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

James DuBois	**—**	**Mayor**
Kimberly Glas Castro	**—**	**Vice-Mayor**
Erin T. Flaherty	**—**	**Commissioner**
Anne Lynch	**—**	**Commissioner**
Michael O'Rourke	**—**	**Commissioner**
John O. D'Agostino	**—**	**Town Manager**
Thomas J. Baird, Esq.	**—**	**Town Attorney**
Vivian Mendez, CMC	**—**	**Town Clerk**

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

Workshop Minutes of March 1, 2016 **Tab 2**

3. Regular Commission Meeting Minutes of March 16, 2016 **Tab 3**

4. Special Call Commission Meeting Minutes of March 21, 2016 **Tab 4**

5. Amendment of the License Agreement between the Town of Lake Park and The Burt Reynolds Institute of Film and Theatre (BRIFT) **Tab 5**

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

None

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

None

H. NEW BUSINESS:

6. Resolution No. 15-04-16 Valic 401k- Retirement Savings Plan Revised Adoption Agreement **Tab 6**

7. ICMA-RC 401k- Retirement Savings Plan Revised Adoption Agreement **Tab 7**

8. Resolution No. 16-04-16 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 **Tab 8**

9. 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 **Tab 9**

10. Community Development Block Grant (CDBG) Grant Preparation **Tab 10**

11. Selection of Nominees for the Northern Palm Beach County Chamber of Commerce 2016 Leadership Awards **Tab 11**

12. Distribution of the Annual Town Manager Performance Evaluation Form to the Town Commission **Tab 12**

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT

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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS
[x] OTHER: Proclamation

Approved by Town Manager _____ **Date:** 3-22-16

Name/Title HUMAN RESOURCES DIRECTOR

Originating Department: **Human Resources**	**Costs: $ -0-** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Copy of Proclamation**
Advertised: Date: _____ Paper: _____ **[x] 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 BMT** or Not applicable in this case ____ **Please initial one.**

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 6th day of April, 2016.*

BY: ATTEST:

Mayor James DuBois *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 [X] **CONSENT AGENDA**
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-24-16

Vivian Mendez – Town Clerk
Name/Title

Originating Department: **Town Clerk**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Agenda** **meeting minutes** **Exhibits "A - B"**
Advertised: Date: _____ Paper: _____ **[X] 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 *VM* **Please initial one.**

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

James DuBois	—	**Mayor**
Kimberly Glas-Castro	—	**Vice-Mayor**
Erin T. Flaherty	—	**Commissioner**
Michael O'Rourke	—	**Commissioner**
Kathleen Rapoza	—	**Commissioner**
Judith Thomas	—	**Board Member - Chair**
Martin Schneider	—	**Board Member – Vice-Chair**
Michele Dubois	—	**Board Member**
Anne Lynch	—	**Board Member**
John O. D'Agostino	—	**Town Manager**
Thomas J. Baird, Esq.	—	**Town Attorney**
Vivian Mendez, CMC	—	**Town Clerk**

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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 express concern that buildings would be built and then remain vacant. Town Manager D'Agostino explained that the presentation would answers 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 introduce 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 piece meal 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 SARKOZY	561 840081	juliesarkozy@yahoo.com	Property Owner
WAYNE CREGER	561 371 7977	211 USI	P. O.
DAVIN RADEST	954-612-7007	220 Lake Shore	P. O
CLIFF ROBERTS	617 680 4172	302 Lake shore Dr	Property owner
Anne Talafous	937-307-6829	301 LakeShore Dr.	
Gina Bunts	818-653-2430	301 Lakeshore Dr.	mixed-use
Jackie Dudkiewicz	561-370-4768	217 Park Ave.	owner
Mary Taylor	561 845 2601	209 Park Ave	property owner

