths of all phosphate, minerals and metals, and title to an undivided one-half of all petroleum that may be in, on or under the above described land.

TO HAVE AND TO HOLD said premises and the appurtenances thereof, subject to the above mentioned provisions and limitations, unto said second party, its successors and assigns, forever.

IN TESTIMONY WHEREOF, the said Trustees of the Internal Improvement Fund of the State of Florida have hereunto subscribed their names and have caused the official seal of said Trustees to be hereunto affixed, in the City of Tallahassee, Florida, on this the 29th day of June, A. D. 1965.

*Wayne L. Brown*  
Governor

*Ray E. Moran*  
Comptroller

*Harold Williams*  
Treasurer

*Carl F. Smith*  
Attorney General

*DeWitt C. Brown*  
Commissioner of Agriculture

(SEAL)  
Trustees of I. I. Fund

As and Constituting the Trustees of the Internal Improvement Fund of the State of Florida.

Recorded in Official Record Book  
of Palm Beach County, Florida  
JOHN B. DUNKLE  
CLERK OF CIRCUIT COURT

Warranty Deed

1965 FEB 3 17 766  
EUGENE F. DIE  
LAKEVIEW BUILDING  
NORTH PALM BEACH, FLORIDA

REC-1154 PAGE 25

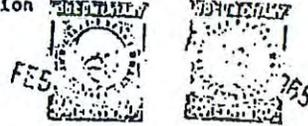
PARCEL  
6

Parcel  
6  
no  
issue

THIS INDENTURE, made this 28th day of January 19 65  
between MAX SCHMIDT and THERESA H. SCHMIDT, his wife, and WALTER K. SCHMIDT and  
DORATHEA E. SCHMIDT, his wife

Grantor, and TOWN OF LAKE PARK, FLORIDA, a municipal corporation

Grantee, whose mailing address is: Town Hall  
Lake Park, Florida



Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to Grantee, his heirs, successors, and assigns forever, the following described land situate, lying and being in Palm Beach County, Florida:

That part of Government Lot 4 of Section 21, Township 42 South, Range 43 East, lying easterly of the Plat of Kelsey City on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, pages 18, 23 and 35; bounded on the North by an extension easterly of the South line of Lot 28, Block 114, as shown on the said plat of Kelsey City, Florida, and bounded on the South by the South line of said Government Lot 4,

SUBJECT to the road rights of way of Lake Shore Drive and Silver Beach Road as shown on Plat.

SUBJECT to taxes for the year 1965 and thereafter.



Each of the words "Grantor" and "Grantee" and the pronouns referring thereto, whenever used herein, whether in the singular or plural shall be singular if one only and shall be plural jointly and severally, if more than one, and shall be masculine, feminine and/or neuter, and shall include the heirs, legal representatives, successors, and assigns of said parties, wherever the context so implies or admits.

Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In witness whereof, Grantor has executed this deed under seal on the above date.

Signed, sealed, and delivered in the presence of:

*Eugene F. Die*  
*Dorcas Harrison*

*Max F. Schmidt* (SEAL)  
Max Schmidt

*Theresa H. Schmidt* (SEAL)  
Theresa H. Schmidt

*Walter K. Schmidt* (SEAL)  
Walter K. Schmidt

*Doratheia E. Schmidt* (SEAL)  
Doratheia E. Schmidt

STATE OF FLORIDA )  
                          ) SS:  
COUNTY OF PALM )  
                      ) BEACH

Before me personally appeared

Max Schmidt and Theresa H. Schmidt, his wife, Walter K. Schmidt and  
Doratheia E. Schmidt, his wife

5/19/68

I, the undersigned, a Notary Public in and for the County of Palm Beach, State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as the same was presented to me, and that the same was executed by the parties thereto on the date and at the place therein expressed. Witness my hand and official seal this January 28, 1965.

My Commission Expires: 5/19/68

Note: Public in and for the County and State aforesaid.

Recorded in Official Record Book  
of Palm Beach County, Florida  
JOHN B. DUNKLE  
CLERK OF CIRCUIT COURT

EXHIBIT  
"B"

EASEMENT

S 35'

768

EMC  
MEN

0  
0  
0

EASEMENT GRANT

FILED

11154 PAGE 30

1965 FEB 4 PM 3 20

KNOW ALL MEN BY THESE PRESENTS, that the Town of Lake Park, Florida, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, does hereby give, grant and convey unto THERESA M. SCHMIDT, WALTER K. SCHMIDT, DORATHEA E. SCHMIDT, and MAX SCHMIDT, their heirs, successors and assigns, a perpetual easement for navigation, docking, and other marine purposes for boats owned or used by residents or owners of the land abutting this easement on the South and used in connection with the ownership or residence on such land which abutts this easement directly South of said easement, over and across the following described property situate, lying and being in Palm Beach County, Florida:

All of that portion of the South 35 feet of Section 21, Township 22 South, Range 43 East, Palm Beach County, Florida, being bounded on the East by the Town of Lake Park Bulkhead Line as established by Ordinance No. 28, and on the West by the southerly extension of the easterly face of an existing bulkhead, said southerly extension making an angle of intersection with the South line of said Section 21 of 82° 54' 30", measured from North to West at a distance of 66.3 feet easterly from, measured along said South line of Section 21, the Northwest corner of Lot 54 of Riviera Shores, according to the plat thereof recorded in Plat Book 25, Page 147, Public Records of Palm Beach County, Florida.

The said Town of Lake Park, Florida, does hereby covenant and agree that it will not install, place or locate any structures, such as docks, pilings, buoys, or other installations within the above described property, that is located easterly of the APPROX. high water line shown on the attached Survey No.

IN WITNESS WHEREOF the Grantor has caused these presents to be executed by its Mayor and attested by its Town Clerk and its corporate seal to be affixed hereto the day and year aforesaid.

EXHIBIT  
"C"

Signed, sealed, and delivered in the presence of:

William D. Bryant  
Simon K. O'Rourke

TOWN OF LAKE PARK, FLORIDA (SEAL)

By: William Brant  
William Brant, Mayor

ATTEST:

Thelma Compton  
Thelma Compton, Town Clerk

STATE OF FLORIDA

COUNTY OF PALM BEACH

Before me personally appeared WILLIAM BRANT and THELMA COMPTON, Mayor and Town Clerk, respectively of the Town of Lake Park, Florida, to me well known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the foregoing instrument as said municipal officers of said town, and have certified to the undersigned that they are duly authorized to grant said easement, and that they affixed thereto the official seal of the said Town of Lake Park, Florida.

Witness my hand and official seal this 38 day of January 1965.

Michael E. Manning  
Notary Public

My commission expires: 1-21-68

Notary Public State of Florida  
My commission expires on 1-21-68  
Notary Public State of Florida





ORB 9195 Pg 1556  
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the chair or Vice-Chair of said Board, the day and year aforesaid.

ATTEST:

DOROTHY H. WILKEN, CLERK      PALM BEACH COUNTY, BY ITS BOARD  
OF COUNTY COMMISSIONERS

By: April C. Smith  
Deputy Clerk



MAR 19 1996

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: Paul F. King  
Asst. County Attorney

R96-331-D

dead.LP



7. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Grantee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

8. VENUE: Grantee waives venue as to any litigation arising from matters relating to this easement and any such litigation between Grantor and Grantee shall be initiated and maintained only in Leon County, Florida.

9. ASSIGNMENT OF EASEMENT: This easement shall not be assigned or otherwise transferred without prior written consent of the Grantor or its duly authorized agent. Any assignment or other transfer without prior written consent of the Grantor shall be null and void and without legal effect.

10. TERMINATION: The Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor upon 30 days written notice to Grantee. If terminated, all of the above-described parcel of land shall revert to the Grantor. All costs, including attorneys' fees, incurred by the Grantor to enforce the provisions of this easement shall be paid by the Grantee. All notices required to be given to Grantee by this easement or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Town of Lake Park  
 535 Park Avenue  
 Lake Park, Florida 33403  
 Re: Breakwater for Town of Lake Park Marina

The Grantee agrees to notify the Grantor by certified mail of any changes to this address at least ten (10) days before the change is effective.

11. TAXES AND ASSESSMENTS: The Grantee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this easement which result from the grant of this easement or the activities of Grantee hereunder.

12. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Grantee does not remove said structures and equipment occupying and erected upon the premises after expiration or cancellation of this easement, such structures and equipment will be deemed forfeited to the Grantor, and the Grantor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Grantee at the address specified in Item 11 or at such address on record as provided to the Grantor by the Grantee. However, such remedy shall be in addition to all other remedies available to Grantor under applicable laws, rules, and regulations including the right to compel removal of all structures and the right to impose administrative fines.

13. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Grantor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Grantor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

14. RECORDATION OF EASEMENT: The Grantee, at its own expense, shall record this fully executed easement in its entirety in the public records of the county within which the easement site is located within fourteen (14) days after receipt, and shall provide to the Grantor within ten (10) days following the recordation a copy of the recorded easement in its entirety which contains the O.R. Book and pages at which the easement is recorded.

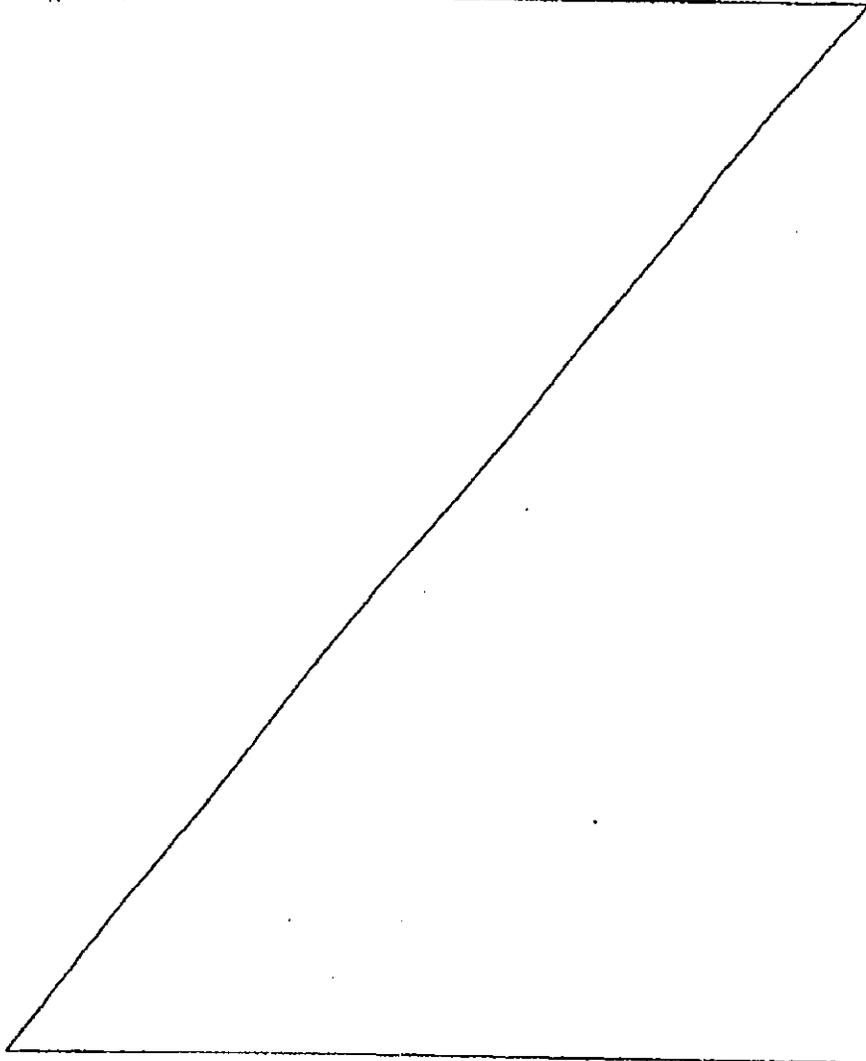
15. AMENDMENTS/MODIFICATIONS: This easement is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this easement must be in writing and must be accepted, acknowledged and executed by the Grantee and Grantor.

16. ACOE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Grantee shall obtain the U.S. Army Corps of Engineers (COE) permit if it is required by the COE. Any modifications to the construction and/or activities authorized herein that may be required by the COE shall require consideration by and the prior written approval of the Grantor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

**17. ADDITIONAL STRUCTURES OR ACTIVITIES/EMERGENCY STRUCTURAL REPAIRS** No additional structures shall be erected and/or activities undertaken, including but not limited to, dredging, relocation/realignment or major repairs or renovations made in authorized structures, on, in or over sovereignty, submerged lands without the prior written consent of the Grantor, with the exception of emergency repairs. Unless specifically authorized in writing by the Grantor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Grantee to administrative fines under Chapter 18.11, Florida Administrative Code. If emergency repairs are required to be undertaken in the interests of public health, safety or welfare, the Grantee shall notify the Grantor of such repairs as quickly as is practicable, provided, however, that such emergency activities shall not exceed the activities authorized by this easement.

**18. UPLAND RIPARIAN PROPERTY INTEREST.** During the term of this easement, Grantee, pursuant to section 18-21.009, Florida Administrative Code, must either be the record owner of the riparian upland property or have the written consent of the riparian upland property owner(s) to conduct the activity described in this easement. If at any time during the term of this easement, Grantee fails to comply with this requirement, this easement shall terminate and title to this easement shall revert to and vest in the Grantor immediately and automatically.

**19. ACCRETION INTEREST:** In further consideration of the issuance of this easement by the Grantor, Grantee consents to the construction and maintenance of the structures authorized hereunder and expressly waives any right, title or interest in and to any accretions or additions to Grantee's shoreline resulting from any activity approved herein.



WITNESSES:

Tania A. Bahel-Studer  
Original Signature

TANIA A. BAHEL-STUDER  
Typed/Printed Name of Witness

Arlene D. Swann  
Original Signature

Arlene D. Swann  
Typed/Printed Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND OF THE STATE OF  
FLORIDA

(SFAL)

BY Mary C. Murphy  
FOR Melissa L. Meyer, Director of District Management,  
Southeast District, Department of Environmental Protection,  
as agent for the Board of Trustees of the Internal Improvement  
Trust Fund of the State of Florida

"GRANTOR"

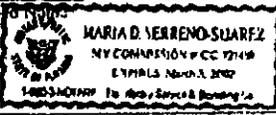
STATE OF FLORIDA  
COUNTY OF Hall Beach County

The foregoing instrument was acknowledged before me this 14th day of July, 2000, by  
\* Melissa L. Meyer, Director of District Management, Southeast District, Department of Environmental Protection, who is  
personally known to me  
\* Mary C. Murphy, Acting Director of District Management

APPROVED AS TO FORM AND LEGALITY:

John H. Hill  
Notary Attorney

Melissa L. Meyer  
Notary Public, State of Florida

Printed, Typed or Stamp  
My Commission Expires  


Commission/Serial No \_\_\_\_\_

WITNESSES:

Town of Lake Park, Florida municipal corporation (SFAL)

Mary Holcott  
Original Signature

BY William H. Wagner  
Original Signature of Executing Authority

Mary Holcott  
Typed/Printed Name of Witness

William H. Wagner  
Typed/Printed Name of Executing Authority

Bl Goralski  
Original Signature

Mayor  
Title of Executing Authority

Bl Goralski  
Typed/Printed Name of Witness

"GRANTEE"

STATE OF Florida  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 30 day of June, 2000 by  
William H. Wagner as Mayor, for and on behalf of the Town of Lake Park, a Florida municipal corporation. He is personally  
known to me or produced \_\_\_\_\_ as identification.

My Commission Expires:  
6-16-2000

Sally G. Hill  
Notary Public, State of Florida

Commission/Serial No. CC91110

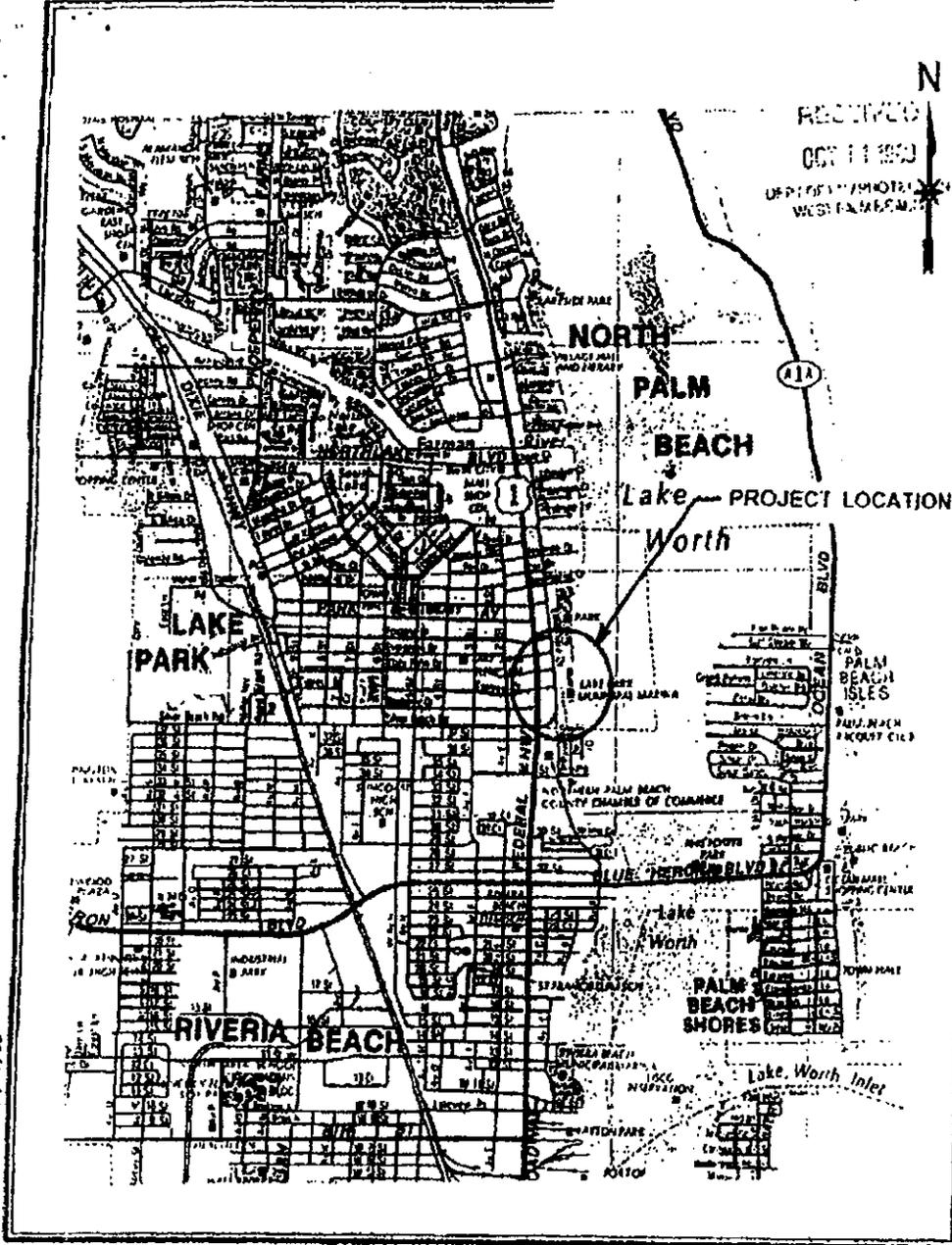
Sally G. Hill  
Printed, Typed or Stamped Name



RECEIVED

JUL 11 2000

DEPT OF ENV PROTECTION  
WEST PALM BEACH



RECEIVED  
 OCT 11 1999  
 DEPT OF ENVIRONMENTAL  
 WEST PALM BEACH

BBB-VICINITY.DWG 06/17/98

Figure 1  
 VICINITY MAP  
 LAKE PARK MARINA



RECEIVED  
 JUL 11 2000  
 DEPT OF ENV PROTECTION  
 WEST PALM BEACH



**SKETCH OF LEGAL DESCRIPTION**  
 (THIS IS NOT A SURVEY)

**PROPOSED  
 SUBMERGED LAND PUBLIC EASEMENT**



SCALE 1" = 50'

SUBMERGED LAND  
 PARCEL 3  
 (ORB 694, PAGE 327)

R=872.74'  
 Δ=02°26'07"  
 A=37.09'

A=18.10'

S85°22'45"W  
 435.3'

P. O. B.

S76°19'44"E 171.81'  
 RADIAL BEARING  
 S27°44'19"E  
 N76°19'44"N 150.00'

R=20.00'  
 Δ=262°49'09"  
 A=91.74'

R=872.74'  
 Δ=21°03'27"  
 A=320.75'

SEAWALL  
 M. H. W. L.

SEAWALL

LAKE NORTH

LAKE PARK MARINA  
 SUBMERGED LAND PARCEL 5

*Dan H. Dailey*  
 DAN H. DAILEY  
 DAILEY AND ASSOCIATES, INC.  
 FLORIDA P. S. M. NO. 2439

BULKHEAD LINE  
 (PLAT BOOK 27, PAGE 1)

**LEGEND**

- P. O. C. - POINT OF COMMENCEMENT
- P. O. B. - POINT OF BEGINNING
- R - RADIUS
- Δ - CENTRAL ANGLE
- A - ARC LENGTH
- ORB - OFFICIAL RECORDS BOOK
- M. H. W. L. - MEAN HIGH WATER LINE

P. O. C.  
 SOUTHEAST CORNER  
 BULKHEAD LINE PLAT

**DAILEY**  
 AND ASSOCIATES, INC.  
 SURVEYING & MAPPING  
 112 N. U. S. HIGHWAY NO. 1  
 TALLAHASSEE, FLORIDA 32301  
 PHONE: (904) 748-8424