NAME	PHONE	E-MAIL ADDRESS	INTEREST (Property Owner; Business Owner; Resident; Other)
Sue Duchene	561 881 7207	S.duchene@att.net	Resident
Emily O'Mahoney	561 575 9557	emily@2gho.com	Planner
Dodi Glas	"	dodi@2gho.com	"
Michael DeSouza	561-842 8882	MIKED99@bellsouth.net	Resident
Charles Hallder	561 267-9893	cahallder@jmo.com	Resident
Richard HARVEY	561 425 5680	Spikeharvec.msn.com	Resident
Susan Rg	561 889 2747		
Brent & Debbie Headley	561-315-4801	Brenthg@yahoo.net	Prop Owner
John Mede	561-329-1324	jmede3@comcast.net	"
Stephanie Krowka	561-339-4443	Steph863@aol.com	Resident
CLAUDIA WENDEL	302-540-2979	claudia.j.wendel@gmail.com	Resident
CRAIG KORBEL	302-540-2979		Resident
KAY HEISLER	302-540-2979		Resident
BARRY HEISLER	302-540-2979		Resident
KAREN PETRUS	302-540-2979		Resident
DAVID PETRUS	302-540-2979		Resident
Pierre LATOBERNE	561-622 1524		Prop OWNER

NAME	PHONE	E-MAIL ADDRESS	INTEREST (Property Owner; Business Owner; Resident; Other)
D. SOPHINOS	8481635	dsophinos@comcast.net	
Karen Mahnk	8813331	Kmahnk@gmail.com	
Janet Hash	484 798 9108	jhasha@comcast.net	
Lanae Barnes	561-236-9617	lanaebarnes@yahoo.com	Prop owner
Dr & Mrs Sam Kouchalakos	603-930-5395	samkouch@comcast.net	Prop Owner
Caroline Burnside	561-310-3764	ccsquared64@aol.com	
K.			
Iris Sullivan	561-863-549		
James Sullivan	Li		
Joyce Wojtowicz			

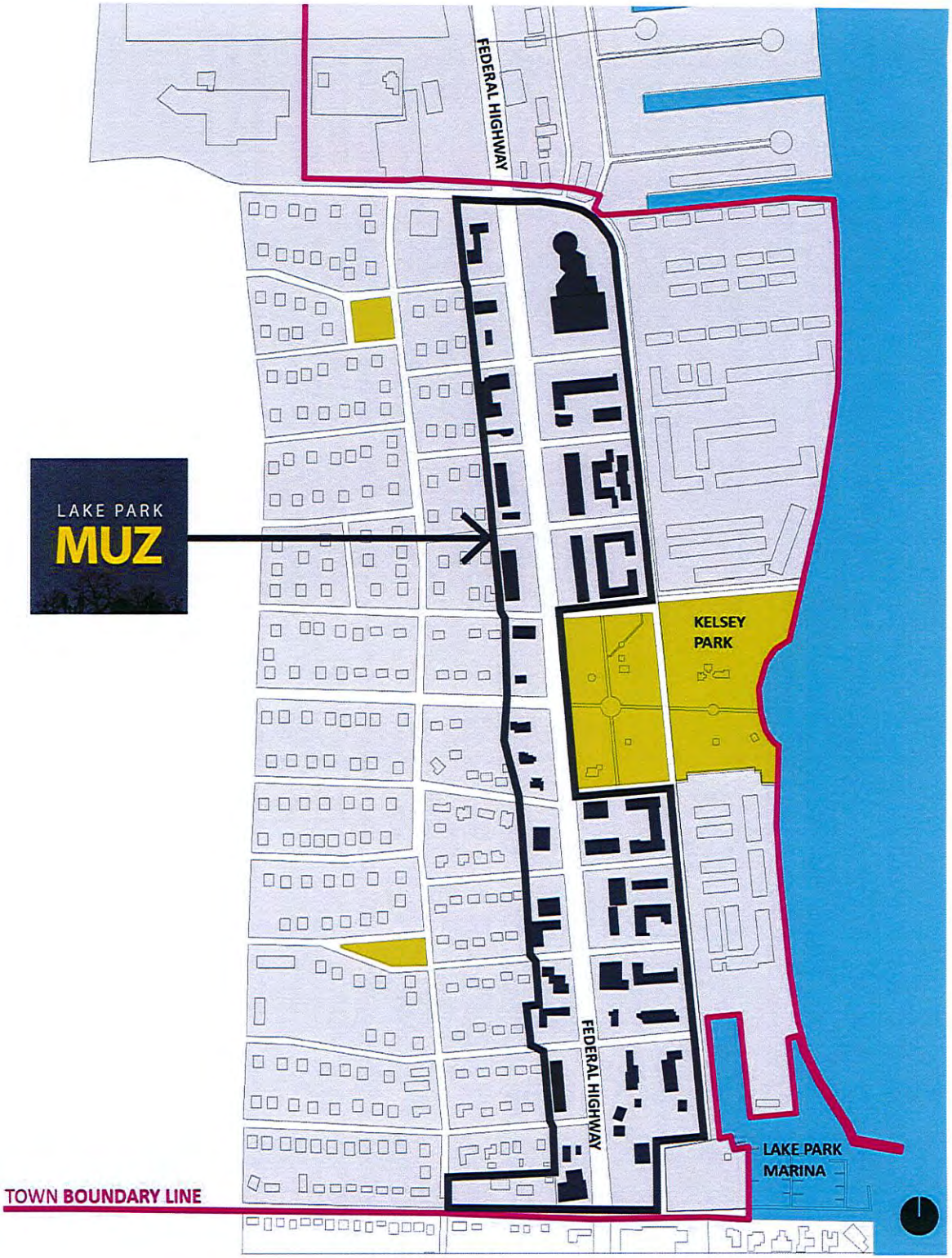
Exhibit "B"

Visuals

03.01.16

Site

Location



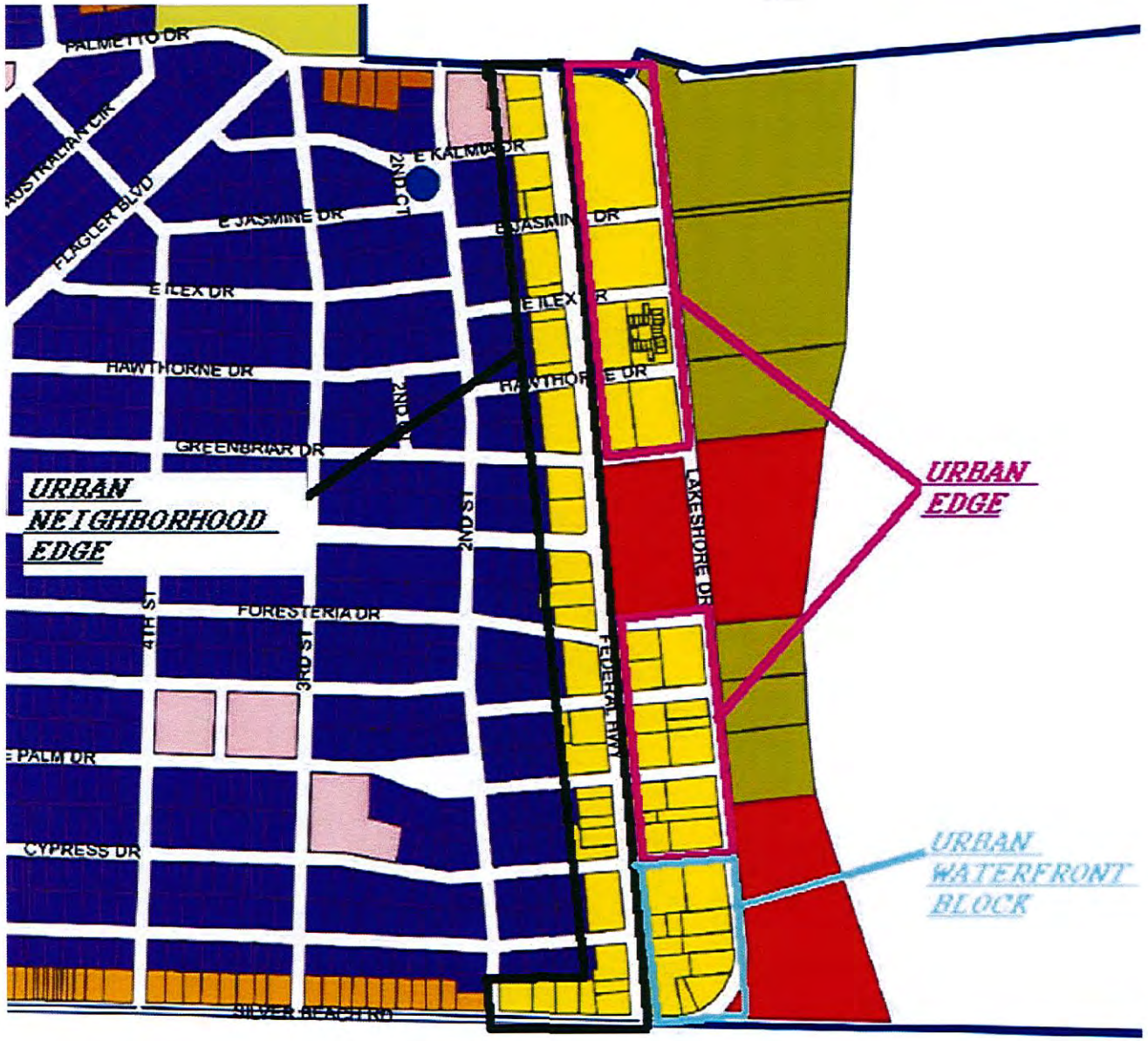
Sub Districts

Location