S87°56'45"E  
 485.3'\*

SUBMERGED LAND PARCEL 6  
 (ORB 1154, PAGE 25)  
 RADIAL BEARING S89°55'45"W

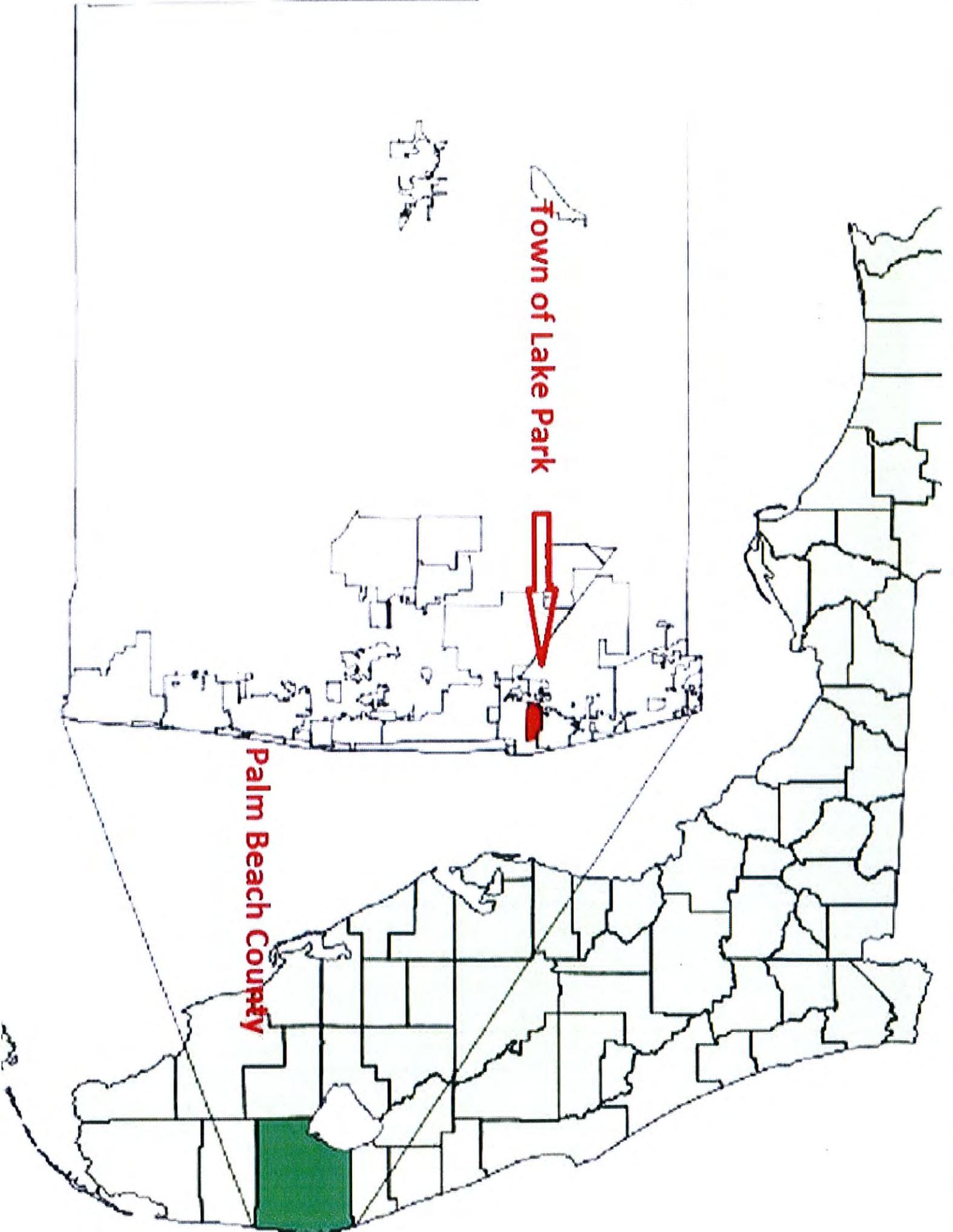
S. LINE SECTION 21, TWP 42E, RANG 43E  
 S88°01'45"E

SEAWALL  
 M. H. W. L.

LOT AB  
 RIVIERA SHORES  
 (PLAT BOOK 26, PAGE 147)

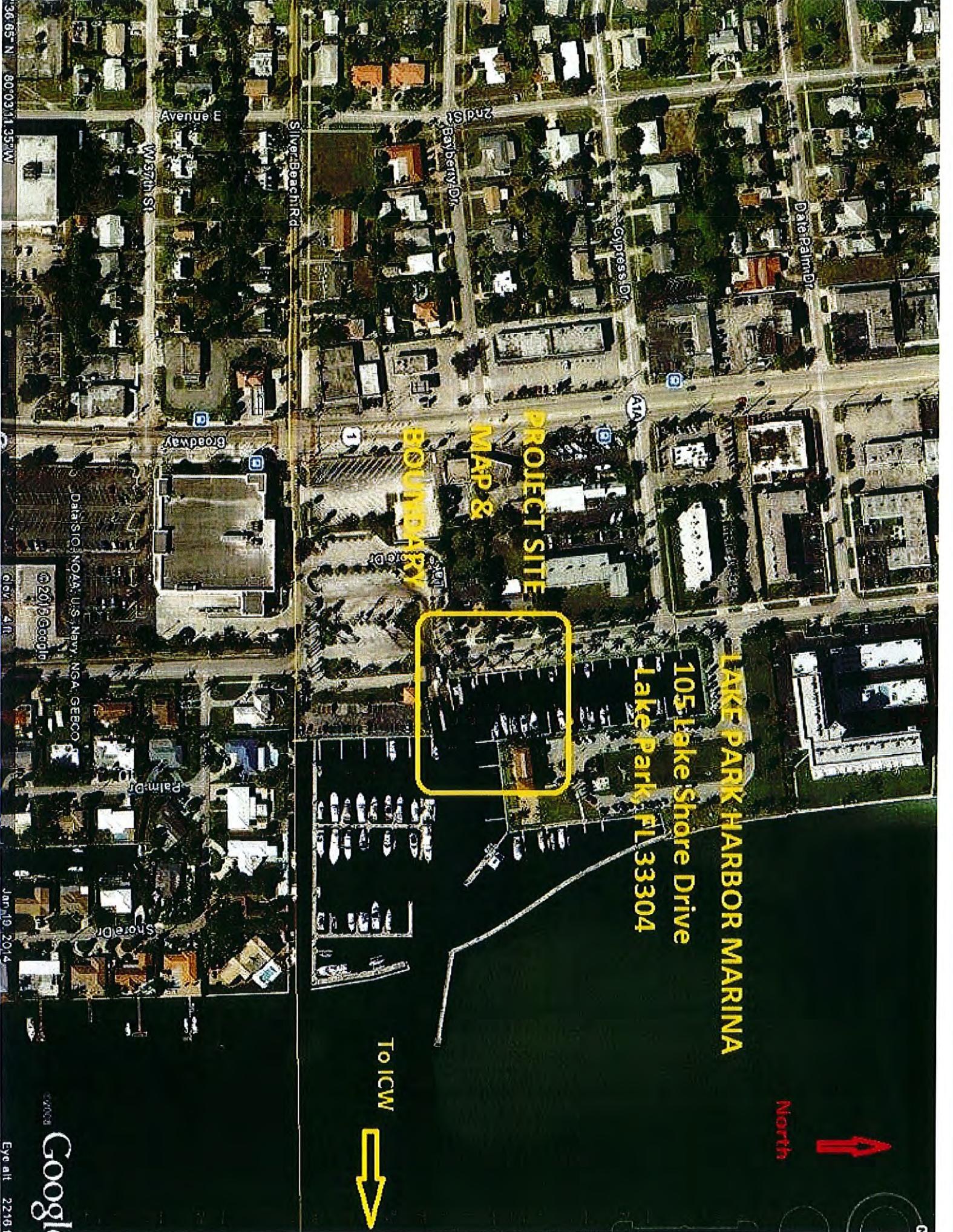
N00°04'15"N  
 0.30'

**RECEIVED**  
 JUL 11 2000  
 DEPT OF ENV PROTECTION  
 WEST PALM BEACH



Town of Lake Park

Palm Beach County



36.65° N 80.031135° W

Avenue E

West 7th St

Silver Beach Rd

Barbary Dr

Cypress Dr

Date Palm Dr

Broadway

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

© 2013 Google

© 2013 Google

Jan 19, 2014

Palm Dr

Shore Dr

To ICW

North

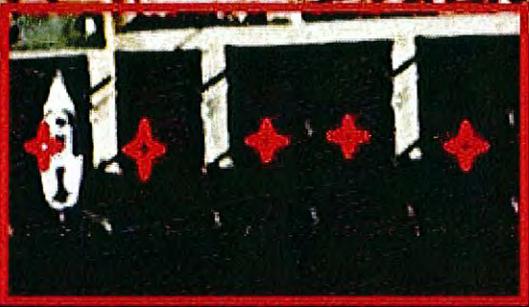
Google

Eye alt 22/18

Lake Shore Dr

North

Project Boundary



Site Development Plan Map  
Lake Park Harbor Marina

Marina Offices



Boat lift locations

Public Boat Ramps

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

© 2016 Google

elev. 0 ft

Jan 19, 2014

Google

© 2016 Google  
Elevation 318

37°07' N 80°03'09.98" W

**Summary Explanation/Background:**

At its March 16, 2016 meeting, the Town Commission approved by Resolution 12-03-16 the Lake Park Harbor Marina Market Study and Business Plan which contains several recommendations for making the Lake Park Harbor Marina a sustainable and profitable marine facility which will serve the boating public and provide the Town of Lake Park and its residents with a consistent financial contributions to the General Fund. Among such recommendations is the installation of ten (10) boat lifts capable of lifting and storing 30 to 50 foot boats along the Marina's hard to fill fixed 30 foot boat slip area, south of the slip area, nearest the boat launch area of the Marina. The Florida Inland Navigation District (FIND) has indicated that such a project is eligible for 50 percent funding assistance under the FIND Waterways Assistance Program for Fiscal Year 2016. With this project, staff will seek a maintenance agreement for the ongoing maintenance of the boat lifts.

Among the FIND Waterways Assistance Program application requirements is the submittal by the Town of the Resolution for Assistance 2016 Under the Florida Inland Navigation District Waterways Assistance Program. The purpose of this agenda item is the adoption of such Resolution.

The Town match for this grant will be included in the Fiscal Year 2016/2017 Marina budget. The cost of the project is estimated to be \$200,000, if the grant is funded, the FIND contributing will be 50 percent. Staff is in the process of preparing a preliminary financial projection for the Marina Fund for Fiscal Year 2016/2017. Staff will bring forward other grant opportunities to supplement the Town's portion of the match when those grants become available.

A copy of the FIND Waterways Assistance Grant Application is attached as information. Staff will provide the completed application to the Commission prior to its submittal to FIND.

Staff recommends approval.

**Recommended Motion:** I move to adopt Resolution 17-04-16.

**RESOLUTION FOR ASSISTANCE 2016  
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE Town of Lake Park is interested in carrying out the  
*(Name of Agency)*  
following described project for the enjoyment of the citizenry of the Town of Lake Park  
and the State of Florida:

Project Title Lake Park Harbor Marina - Boat Lifts

Total Estimated Cost \$ 200,000.00

**Brief Description of Project:**

The installation of ten (10) boat lifts along the fixed 30-foot boat slip area at the Lake Park Harb

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above, +

NOW THEREFORE, be it resolved by the Town of Lake Park  
*(Name of Agency)*  
that the project described above be authorized,

AND, be it further resolved that said Town of Lake Park  
*(Name of Agency)*  
make application to the Florida Inland Navigation District in the amount of 50 % of the  
actual cost of the project in behalf of said Town of Lake Park

AND, be it further resolved by the Town of Lake Park  
*(Name of Agency)*  
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said \_\_\_\_\_  
Town of Lake Park \_\_\_\_\_ for public use.  
*(Name of Agency)*

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Commission of the Town of Lake Park, Florida at a legal meeting held on this 6th day of April 2016.

_____	_____
Attest	Signature
Town Clerk	Mayor
_____	_____
Title	Title



COMMISSIONERS

J. CARL BLOW  
CHAIR  
ST. JOHNS COUNTY

DONALD J. CUOZZO  
VICE-CHAIR  
MARTIN COUNTY

JON NETTS  
TREASURER  
FLAGLER COUNTY

SUSANNE McCABE  
SECRETARY  
VOLUSIA COUNTY

E. TYLER CHAPPELL  
BROWARD COUNTY

T. SPENCER CROWLEY, III  
MIAMI-DADE COUNTY

DON DONALDSON  
ST. LUCIE COUNTY

PAUL U. DRITENBAS  
INDIAN RIVER COUNTY

CHARLES C. ISIMINGER  
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NASSAU COUNTY

MARK T. CROSLY  
EXECUTIVE DIRECTOR

JANET ZIMMERMAN  
ASSISTANT EXECUTIVE DIRECTOR

## FLORIDA INLAND NAVIGATION DISTRICT

To: Local Governments  
From: Janet Zimmerman, Assistant Executive Director  
Subject: 2016 Waterways Assistance Program  
Date: January 11, 2016

Attached is an application package for the District's 2016 Waterways Assistance Program. Through this program over the past 27 years, the District has provided a total of over \$193 million in funding assistance to local governments within our District to perform waterways improvement projects. Project types eligible for funding include public navigation, public waterway access facilities, waterfront parks, environmental education and boating safety projects directly related to the waterways. The District also provides grants for land acquisition which include opportunities for waterway access. Generally, ineligible costs include project maintenance, landscaping, in-house staff and reoccurring fees. Please see the program rules for more details on project eligibility. The funding level of this year's program will be determined in July based upon the availability of funding to the District and the quality and number of applications received.

### **Applications are due in the District office by 4:00 PM, April 1, 2016.**

Your application must be discussed with your local FIND Commissioner prior to March 4, 2016. The application must be initialed by the Commissioner prior to submission to the District office on April 1, 2016. Please see the application package for the complete program schedule and the name and address of your Commissioner.

Please provide 2 copies of your application (One printed copy and one electronic copy). Only the requested information should be submitted. Do not submit "extra" information, dividers or binders. **It is VERY important that the application forms remain in the same 8.5 x 11", paginated format, and the forms must be presented in the order listed on the application checklist.** Applications that do not follow the program directions, rules, or the application format may be rejected.

Please review the application checklist and be sure you can provide all of the required items. If you cannot provide ALL of the items on the application checklist, please contact staff immediately for advice on the potential resolution of a required item. Any application failing to include the required application items (with the exception of environmental resource permits & exemptions) will be eliminated from consideration on May 27, 2016. There is no waiver or exception available for this deadline. Solving questions or problems prior to the preparation and submission of your application will save us both time and effort and result in a more successful application.

**FY 2016**

**WATERWAYS ASSISTANCE**

**PROGRAM**

**APPLICATION PACKAGE**

**Part 1: Attachments A through D**

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### FY 2016 WATERWAYS ASSISTANCE PROGRAM APPLICATION

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#### **Part 1.**

<b>ATTACHMENT A</b>	PROGRAM SCHEDULE
<b>ATTACHMENT B</b>	COMMISSIONERS LISTING
<b>ATTACHMENT C</b>	PROJECT PRIORITY LIST
<b>ATTACHMENT D</b>	PROGRAM RULES

#### **Part 2.**

<b>ATTACHMENT E</b>	PROGRAM APPLICATION/TIPS SHEET (1 PAGE)
E-1.	APPLICATION CHECK LIST (2 PAGES)
E-2.	APPLICANT INFORMATION/PROJECT SUMMARY
E-3.	PROJECT INFORMATION
E-4.	EVALUATION AND RATING FORM (20 PAGES)
E-5.	COST ESTIMATE FORM
E-6.	PROJECT TIMELINE
E-7.	RESOLUTION (2 PAGES)
E-8.	ATTORNEYS CERTIFICATION OF TITLE
E-9.	REQUIRED MAPS
	County/City Map of project location
	Site plan map

**ATTACHMENT A**  
**FY 2016**  
**WATERWAYS ASSISTANCE PROGRAM**  
**SCHEDULE**

January 2016                      Availability of application packages.

**Prior to March 4**              Applicants schedule review of proposed projects with local FIND Commissioner, required before submission to the District office.

**April 1, 2016              Application due in District office by 4:00 PM (No Exceptions)**

May 27, 2016                      Application requirements must be completed or application will be eliminated from further consideration.

June 17 & 18,  
2016                                  Applicants make a 10-minute presentation of application to FIND Board. Meeting held in Brevard County.

July 22, 2016                      FIND Board reviews additional requested information and the Commissioners will complete the Application's Rating & Evaluation Form. Board makes final funding decisions on remaining eligible applications (subject to budget process).

~4th week of Sept.              In mid-September a date will be scheduled for Final TRIM Hearing. All remaining permits due. *(Note: Meeting date subject to change)*

October 1, 2016                      Funded applicants execute project agreement.  
Project funds become available, project initiates, timeline begins.

**ATTACHMENT B  
BOARD OF COMMISSIONERS - FIND**

<p><b>NASSAU COUNTY</b> Mr. Lynn Williams 1899 S. Fletcher Ave Fernandina Beach, FL 32034-2329 Ph# (904) 491-0059 <a href="mailto:lynwil3@gmail.com">lynwil3@gmail.com</a></p>	<p><b>DUVAL COUNTY</b> Mr. Michael O'Steen c/o Parc Group 4314 Pablo Oaks Court Jacksonville, FL 32224 Office Ph# (904) 992-9750 <a href="mailto:Michael@parcgroup.net">Michael@parcgroup.net</a></p>
<p><b>ST. JOHNS COUNTY</b> Mr. Carl Blow 100 Santa Monica Avenue St. Augustine, FL 32080-5417 Ph# (904) 710-2655 <a href="mailto:john.carl.blow@gmail.com">john.carl.blow@gmail.com</a></p>	<p><b>FLAGLER COUNTY</b> Mr. Jon Netts 17 Flintstone Court Palm Coast, FL 32137-8307 Ph# (386) 445-2121 <a href="mailto:jnetts@palmcoastgov.com">jnetts@palmcoastgov.com</a></p>
<p><b>VOLUSIA COUNTY</b> Mrs. Susanne McCabe 6080 Shallow Brook Court Port Orange, FL 32128-7147 Ph # (386) 295-9965 <a href="mailto:sdm@mccabelawyers.com">sdm@mccabelawyers.com</a></p>	<p><b>BREVARD COUNTY</b> Mr. Jerry H. Sansom P.O. Box 98 Cocoa, FL 32923-0098 Ph# (321) 777-8130 <a href="mailto:jerryhsansom@aol.com">jerryhsansom@aol.com</a></p>
<p><b>INDIAN RIVER COUNTY</b> Mr. Paul Dritenbas 4885 13<sup>th</sup> Place Vero Beach, FL 32966-2671 Ph# (772) 569-4320 <a href="mailto:aiapdrit@comcast.net">aiapdrit@comcast.net</a></p>	<p><b>ST. LUCIE COUNTY</b> Mr. Don Donaldson 138 Commonwealth Court Fort Pierce, FL 34949 Ph# (772) 260-1969 <a href="mailto:ddonald5@bellsouth.net">ddonald5@bellsouth.net</a></p>
<p><b>MARTIN COUNTY</b> Mr. Donald J. Cuozzo Cuozzo Design Group 289 SW Harbor View Drive Palm City, FL 34990-4329 Ph # (772) 485-1600 <a href="mailto:dcuozzo@cdgplan.com">dcuozzo@cdgplan.com</a></p>	<p><b>PALM BEACH COUNTY</b> Mr. Charles Isiminger c/o Isiminger &amp; Stubbs Engineering, Inc. 649 U.S. Highway 1, Suite 9 North Palm Beach, FL 33408-4616 Ph# (561) 881-0003 <a href="mailto:cisiminger@coastal-engineers.com">cisiminger@coastal-engineers.com</a></p>
<p><b>BROWARD COUNTY</b> Mr. Tyler Chappell The Chappell Group – Vice President 714 East McNab Road Pompano Beach, FL 33060-9430 Ph # (954) 782-1908 ext. 300 <a href="mailto:tyler@thechappellgroup.com">tyler@thechappellgroup.com</a></p>	<p><b>MIAMI-DADE COUNTY</b> Mr. Spencer Crowley, III c/o Akerman LLP One Southeast Third Ave., 25<sup>th</sup> Floor Miami, FL 33131-1700 Ph# (305) 982-5549 <a href="mailto:spencer.crowley@akerman.com">spencer.crowley@akerman.com</a></p>

**ATTACHMENT C  
2016 ASSISTANCE PROGRAM PROJECT PRIORITY LIST**

<b><u>PRIORITY</u></b>	<b>PROJECT CATEGORY</b>	<b>MAX POINTS AVAILABLE (Question #1)</b>	<b><i>Highest Potential Score</i></b>
1.	Public navigation channel dredging.	8	50
2.	Public navigation aids & markers.	8	50
3.	Inlet management projects that are a benefit to public navigation in the District.	7	49
4.	Public shoreline stabilization directly benefiting the District's waterway channels.	7	49
5.	Acquisition and development of publicly owned spoil disposal sites & public commercial/industrial waterway access	6	48
6.	Waterway signs & buoys for safety, regulation or information.	6	48
7.	Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;	5	47
8.	Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;	5	47
9.	Derelict vessel removal	4	46
10.	Waterway related environmental education programs & facilities	4	46
11.	Public fishing & viewing piers	3	45
12.	Public waterfront parks and boardwalks and associated improvements	3	45
13.	Maritime Management Planning	3	45
14.	Waterway boating safety programs & equipment	2	44
15.	Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project	2	44
16.	Environmental restoration, enhancement or mitigation projects	2	44
17.	Other waterway related projects.	1	43

***NOTE:*** Projects qualifying for Emergency Re-Construction status may have an additional 3 points available to the potential score.

## CHAPTER 66B-2 WATERWAYS ASSISTANCE PROGRAM (2016)

66B-2.001	Purpose
66B-2.002	Forms
66B-2.003	Definitions
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.0061	Emergency Applications
66B-2.008	Project Eligibility
66B-2.009	Project Administration
66B-2.011	Reimbursement
66B-2.012	Accountability
66B-2.013	Acknowledgement
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects
66B-2.015	Small-Scale Derelict Vessel Removal Projects
66B-2.016	Waterways Cleanup Events

### **66B-2.001 Purpose.**

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.001.*

### **66B-2.002 Forms.**

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.002.*

### **66B-2.003 Definitions.**

The basic terms utilized in this rule are defined as follows:

(1) "APPLICANT" means an eligible governmental agency submitting an application through this program.

(2) "APPLICATION" means a project proposal with the required documentation.

(3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.

(4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.

(5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.

(6) "DISTRICT" means the Florida Inland Navigation District (FIND).

(7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(28) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(29) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(30) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways;

develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11.*

#### **66B-2.004 Policy.**

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail, email and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and

management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, 3-7-12. 1\_\_-14.*

#### **66B-2.005 Funds Allocation.**

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (A) through (F) Waterways Assistance Program Application and Evaluation Worksheet (effective 1/2014), hereby incorporated [by reference](#) and available from the District office or by download from the District's webpage at: [www.aicw.org](http://www.aicw.org).

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects

in accordance with subsection 66B-2.005(7) and Rule 66B-2.008, F.A.C., small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, F.A.C. derelict vessel projects consistent with Rule 66B-2.0015, and Waterway Cleanup Projects approved under 66B-2.0016. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more publicly accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

Navigation projects or project elements that have one facility open to the public will qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: Land acquisition projects that provide for commercial/industrial waterway access shall qualify for a maximum of fifty (50) percent funding. All other land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13, 1-27-14, - - .*

#### **66B-2.006 Application Process.**

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and the Waterway Assistance Program Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) (effective date 1/2014) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and the Waterway Assistance Program Project Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application and Evaluation Worksheets No. 91-25 (a thru f) for Waterways Assistance Program applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06).

(10) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-*

24-06, 4-15-07, 3-25-08, 3-7-1, 1-27-14.

#### **66B-2.0061 Disaster Relief Applications.**

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.*

#### **66B-2.008 Project Eligibility.**

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
16. Environmental restoration, enhancement or mitigation projects, and
17. Other waterway related projects. Waterway projects that do not meet specific criteria in Section 66B-2.005(5) or (6) or 66B-2.008 (1)(a)1-16, but are located on eligible waterways shall be considered for funding under the priority listing of "other waterway related project" and eligible for 25% funding.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;

6. Lighting for non-waterway related facilities;
  7. Project maintenance and maintenance equipment;
  8. Picnic shelters and furniture for non-waterway related facilities;
  9. Vehicles to transport vessels;
  10. Operational items such as fuel, oil, etc.
  11. Office space that is not incidental and necessary to the operation of the main eligible public building;
  12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences;
- and
13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
  - a. Project management, administration and inspection;
  - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
  - c. Restoration of sites disturbed during the construction of an approved project;
  - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting vessels, Marine law enforcement and other vessels are eligible for a maximum of \$60,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

- (a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or
- (b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will

be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp and ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.
4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.
8. Economic conditions affecting the boating community and boating facilities.
9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

(c) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to pursue and assign any available mitigation credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15, \_\_-\_\_-\_\_.*

#### **66B-2.009 Project Administration.**

The District will appoint a project manager who shall be responsible for monitoring the project and the

project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report", dated 7-30-02, hereby incorporated by reference and available at the District office. A Final Project Report shall be submitted at the completion of the project and shall at minimum include: project summary, photo of completed project, final cost, project benefits to the waterway and location address.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

- (d) Photograph(s) of the completed project clearly showing the program improvements.
- (9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02, 3-7-11, 1-27-14*

#### **66B-2.011 Reimbursement.**

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

- (a) The percentage total of project funding that the Board has agreed to fund, or
- (b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02, 3-7-11.*

#### **66B-2.012 Accountability.**

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses

incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.*

#### **66B-2.013 Acknowledgement.**

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.*

#### **66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.**

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by

reference and available from the District office.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 7-30-02, Amended 4-24-06, 3-7-11.*

#### **66B-2.015 Small-Scale Derelict Vessel Removal Projects.**

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$30,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 4-24-06, Amended 4-15-07, 3-25-08, 3-7-11, 1-27-14*

#### **66B-2.016 Waterways Cleanup Events.**

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of subsections (8) through (10), below.