Urban Neighborhood Edge

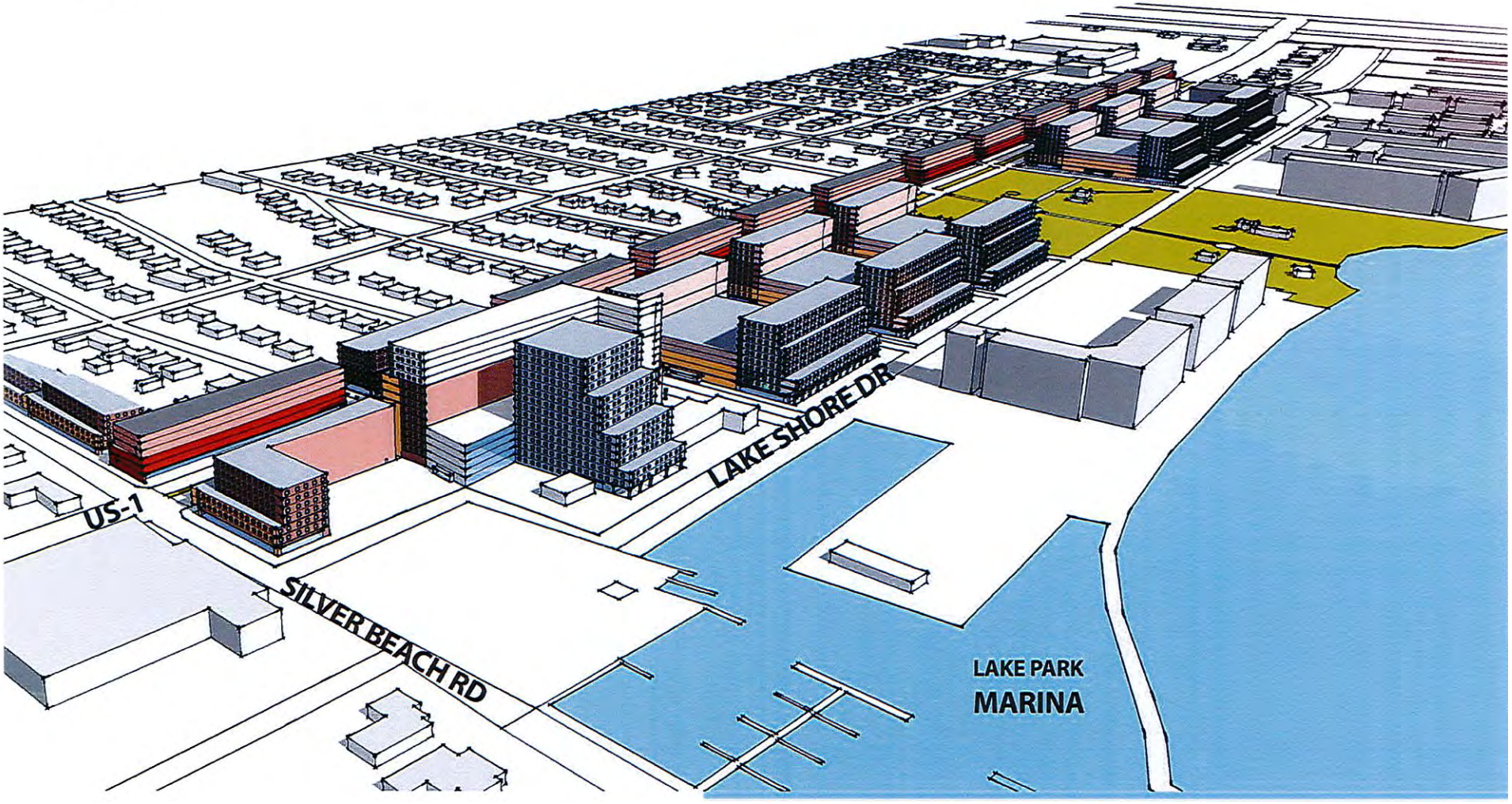
Urban Edge

Urban Waterfront Block



Corridor Build-out Example