(3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.

(4) Funding: District funding shall be limited to \$5,000 per waterway, per county, except for the provisions of subsections (8) through (10), below.

(5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.

(6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.

(7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

(8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.

(9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

(10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 3-7-11.*

**FY 2016**

**WATERWAYS ASSISTANCE**

**PROGRAM**

**APPLICATION PACKAGE**

**Part 2.**

THE FOLLOWING ATTACHMENT E-1 THROUGH E-8 FORMS,  
IN ADDITION TO THE REQUIREMENTS OF ITEMS 10  
THROUGH 13 OF THE APPLICATION CHECKLIST,  
CONSTITUTE YOUR FORMAL APPLICATION.

SUBMIT THE APPLICATION INFORMATION IN THE ORDER  
LISTED ON THE CHECKLIST.

**ONE ORIGINAL AND ONE ELECTRONIC COPY OF YOUR  
APPLICATION IS REQUIRED.**

## ATTACHMENT E - APPLICANT TIPS SHEET

(Mistakes Common to the application process and how to avoid them)

**Scheduling** – The new application is available by the 2<sup>nd</sup> week of January each year, and District funding is available AFTER October 1<sup>st</sup> of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 1<sup>st</sup> of April; Property Control – 27<sup>th</sup> of May, Permits – 2<sup>nd</sup> week of September. *(Staff suggestion: Begin to secure property control and permits PRIOR to applying for funding.)*

**Property Control Verification** – Please have your attorney complete and sign the form in the application verifying applicant property control. Support documentation is not necessary. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. *(Staff suggestion: Resolve this requirement outside the application "window".)*

**Project Costs Eligibility** – Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item's eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant's match. Make sure you have delineated your required minimum cost-share on the project cost estimate. *(Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline. Do not include applicant project management in your cost estimate).*

**Cost-Share** – Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. You may desire to have the District pay for some items and the applicant pay for others, or various percentages of each, etc. This may allow for a stronger application and easier accounting. *(Staff suggestion: Concentrate the District's cost-share funding into those items most related to the waterway.)*

**Pre-Agreement Expenses** - Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1<sup>st</sup> to be considered as pre-agreement expenses. The Board's past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible, or limit them to a small percentage of the project. Note, that pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only 1/2 of the original District funding. *(Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1<sup>st</sup>. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1<sup>st</sup> is eligible as project expenses (i.e. \$50,000). Then only 1/2 of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).*

**Submitted Materials & June Presentation** –The Board must review and evaluate every application and each year we receive about 90 applications for consideration. The final product for the Commissioner's review is two 8-1/2" x 11" spiral-bound notebooks containing the essential information for the application. **If the submitted material will not fit in these bound notebooks, it is discarded. NOTE; also make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation.** *(Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation! Don't create unnecessary work for yourself!)*

**ELECTRONIC SUBMISSIONS** - Submit your electronic file in Word or PDF format on a CD or flash drive. Make sure to label your disc with the applicant and project title (*handwritten is fine*). Where feasible, you may combine multiple files from the same grant into one larger file on the disc (i.e. scan the entire document as a PDF etc.). Note however, each grant application must be a separate electronic file, but you may combine multiple grants from the same applicant on to one disc or drive.

**ATTACHMENT E-1.**  
**APPLICATION CHECKLIST 2016**  
*(To be completed by the Applicant)*

<b>Project Title:</b>	
<b>Applicant:</b>	

**This checklist and the other items listed below in items 1 through 13 constitute your application. The required information shall be submitted in the order listed.**

**Any additional information submitted by the applicant is subject to being removed from the package by District staff prior to presentation to the District Board because of reproduction and space considerations.**

**Two (2) copies of your application are required. One original and one electronic copy.**

**All information is required to be on 8 1/2" x 11" paper so they may be included in agenda books bound by staff.**

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 4th) <b>(NOTE: For District Commissioner initials ONLY!)</b> <b>(District Commissioner must initial the yes line on this checklist for the application to be deemed complete)</b>	_____	_____
2. Application Checklist – E-1 (Form No. 90-26, 2 pages) (Form must be signed and dated)	_____	_____
3. Applicant Info/Project Summary – E-2 (Form No. 90-22, 1 page) <b>(Form must be completed and signed)</b>	_____	_____
4. Project Information – E-3 (Form No. 90-22a, 1 page)	_____	_____
5. Project Evaluation and Rating – E-4(+) (Form No. 91-25) (Form must be completed, proper attachment included) <b>(No signatures required)</b>	_____	_____
6. Project Cost Estimate – E-5 (Form No. 90-25, 1 page) <b>(Must be on District form)</b>	_____	_____
7. Project Timeline – E-6 (Form No. 96-10, 1 page)	_____	_____
8. Official Resolution Form – E-7 (Form No. 90-21, 2 pages) <b>(Resolution must be in District format and include items 1-6)</b>	_____	_____

**ATTACHMENT E-1 (Continued)**

**APPLICATION CHECKLIST**  
*(To be completed by the Applicant)*

	<u>YES</u>	<u>NO</u>
9. Attorney's Certification (Land Ownership) – E-8 (Must be on or follow format of Form No. 94-26, (Legal descriptions NOT accepted in lieu of form)	_____	_____
10. County/City Location Map	_____	_____
11. Project Boundary Map	_____	_____
12. Clear & Detailed Site Development Plan Map	_____	_____
13. Copies of all Required Permits (Required of development projects only)	_____	_____

The undersigned, as applicant, acknowledges that Items 1 through 12 above constitutes a complete application and that this information is due in the District office no later than 4:00 PM, April 1, 2016. By May 27, 2016 my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 13 is due to the District no later than the final TRIM Hearing in September 2016. If the information in Item 13 is not submitted to the District office by the District's final TRIM hearing in September 2016, I am aware that my application will be removed from any further funding consideration by the District.

LIAISON: \_\_\_\_\_ TITLE: \_\_\_\_\_

\_\_\_\_\_  
\*\* SIGNATURE - PROJECT LIAISON \*\* DATE

<b>FIND OFFICE USE ONLY</b>	
Date Received:	_____
Local FIND Commissioner Review:	_____
All Required Supporting Documents:	_____
Applicant Eligibility:	_____
Project Eligibility:	_____ Available Score: _____
Compliance with Rule 66B-2 F.A.C.:	_____
Eligibility of Project Cost:	_____

ATTACHMENT E-2

WATERWAYS ASSISTANCE PROGRAM FY 2016  
 PROJECT APPLICATION  
 APPLICANT INFORMATION – PROJECT SUMMARY

<b>APPLICANT INFORMATION</b>			
<b>Applicant:</b>			
<b>Department:</b>			
<b>Project Title:</b>			
<b>Project Director:</b>		<b>Title:</b>	
<b>Project Liaison:</b> <i>(if different from Project Director)</i>		<b>Title:</b>	
<b>Mailing Address:</b>			
<b>City:</b>		<b>Zip Code:</b>	
<b>Email Address:</b>		<b>Phone #:</b>	
<b>Project Address:</b>			

\*\*\*\*\* I hereby certify that the information provided in this application is true and accurate.\*\*\*\*\*

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**PROJECT NARRATIVE** (Please summarize the project in space provided below in 2 paragraphs or less.)

**ATTACHMENT E-3 - PROJECT INFORMATION 2016**

<b>Applicant:</b>				<b>Project Title:</b>		
<b>Total Project Cost: \$</b>		<b>FIND Funding Requested: \$</b>		<b>% of Total Cost:</b>		
<b>Amount and Source of Applicant's Matching Funds:</b>						

**1. Ownership of Project Site (check one):** Own:  Leased:  Other:

**2. If leased or other, please describe lease or terms and conditions:**

**3. Once completed, will this project be insured against damage? Explain**

**4. Has the District previously provided assistance funding to this project or site? Yes:  No:**

**5. If yes, please list:**

**6. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable):**

**7. How many additional ramps, slips, parking spaces or other access features will be added by this project?**

**8. Are fees charged for the use of this project? No  Yes**

**9. If yes, please attach additional documentation of fees and how they compare with fees from similar public & private facilities in the area.**

**Please list all Environmental Resource Permits required for this project:**

AGENCY	Yes / No / N/A	Date Applied For	Date Recieved
WMD			
DEP			
ACOE			
COUNTY / CITY			

**ATTACHMENT E-4**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

**STEP 1:** All applicants will complete Attachment E-4 of the worksheet, which includes questions 1 through 6. **\*\*Do not answer with more than four sentences.\*\***

**STEP 2:** Complete **one and only one sub-Attachment** (E-4 A, B, C, D or E, questions 7-10) according to the applicant's project type.

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

<b>Project Title:</b>	
<b>Applicant:</b>	

**1) PRIORITY LIST:**

- a) **Denote the priority list category of this project from Attachment C in the application.** (The application may only be of **one** type based upon the predominant cost of the project elements.)
  
- b) **Explain how the project fits this priority category.**

*(For reviewer only)*  
 Max. Available Score for application \_\_\_\_\_

*Question 1. Range of Score (1 to \_\_\_ points)*





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**6) PROJECT VIABILITY:**

a) **What specific need in the community does this project fill? Is this project referenced or incorporated in an existing maritime management, public assess or comp plan?**

b) **Clearly demonstrate how the project will continue to be maintained and funded after District funding is completed.**

c) **Will the program result in significant and lasting benefits? Explain.**

d) **Please describe any environmental benefits associated with this project.**

*(For reviewer only)*  
*(1-7 points)*

---

SUB-TOTAL \_\_\_\_\_



---

**8) PROJECT DESIGN:**

- a) **Has the design work been completed? If this is a Phase I project, has a preliminary design been developed?**
  
  
  
  
  
  
  
  
  
  
- b) **Are there unique beneficial aspects to the proposed design that enhance public usage or access, minimize environmental impacts, improve water quality or reduce costs?**

*(For reviewer only)*  
*(1-2 points)*

---

**9) CONSTRUCTION TECHNIQUES:**

- a) **Briefly explain the construction techniques to be utilized for this project. If a Phase 1, elaborate on potential techniques.**
  
  
  
  
  
  
  
  
  
  
- b) **How are the utilized construction techniques appropriate for the project site?**
  
  
  
  
  
  
  
  
  
  
- c) **Identify any unusual construction techniques that may increase or decrease the costs of the project.**

*(For reviewer only)*  
*(1-3 points)*

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**10) CONSTRUCTION MATERIALS:**

a) **List the materials to be utilized for this project. What is the design life of the proposed materials compared to other available materials?**

b) **Identify any unique construction materials that may significantly alter the project costs.**

*(For reviewer only)*  
*(1-3 points)*

---

**RATING POINT**  
**TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)





---

**10) PROJECT GOALS:**

a) **What are the long-term goals of this project as it relates to the ICW?**

b) **What is the expected duration/frequency of this program?**

*(For reviewer only)*  
*(1-3 points)*

---

**RATING POINT**  
**TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

**ATTACHMENT E-4C  
LAW ENFORCEMENT & BOATING SAFETY PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A LAW  
ENFORCEMENT OR BOATING SAFETY PROJECT

---

**7) VIABILITY:**

**c) Describe how the project will address particular public health, safety, or welfare issues of the Navigation District's Waterways.**

**d) How does the project provide significant benefits or enhancements to the District's Waterways?**

*(For reviewer only)  
(1-3 points)*

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**10) EDUCATION:**

**a) What are the educational benefits (if any) of this proposed project?**

**b) How does the project or program provide effective public boating education or expand boater safety?**

*(For reviewer only)*  
*(1 -3 points)*

---

**RATING POINT  
TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)







**ATTACHMENT E-4E  
BEACH RENOURISHMENT PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

**THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A BEACH  
RENOURISHMENT PROJECT**

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**7) WATERWAY RELATIONSHIP:**

- a) Describe how the District and other navigation interests will benefit from the implementation of this project.