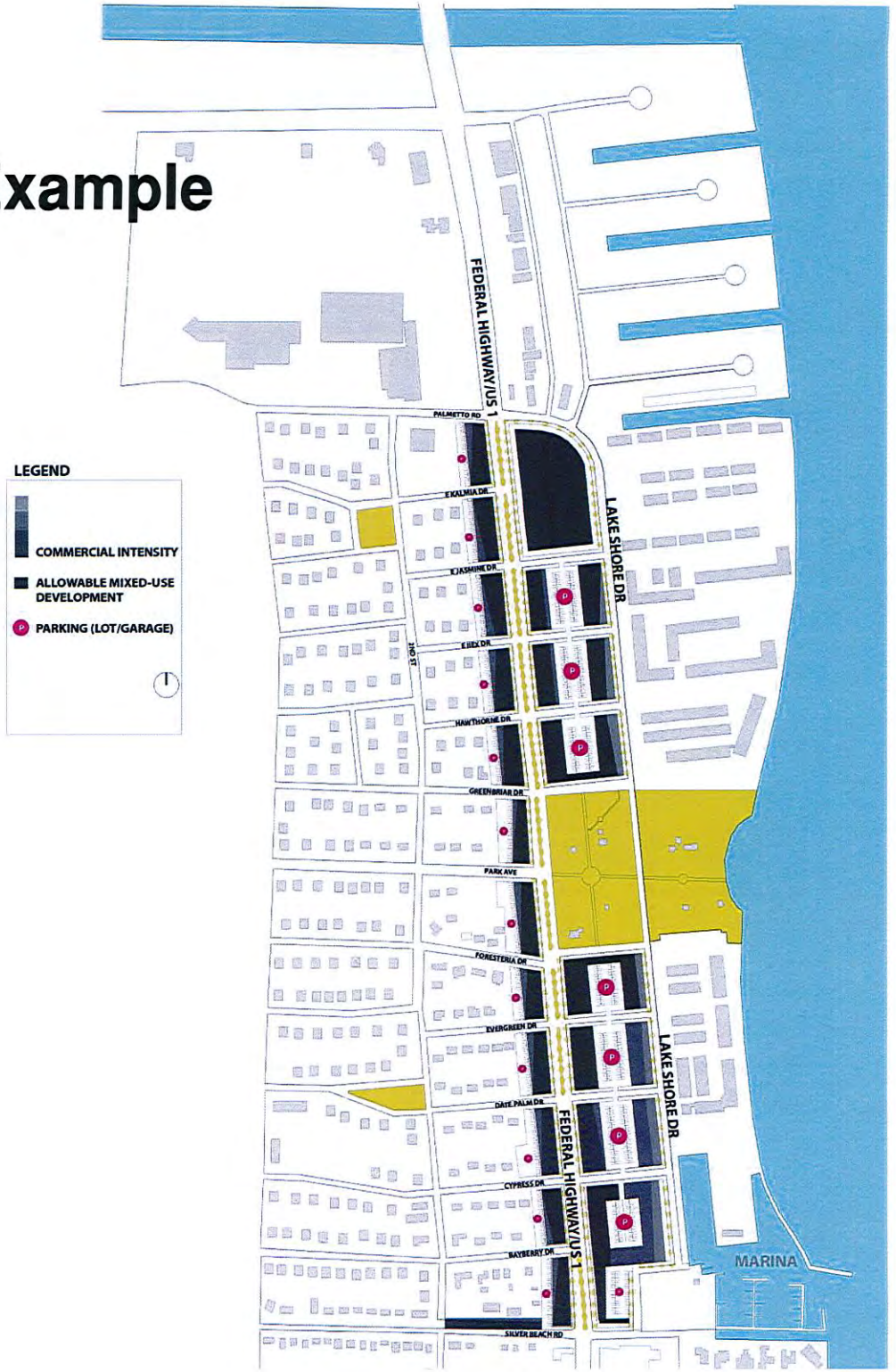
Birds Eye



Corridor Build-out Example

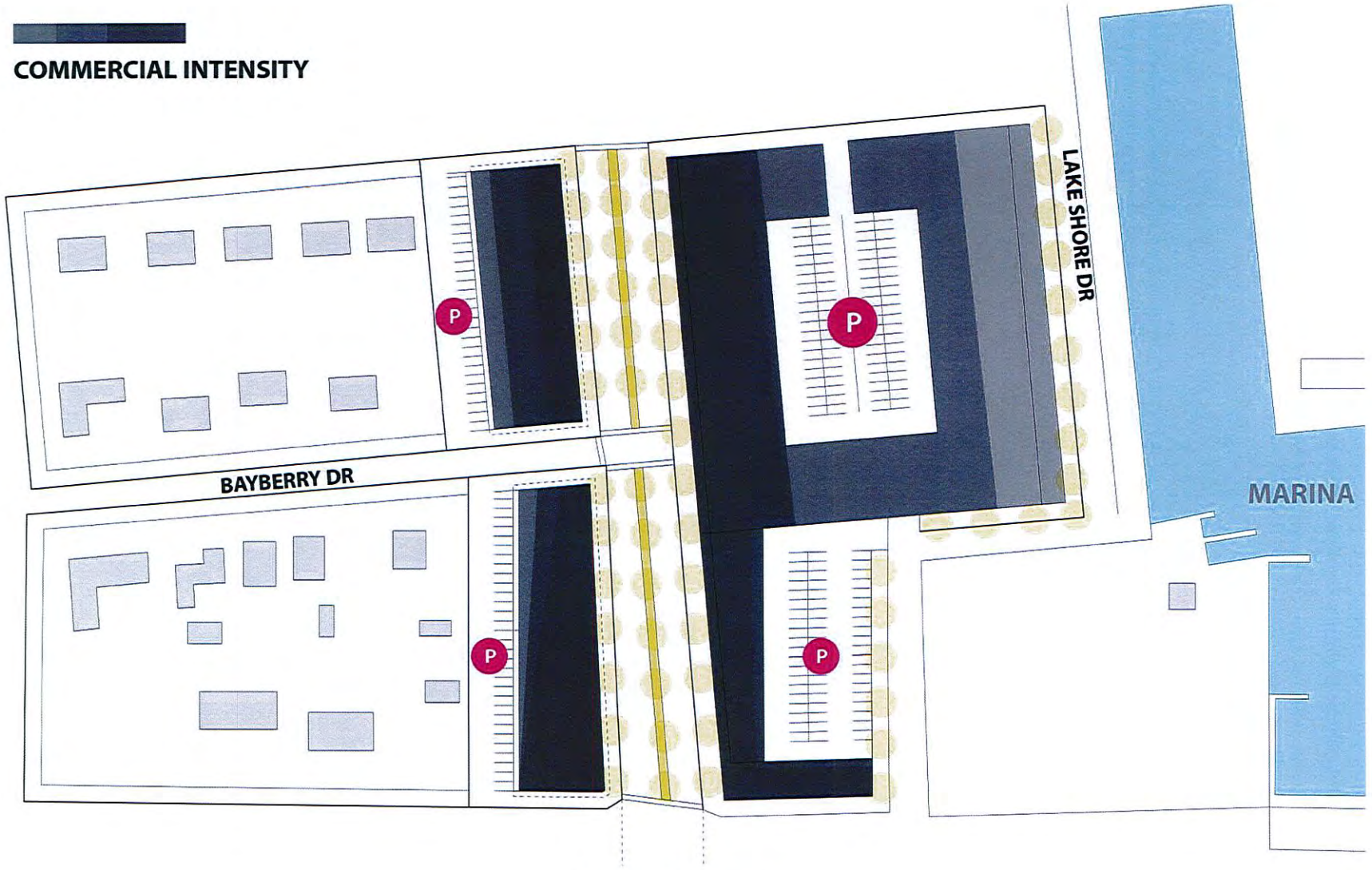