*(For reviewer only)*  
*(1 -4 points)*

---

**8) VIABILITY:**

- a) **Is the project site defined as critically eroded area by a statewide beach management plan?**
  
- b) **Cite the quantifiable rate of erosion in this area.**
  
  
  
  
  
  
  
  
  
  
- c) **Is the project an important component of an overall beach management effort?**

*(For reviewer only)*  
(1 -4 points)

---

**9) PUBLIC BENEFITS:**

- a) **Are there quantifiable public benefits demonstrated by the project?**
  
  
  
  
  
  
  
  
  
  
- b) **Is there adequate public access to the project area? Please describe location and amount.**

*(For reviewer only)*  
(1-2 points)

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**10) PROJECT FUNDING:**

**a) Describe any assistance funding from other sources.**

**b) Clarify the availability of long-term funding for this project.**

*(For reviewer only)*  
*(1 -2 points)*

---

**RATING POINT**  
**TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

**ATTACHMENT E-4F  
EMERGENCY RE-CONSTRUCTION**

**WATERWAYS ASSISTANCE PROGRAM  
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED ONLY IF YOUR PROJECT IS A WATERWAY PROJECT THAT WAS DAMAGED BY A NATURAL DISASTER AS DECLARED BY A STATE OF EMERGENCY UNDER CHAPTER 252, FLORIDA STATUTES.

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**11 (Extra) STORM DAMAGE EVALUATION:**

- a) List the State emergency declaration order or proclamation.
  
- b) Is this project a previously funded FIND grant project?
  
- c) Detail the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair.

*(For reviewer only)*  
*(0-3 points)*

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**ATTACHMENT E-5**

**FLORIDA INLAND NAVIGATION DISTRICT  
ASSISTANCE PROGRAM 2016**

**PROJECT COST ESTIMATE**

**(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)**

<b>Project Title:</b>	
<b>Applicant:</b>	

<b>Project Elements</b> <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	<b>Quantity or Total Estimated Cost</b> <i>(Number and/or Footage etc.)</i>	<b>Applicant's Cost</b>	<b>FIND Cost</b>

<b>**TOTALS =</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
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**ATTACHMENT E-6  
WATERWAYS ASSISTANCE PROGRAM 2016**

**PROJECT TIMELINE**

<b>Project Title:</b>	
<b>Applicant:</b>	

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

**NOTE: All funded activities must begin AFTER October 1<sup>st</sup>**  
(or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses)

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ATTACHMENT E-7

RESOLUTION FOR ASSISTANCE 2016  
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE \_\_\_\_\_ is interested in carrying out the  
*(Name of Agency)*  
following described project for the enjoyment of the citizenry of \_\_\_\_\_  
and the State of Florida:

Project Title \_\_\_\_\_

Total Estimated Cost \$ \_\_\_\_\_

Brief Description of Project:

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the \_\_\_\_\_  
*(Name of Agency)*  
that the project described above be authorized,

AND, be it further resolved that said \_\_\_\_\_  
*(Name of Agency)*  
make application to the Florida Inland Navigation District in the amount of \_\_\_\_\_% of the  
actual cost of the project in behalf of said \_\_\_\_\_  
*(Name of Agency)*

AND, be it further resolved by the \_\_\_\_\_  
*(Name of Agency)*  
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said \_\_\_\_\_

\_\_\_\_\_ for public use.  
*(Name of Agency)*

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the \_\_\_\_\_ at a legal meeting held on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

**ATTACHMENT E-8**

**ATTORNEYS CERTIFICATION OF TITLE 2016**  
**(See Rule 66B-2.006(4) & 2.008(2) FAC)**

OFFICE OF THE (City or County) ATTORNEY  
(Address)

\_\_\_\_\_, 20\_\_\_\_\_

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, am the Attorney for the (City or County), Florida. I hereby state that I have examined a copy of a (deed, lease, management agreement, etc.) from \_\_\_\_\_ to the (City or County) dated \_\_\_\_\_ conveying \_\_\_\_\_ (type of interest, ie. Fee simple, easement, 25 year lease, etc.) in the following described property:

*(Brief Legal Description of Property)*

I have also examined a document showing that this property is listed on the tax rolls as belonging to the (City or County). Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "(Name of Property as Referenced in the WAP application)".

I certify that the (City or County) does in fact \_\_\_\_\_ (own, lease, etc.) this property for \_\_\_\_\_ years.

Very truly yours,

(Name)  
(City or County) Attorney

# TAB 10



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016

Agenda Item No. Tab 10

Agenda Title: CDBG Grant Preparation

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

Approved by Town Manager *J. D'Agostino* Date: 3-30-16  
 \_\_\_\_\_  
 John O. D'Agostino, Town Manager

Name/Title

<b>Originating Department:</b>  Town Manager	Costs: -0- Funding Source: General Fund Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <ul style="list-style-type: none"> <li>• CDBG Grant Application.</li> </ul>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case JOD <b>Please initial one.</b>

**Summary Explanation/Background:** The CDBG Grant Application from the Palm Beach County, Department of Economic Sustainability requires a decision from the Commission on the type of project the Commission would support for the funding period beginning October 1, 2016 through September 30, 2017. The total award amount is \$33,853. Obviously, this amount will limit the type of project funded.

Town staff met to discuss possible funding initiatives. Some of the initiatives below maybe in excess of the award limit. The projects are as follows: Family Picnic/Pavilion at Bert Bostrom Park. Electronic Message Board at Town Hall. The electronic message board will require the Commission to consider a change in our sign ordinance. Irrigation Control System at Bert Bostrom Park. Playground equipment at Bert Bostrom Park. Begin the development of Soccer Fields at Bert Bostrom Park, eliminate baseball and enhance the Basketball Court. The need to develop a Site Plan for a Community Center and or a Site Plan for the redevelopment of Pert Bostrom Park. We

can continue with the replacement of park benches and trash receptacles at Lake Shore Park and Kelsey Park.

The purpose of this agenda item is to solicit feedback from the Commission as to the type of project the Commission will support. The application deadline is April 8, 2016 at 4:00 pm. Your input and decision on what type of project the Commission would like to see funded is required.

**Recommended Motion:** Move to support CDBG Funding in the amount of \$33,853 to fund the following project:

- Family Picnic Pavilion
- Electronic Message Board
- Irrigation Control System
- Playground Equipment
- Continuation of the Park Bench and Trash Receptacle Program
- Soccer Field design and lay-out
- Master Site Plan for Community Center.

Or the Commission can provide an alternative not listed above.

# COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

APPLICATION FOR FUNDING ASSISTANCE

LOCAL ENTITLEMENT MUNICIPALITIES

FUNDING PERIOD: OCTOBER 1, 2016 - SEPTEMBER 30, 2017

Applications must be received by DES Strategic Planning Section  
by 4:00pm, April 8, 2016.



Edward W. Lowery, Director

100 Australian Avenue, Suite 500  
West Palm Beach, Florida 33406

IN ACCORDANCE WITH THE PROVISIONS OF THE ADA, THIS DOCUMENT MAY BE  
REQUESTED IN AN ALTERNATE FORMAT. PLEASE CONTACT THE DEPARTMENT OF  
ECONOMIC SUSTAINABILITY AT (561) 233-3623 or [msklar@pbcgov.org](mailto:msklar@pbcgov.org)

## ESSENTIAL PROGRAM AND APPLICATION INFORMATION

DEPARTMENT OF ECONOMIC SUSTAINABILITY  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
OCTOBER 1, 2016 – SEPTEMBER 30, 2017

---

Palm Beach County's Department of Economic Sustainability (DES) is accepting applications from eligible local municipalities for FY 2016-2017 CDBG Program funding.

### **APPLICATION INFORMATION**

The CDBG application is available in Microsoft Word format. To obtain the application electronically, please contact Michael Sklar, Planner II at (561) 233-3623 or at [msklar@pbcgov.org](mailto:msklar@pbcgov.org).

### **SUBMITTAL FORMAT**

Submit the original signed application and all attachments on paper no larger than 8.5" X 11". ***Applications must be signed by the municipality's chief elected official or manager/administrator.*** Unsigned applications will not be considered. Applications should be submitted to:

***Carlos Serrano, Director, Strategic Planning Section  
Department of Economic Sustainability  
100 Australian Avenue, Suite 500  
West Palm Beach, Florida 33406***

### **DEADLINE DATE**

**The completed applications must be received by DES Strategic Planning Section by 4:00pm, April 8, 2016.**

### **MAXIMUM NUMBER OF APPLICATIONS & AMOUNT OF FUNDS REQUESTED**

Each municipality is allowed to submit **only one (1) application** requesting funding for **only one (1) activity**. The maximum amount of CDBG funds requested should be based on the FY 2016-2017 local municipal entitlement amount provided by DES.

### **SUMMARY OF ELIGIBLE AND INELIGIBLE ACTIVITIES**

All funded activities must be eligible per CDBG regulations at 24 CFR Part 570. In addition to activities designated as ineligible by the CDBG regulations, Planning and Administrative activities and Public Service activities are prohibited.

### **CITIZEN PARTICIPATION**

The municipal process for planning for use of CDBG funds must provide the opportunity for citizen participation, particularly by low- and moderate-income persons, non-English speaking persons, and persons with disabilities. Each municipality is responsible for notifying residents of its intent to apply for CDBG funding, and for soliciting input on housing and community development needs.

### **TECHNICAL ASSISTANCE**

For any CDBG-related questions, contact DES at (561) 233-3623 or [msklar@pbcgov.org](mailto:msklar@pbcgov.org).

## **SUMMARY OF PROGRAM REQUIREMENTS**

- Proposed activities must be eligible per HUD's CDBG regulations at 24 CFR Part 570, and per the County's CDBG Program.
- Proposed activities must meet one (1) of the following three (3) CDBG National Objectives:
  1. to benefit low- and moderate-income persons;
  2. to aid in the prevention or elimination of slums and blight; or
  3. to meet a community development need of particular urgency
- CDBG funds are provided through a grant agreement with the County.
- CDBG funds are provided on a reimbursement basis. Funds cannot be used to reimburse for costs incurred prior to the October 1st start of the program year or prior to the execution of a grant agreement.
- All CDBG-funded activities are subject to an environmental review. CDBG funds cannot be expended prior to addressing all environmental concerns.
- All CDBG-funded projects are required to comply with federal, state, and local statutes, regulations, and other applicable requirements, including but not limited to: Section 3 of the Housing and Community Development Act, concerning employment and contracting opportunities; the Davis-Bacon Act, concerning payment of prevailing wage rates in construction projects; Asbestos and Lead-Based Paint requirements; and General Liability, Automobile, and Worker's Compensation Insurance requirements.
- CDBG-funded goods and services must be obtained in accordance with Federal procurement requirements.
- CDBG-funded capital projects must be completed and placed into service within 36 months of funding award. Funding not encumbered within 24 months may be recaptured by DES.
- CDBG-funded activities involving real property acquisition or causing the displacement of persons or businesses must comply with the Uniform Real Property Acquisition and Relocation Assistance Act. An activity will cause displacement if the property is occupied by owners or tenants at the time of application submittal. The CDBG applicant must provide the following with their application: a) a relocation plan meeting all requirements of 24 CFR 570.606, as amended. This plan shall be prepared by a consultant with demonstrated experience in relocation matters, and shall include all relocation costs for the proposed project; b) a document binding the grant awardee to place in the project budget sufficient funds to fully implement the relocation plan; and c) documentation evidencing that all required notices to tenants have been prepared and are available to be provided.

**DEPARTMENT OF ECONOMIC SUSTAINABILITY  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
ENTITLEMENT MUNICIPALITY APPLICATION FOR FUNDING  
FUNDING PERIOD: OCTOBER 1, 2016 – SEPTEMBER 30, 2017**

---

To request technical assistance, please call Michael Sklar, Planner II at (561) 233-3623 or email [mksklar@pbcgov.org](mailto:mksklar@pbcgov.org).

**I. APPLICANT INFORMATION**

Municipality:  
Contact:  
Title:  
Address:  
City; State; Zip Code:  
Phone Number:  
Fax Number:  
E-mail Address:  
Printed Name of Person Signing:  
Title of Person Signing:

( ) -

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: UNSIGNED APPLICATIONS WILL NOT BE CONSIDERED.**

## II. ACTIVITY DESCRIPTION

### a. Activity Type and Description

1. Name of Activity:

2. Type of CDBG-eligible Activity:

3. Describe the activity in detail, including the specific use of CDBG funds:

4. Units of Measurements and Proposed Accomplishments:

List proposed activity components showing units of measurements and proposed accomplishments.

<u>Proposed Activity Components</u>	<u>Unit of Measurement</u>	<u>Accomplishments</u>
<i>Example: Installation of sidewalks</i>	<i>Example: Linear Feet</i>	<i>Example: 300 Linear Feet</i>

5. Activity Location

- a) Activity Address:
- b) Exact Location:
- c) Property Control Number(s):
- d) Owner of Property:
- e) Owner's Address:
- f) Owner's Telephone Number:


6. Activity Specific Information

- a) Is the proposed activity currently in compliance with zoning and land use designations?
- |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|
| YES                      | NO                       | N/A                      |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If not or N/A, please explain:

[Empty rectangular box for explanation]

b) Activities involving property acquisition, rehabilitation, and/or new construction please complete:

YES NO

i. Has an appraisal been conducted?

[Table with 3 columns: YES, NO, and an empty column]

If "yes", insert value and attach report:

\$ [Empty rectangular box for value]

YES NO

ii. Is the property vacant land?

[Table with 3 columns: YES, NO, and an empty column]

If "no", complete item "c" below:

c) For activities affecting properties with existing structure(s), complete:

YES NO N/A

i. Is the structure vacant?

[Table with 3 columns: YES, NO, N/A]

If "yes", indicate previous use:

If "no", indicate current use:

[Table with 3 columns: YES, NO, N/A and two rows for use description]

ii. Year structure was built:

iii. Describe the composition and condition of the structure:

[Empty rectangular box for description]

d) Activities mentioned above in subsections "b" and "c", please complete:

YES NO N/A

i. Has site control been obtained? **If "yes", documentation must be attached.**

[Table with 3 columns: YES, NO, N/A]

ii. Are there any liens on the property?

iii. Is public water/sewer available?

iv. Has an environmental review been completed?

[Table with 3 columns: YES, NO, N/A and three rows for questions ii, iii, and iv]

### III. ACTIVITY/PROJECT MANAGEMENT AND IMPLEMENTATION

#### a. Activity Implementation

1. Explain in detail how the municipality (and which specific organizational unit) will implement the activity:

[Empty rectangular box for implementation details]

2. Identify tasks to be undertaken and start/complete dates for each. (If the activity has already started, please indicate what has been completed).

Implementation Task	Start Date	Complete Date

3. Will the activity cause the temporary or permanent displacement of persons or businesses?

YES   NO   N/A

--	--	--

*If "yes", attach a relocation plan meeting all requirements of 24 CFR 570.606, as amended. This plan shall be prepared by a consultant with demonstrated experience in relocation matters, and shall include all relocation costs for the proposed project; b) a document legally binding the grant awardee to place in the project budget sufficient funds to fully implement the relocation plan; and c) documentation evidencing that all required notices to tenants have been prepared and available to be provided.*

4. Are fees charged, or projected to be charged for the use of the facility?

YES   NO   N/A

--	--	--

If "yes", describe the fee schedule, including \$ costs to users:

5. Is the facility leased, or anticipated to be leased, to users other than the municipality?

YES   NO   N/A

--	--	--

If "yes", identify the proposed user(s) and describe the anticipated use(s):

6. Are assessment fees going to be charged to residents to recover costs of the CDBG-assisted improvements?

YES   NO   N/A

--	--	--

If "yes", please explain:

**b. Activity Benefit**

1. Please insert the total number of unduplicated persons to benefit annually from the proposed CDBG activity:

2. Estimated percentage of low and moderate income persons to benefit:

 %

3. Explain basis for estimates of beneficiaries:

**VI. ATTACHMENTS REQUIRED**

Please indicate the attachment number for documents attached to the application.

<u>Document</u>	<u>Attachment Number</u>
1. Detailed street map showing location of activity and service area boundaries.	
2. Itemized activity budget (including all sources and uses of funds, explicitly identifying line item uses of CDBG funds)	
3. Evidence of site control, e.g., purchase option, sales contract, deed, etc (for acquisition, new construction, rehabilitation, etc.)	
4. Appraisal report, if available (for acquisition, new construction, rehabilitation, etc.)	
5. Relocation Plan (for activities causing displacement).	

THE DES STRATEGIC PLANNING SECTION WILL PROVIDE TECHNICAL ASSISTANCE REGARDING THE CDBG APPLICATION. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE SECTION AT (561) 233-3623 OR [msklar@pbcgov.org](mailto:msklar@pbcgov.org).

# TAB 11



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016

Agenda Item No. Tab 11

Agenda Title: Nomination of Small Business of the Year to the Northern Palm Beach County Chamber of Commerce

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

Approved by Town Manager *John O. D'Agostino* Date: 3-30-16  
 John O. D'Agostino, Town Manager

Name/Title

<b>Originating Department:</b>  Town Manager	Costs: -0- Funding Source: General Fund Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <ul style="list-style-type: none"> <li>• Nomination Application</li> <li>• Backup Documentation.</li> </ul>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _JOD_ <b>Please initial one.</b>

**Summary Explanation/Background:** The Northern Palm Beach County Chamber of Commerce is soliciting nominations for various categories: Small Business of the Year, Nonprofit of the Year, Business of the Year and Community Leader of the Year. Last year, the Commission wanted to nominate the Brewhouse as the Town of Lake Park's Small Business of the Year. Unfortunately at that time, the Brewhouse was not eligible. Therefore, the purpose of this Agenda Request Form is to determine if the Commission would like to nominate the Brewhouse as the Small Business of the year from the Town of Lake Park to the Northern Palm Beach County Chamber of Commerce.

**Recommended Motion:** Move to support the nomination of the Brewhouse as the Small Business of the Year nominee from the Town of Lake Park to the Northern Palm Beach County Chamber of Commerce.



## 2016 Small Business of the Year Award Application

The Northern Palm Beach County Chamber of Commerce will honor one company as the 2016 Small Business of the Year on **Thursday, June 2, 2016** at the Northern Palm Beach County Chamber of Commerce Leadership Awards Dinner at PGA National Resort & Spa. Applications and nominations for this award will be accepted through **Friday, April 8, 2016 at 4:00 p.m.**

The recipient of the Small Business of the Year award exhibits exemplary customer service, commitment to the community, a successful response to adversity and provides innovative products and/or services.

### The recipient for this award must meet or exceed the following criteria:

- Member in good standing with the Northern Palm Beach County Chamber of Commerce at time of application (April 8, 2016) and a Chamber member for a minimum of 12 months.
- In business for a minimum of three full years (36 months prior to April 8, 2016)
- Has 25 or fewer employees
- Is a for-profit business headquartered in Palm Beach County, Florida
- Has not won the Small Business of the Year award in the past three years

### A business may be considered for this award if they are:

1. **SELF NOMINATED** – New this year, a company may nominate themselves, and **MUST** submit a letter of recommendation along with the completed application.
2. **NOMINATED BY A THIRD PARTY** – One may nominate another company, simply by filling out the application.

Please submit applications/nominations to Angelique Allen at [angelique@npbchamber.com](mailto:angelique@npbchamber.com) **no later than Friday, April 8, 2016 at 4:00 p.m.**

Company Name: \_\_\_\_\_

Owner/President/CEO: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Website: \_\_\_\_\_

Type of business: \_\_\_\_\_ Number of employees: \_\_\_\_\_

**Brief description of business (100 words or less):**

**Describe business mission/vision statement(s) (100 words or less):**

**Describe business approach to Customer Service (200 words or less):**

**Provide examples of company's efforts toward improving the community in Northern Palm Beach County (200 words or less):**

**What sets the business apart from others? Describe how the business has been an innovator of products, services, practices, employee benefits, management style, etc. (200 words or less):**

**Describe a challenge and/or opportunity the business has effectively managed in the past 12 months (e.g. creatively solved a problem, successfully managed a crisis, capitalized on a new business opportunity, etc.) (200 words or less):**

**John D'Agostino**

---

**From:** Northern Palm Beach County Chamber of Commerce <info@npbchamber.ccsend.com>  
on behalf of Northern Palm Beach County Chamber of Commerce  
<emails@npbchamber.com>  
**Sent:** Wednesday, March 9, 2016 12:31 PM  
**To:** John D'Agostino  
**Subject:** 2016 Leadership Awards Dinner: Now Accepting Applications & Nominations

Having trouble viewing this email? [Click here](#)



2016

**LEADERSHIP AWARDS DINNER**

*Presented by the Northern Palm Beach County Chamber of Commerce*

**NOW ACCEPTING APPLICATIONS & NOMINATIONS**

2016 LEADERSHIP AWARDS DINNER  
June 2, 2016 | PGA National Resort & Spa

Join the Northern Palm Beach County Chamber of Commerce as we celebrate the Annual Leadership Awards Dinner, widely known as Northern Palm Beach County's Premier Business Event. Throughout the evening we will be honoring outstanding and exemplary organizations and individuals within our community.

**Nominate yourself, your business, or someone you may know deserving of one of the following awards. Please submit applications/nominations to Angelique Allen no later than Friday, April 8, 2016 at 4:00 p.m.**

[Click here](#) to view a complete list of previous award winners.



**Business of they Year**  
Awarded to a for-profit business that demonstrates exemplary customer service, commitment to the community, a successful response to adversity and provides innovative products and/or services.



**Community Leader of the Year**  
Awarded to an individual who demonstrates a commitment to the community of our North County region by inspiring community-wide support, exemplifying the highest standards of business and community leadership, and having an impact on community growth.

**SUBMIT APPLICATION**

**SUBMIT APPLICATION**



**Small Business of the Year**  
Awarded to a business with 25 or fewer employees that exhibits exemplary customer service, commitment to the community, a successful response to adversity and provides innovative products and/or services.



**Nonprofit of the Year**  
Awarded to an organization whose strategic vision, passion, and perseverance has led to extraordinary outcomes for the community it serves. Recipients of this award generally utilize new approaches in overcoming obstacles to achieve its mission.



**Young Professional of the Year**  
Awarded to a Young Professional (under 40 years of age) that demonstrates leadership and commitment to the Northern Palm Beach County community, and reflects a high level of character, integrity and personal/professional values.

**SUBMIT APPLICATION**

**SUBMIT APPLICATION**

**SUBMIT APPLICATION**

**RSVP TODAY**

\$175 Per Person | \$1,750 Per Table of 10

Join us and approximately 300 community leaders for a fabulous evening which includes a cocktail hour, silent auction, dinner, and entertainment! Watch the video below to see what you can expect! [Learn more >](#)

Sponsorships are also available! [Click here](#) to learn more about available sponsorship opportunities, or contact [Rick Sartory](#).