Master Plan

+Strong Edges
+Ground Floor Commercial
+Internalized Parking



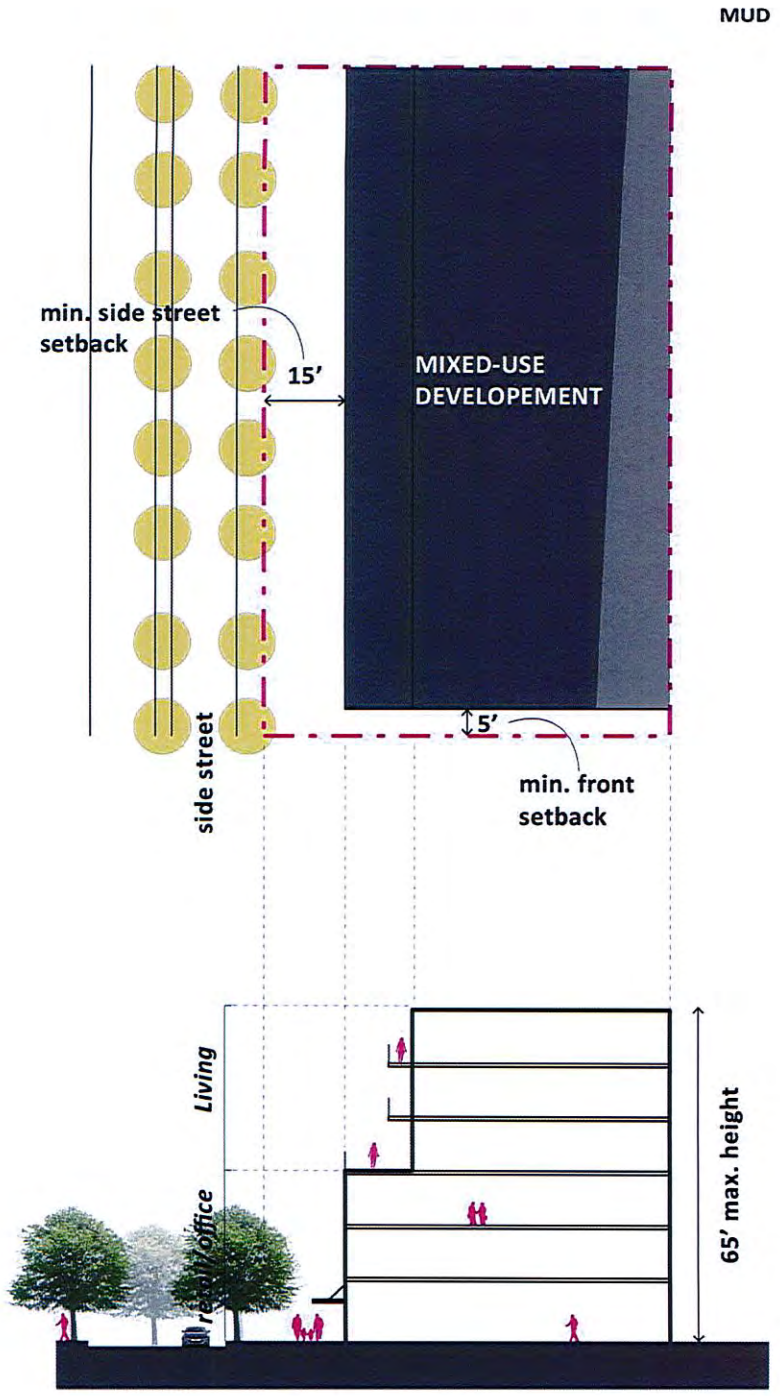