WATCH: Leadership Awards Dinner (1:30)

**REGISTER NOW**

FOLLOW US



Presenting Sponsor



Platinum Sponsors



Gold Sponsor



# TAB 12



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016

Agenda Item No. Tab 12

Agenda Title: Distribution of the Annual Town Manager Performance Evaluation Form to the Town Commission

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager \_\_\_\_\_

Date: 3-11-16

Name/Title

Human Resources Director

<p><b>Originating Department:</b></p> <p>Human Resources</p>	<p><b>Costs: \$ -0-</b></p> <p>Funding Source:</p> <p>Acct. #</p> <p><input type="checkbox"/> Finance _____</p>	<p><b>Attachments:</b></p> <p>Town Manager Annual Evaluation Form; Town Manager Job Description; and Copies of the Completed Six Month Evaluation Forms;</p>
<p><b>Advertised:</b></p> <p>Date: _____</p> <p>Paper: _____</p> <p><input checked="" type="checkbox"/> Not Required</p>	<p>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.</p>	<p><b>Yes I have notified everyone:</b> <u>BMT</u></p> <p>OR</p> <p>Not applicable in this case _____</p> <p><b>Please initial one.</b></p>

**Summary Explanation/Background:**

Pursuant to Section 8 of the April 4, 2015 Employment Agreement between the Town of Lake Park and Town Manager John D'Agostino, the Town Commission is required to conduct first annual review to evaluate the performance of the Town Manager six months following the completion of the initial performance review. Such annual review is due to be completed by May 1, 2016. The purpose of this agenda item is to distribute to the Commission the Town Manager annual evaluation form, along with copies of the completed initial six month evaluation forms and a copy of the job description for the position of Town Manager.

Please complete the attached annual evaluation form and return the original signed evaluation form directly to the Human Resources Department in hard copy format no later than May 2, 2016 for inclusion in the agenda packet for the May 18, 2016 Commission meeting.

**Recommended Motion: There is no recommended motion.**

# **ANNUAL EVALUATION FORM**



# Town of Lake Park

## ANNUAL PERFORMANCE EVALUATION FORM TOWN MANAGER JOHN D'AGOSTINO

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.

---

**Evaluator 's Name**

**EVALUATION PERIOD**

5/01/2015 to 5/01/2016

### 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      |                          |

---

**EVALUATOR'S SIGNATURE**

---

**DATE**

# **TOWN MANAGER JOB DESCRIPTION**

## 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 REQUIREMENTS:**

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.

**COPIES OF COMPLETED SIX MONTH EVALUATION FORMS**

Copy



**Town of Lake Park**  
**PERFORMANCE EVALUATION FORM**  
**TOWN MANAGER**  
**JOHN D'AGOSTINO**

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.

James DuBois

**Evaluator's Name**

**EVALUATION PERIOD**

5/01/2015 to 11/01/2015

**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.           |

**RECEIVED**

BY: hr

**1. MANAGEMENT STYLE/PROFESSIONAL SKILLS**

- 5 Maintains open and informative communications with the Town Commission
- 5 Knowledgeable of current developments affecting the local government management field.
- 5 Effectively implements and enforces Town policies and procedures
- 5 Demonstrates a capacity for innovation and creativity
- 5 Anticipates problems and develops effective approaches for solving them.
- 5 Maintains a work atmosphere conducive to productivity and efficiency
- 5 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
- 5 Motivates Town staff to work as a team and seek ways to be innovative and oriented toward effective problem solving
- 5 Properly controls the Town's operational and functional activities and motivates others to maximum performance
- ?? Effectively recruits professional staff

**COMMENTS:**

??= I do not have enough information to comment. All others excellent.

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**2. FISCAL MANAGEMENT**

- 5 Possesses knowledge of governmental accounting/budget procedures
- 5 Prepares a balanced budget to provide services at a level directed by the Town Commission
- 5 Strives to make the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- 5 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:

??= I do not have enough information to comment.

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### 3. PERSONAL SKILLS/COMMUNICATIONS

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

COMMENTS:

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### 4. RELATIONS WITH THE TOWN COMMISSION

- 5 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.
- 5 Carries out the directives of the Commission as a whole, rather than those of any one member
- 5 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
- 5 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
- 5 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**

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

COMMENTS:

??= I do not have enough information to comment. Our only info outlets are info flyers, website and emails, those are well done.

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ADDITIONAL SUMMARY COMMENTS:

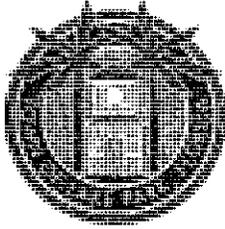
Town Manager D'Agostino has moved quickly up the learning curve in Lake Park and Palm Beach County. He is both responsive and proactive to matters of public concern and to the Commission. TM D'Agostino has quickly taken hold of initiatives directed by the Commission. He gets high marks and I usually only rate 4 as highest possible score.

OVERALL RATING:

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

jdb, mslf   
**EVALUATOR'S SIGNATURE**

10-12-15  
**DATE**



*copy*

# Town of Lake Park

## PERFORMANCE EVALUATION FORM TOWN MANAGER JOHN D'AGOSTINO

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.

*Kim DeCascio*  
Evaluator's Name

EVALUATION PERIOD

5/01/2015 to 11/01/2015

### 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.           |

**RECEIVED**

BY: *hr*.....

## 1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

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

### COMMENTS:

Email communications are not the most efficient means due to lag time in receipt. Unless all Commissioners loaded phones for receipt of email messages direct verbal communications are better.

## 2. FISCAL MANAGEMENT

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

3 Expenditures are made within budget limitations according to established policy

COMMENTS:

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### 3. PERSONAL SKILLS/COMMUNICATIONS

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

COMMENTS:

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### 4. RELATIONS WITH THE TOWN COMMISSION

- 3 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.
- 3 Carries out the directives of the Commission as a whole, rather than those of any one member
- 3 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
- 3 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
- 3 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

After Visioning effort & establishment of legislative priorities will be better able to address these qualities.

5. COMMUNITY RELATIONS

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

COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL SUMMARY COMMENTS:

First six months show promise that John's skills, experience, & personal style are what we've been looking for to advance the Community

OVERALL RATING:

- |                      |                          |
|----------------------|--------------------------|
| 5 - Outstanding      | 2 - Marginally Effective |
| 4 - Very Effective   | 1 - Ineffective          |
| <u>3 - Effective</u> |                          |

Paul Cascasto  
EVALUATOR'S SIGNATURE

10-12-15  
DATE



## 1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

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

### COMMENTS:

His communication is exceptional with staff He has  
a team approach and exercises a fail safe plan for staff.  
He demonstrates a future plan.

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## 2. FISCAL MANAGEMENT

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

- 5 Expenditures are made within budget limitations according to established policy

COMMENTS:

~~He respects senior staff expertise and talent. Utilizes, governs and delegates to staff, on behalf of the town's future plan. He is intent on moving LP forward by reducing our tax burden through industrial growth.~~ Understands business

### 3. PERSONAL SKILLS/COMMUNICATIONS

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

COMMENTS:

~~He demonstrates discipline, control and a thought process on behalf of town employees. He understands business awareness, government and future growth~~

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### 4. RELATIONS WITH THE TOWN COMMISSION

- 5 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.
- 5 Carries out the directives of the Commission as a whole, rather than those of any one member
- 5 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy
- 5 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall
- 5 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

He demonstrates a leadership role, de does not patronize and is open and honest.

5. COMMUNITY RELATIONS

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

COMMENTS:

~~He performs beyond his weekly hours to achieve a role as ambassador for the community. He thinks rather than reacts to each problem situation. I feel he's the best man for the Town Manager position that this commission could have chosen.~~

ADDITIONAL SUMMARY COMMENTS:

OVERALL RATING:

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

Kathleen Rappza 10-28-15  
 EVALUATOR'S SIGNATURE DATE



Copy

**Town of Lake Park**  
**PERFORMANCE EVALUATION FORM**  
**TOWN MANAGER**  
**JOHN D'AGOSTINO**

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.

Commissioner Flaherty

\_\_\_\_\_  
Evaluators Name

EVALUATION PERIOD

5/01/2015 to 11/01/2015

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.           |

**RECEIVED**  
MAY 14 2015

BY: HR

## 1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

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

### COMMENTS:

N/A: I am unable to rate performance towards staff and directors during day to day operations.

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## 2. FISCAL MANAGEMENT

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

3 Expenditures are made within budget limitations according to established policy

COMMENTS:

N/A: Negotiations are beginning, however I expect a score no lower than three.

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### 3. PERSONAL SKILLS/COMMUNICATIONS

4 Willing to commit time necessary to complete required tasks

4 Demonstrates high concern for ethical behavior

4 Skillful in verbal communication

4 Skillful in written communication

5 Informs the Commission of current issues and administrative developments

5 Encourages a positive attitude regarding the Town

4 Receptive to constructive criticism and advice

N/A Manages stress effectively

COMMENTS:

N/A: Have not seen a situation that has caused stress.

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### 4. RELATIONS WITH THE TOWN COMMISSION

3 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.

3 Carries out the directives of the Commission as a whole, rather than those of any one member

3 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy

3 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall

3 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

- 5 Effectively addresses and accommodates citizen complaints
- 4 Shows a sensitivity to and appreciation of diversity of the Town's population
- 3 Responsive to issues of both commercial and residential populations
- N/A Takes a "hands-on" approach when necessary
- 3 Maintains an effective working relationship with other local governments
- N/A Takes a diplomatic approach to problem solving
- 4 Projects a positive image on behalf of the Town of Lake Park
- 4 Provides management support to Town Boards
- 4 Effectively informs residents of Town news ~~through Town produced~~ ~~Audio Newsletter.~~ during comments at our monthly meetings. ETK

COMMENTS:

N/A: Not sure of abilities in these areas.

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ADDITIONAL SUMMARY COMMENTS:

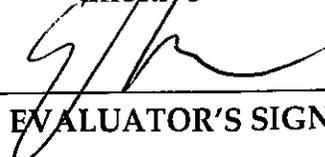
It has been a great pleasure having our current TM on staff and working in our Town.

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OVERALL RATING:

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

  
 \_\_\_\_\_  
 EVALUATOR'S SIGNATURE

October 12, 2015  
 \_\_\_\_\_  
 DATE



*Copy*

**Town of Lake Park**  
**PERFORMANCE EVALUATION FORM**  
**TOWN MANAGER**  
**JOHN D'AGOSTINO**

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.

Michael O'Rourke  
Evaluator's Name

EVALUATION PERIOD 5/01/2015 to 11/01/2015

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.           |

RECEIVED

BY: HR

## 1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

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

### COMMENTS:

Manager has been with the town for a short period of time but has shown effective communications skills with both staff and in communications with this commissioner.

## 2. FISCAL MANAGEMENT

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

- 4 Expenditures are made within budget limitations according to established policy

COMMENTS:

The manager has not been present in his position long enough to evaluate his negotiation skills and so that item was unscored.

**3. PERSONAL SKILLS/COMMUNICATIONS**

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

COMMENTS:

The communication skills of our current manager are significantly better than the previous manager and in fact, appears to be his greatest strength.

**4. RELATIONS WITH THE TOWN COMMISSION**

- 4 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.  
4 Carries out the directives of the Commission as a whole, rather than those of any one member  
4 Assists the Commission in establishing policy, while acknowledging the ultimate authority of the Commission to set policy  
4 Supports the action of the Commission after a decision has been reached, both inside and outside Town Hall  
4 Offers workable revisions to the Commission for changes in policy when an existing policy or ordinance is impractical.

COMMENTS:

He has an open door policy that allows me to barge into his office at any time.

5. COMMUNITY RELATIONS

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

COMMENTS:

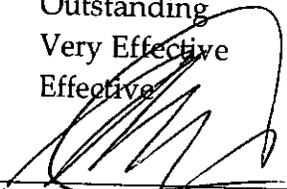
There have been issues addressed by the community regarding transient persons bothering businesses and residents that seem to continue and need to be addressed more vigorously, and also regarding a cell tower at the marina.

ADDITIONAL SUMMARY COMMENTS:

Mr. D. Agastino is an asset to our community although he has only been with the town for a short period of time, he has shown a team approach, management style that has benefitted the town.

OVERALL RATING:

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

  
EVALUATOR'S SIGNATURE

11/4/15  
DATE