Lot Configuration

Sample



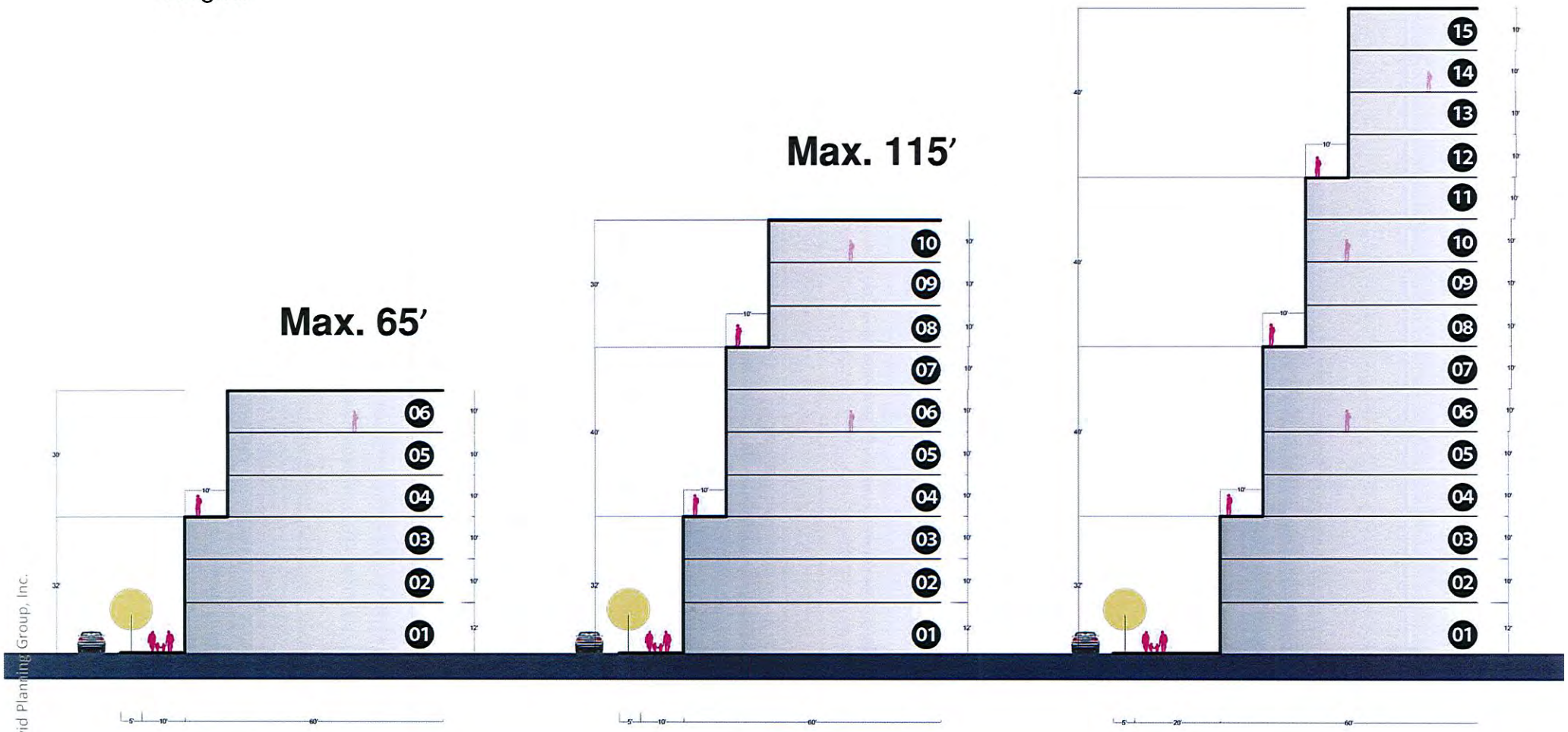
Town of Lake Park
Mixed-Use Overlay Zoning District

Mixed Use District



Sub Districts Densities

Heights



6 Stories
40 du's per acre

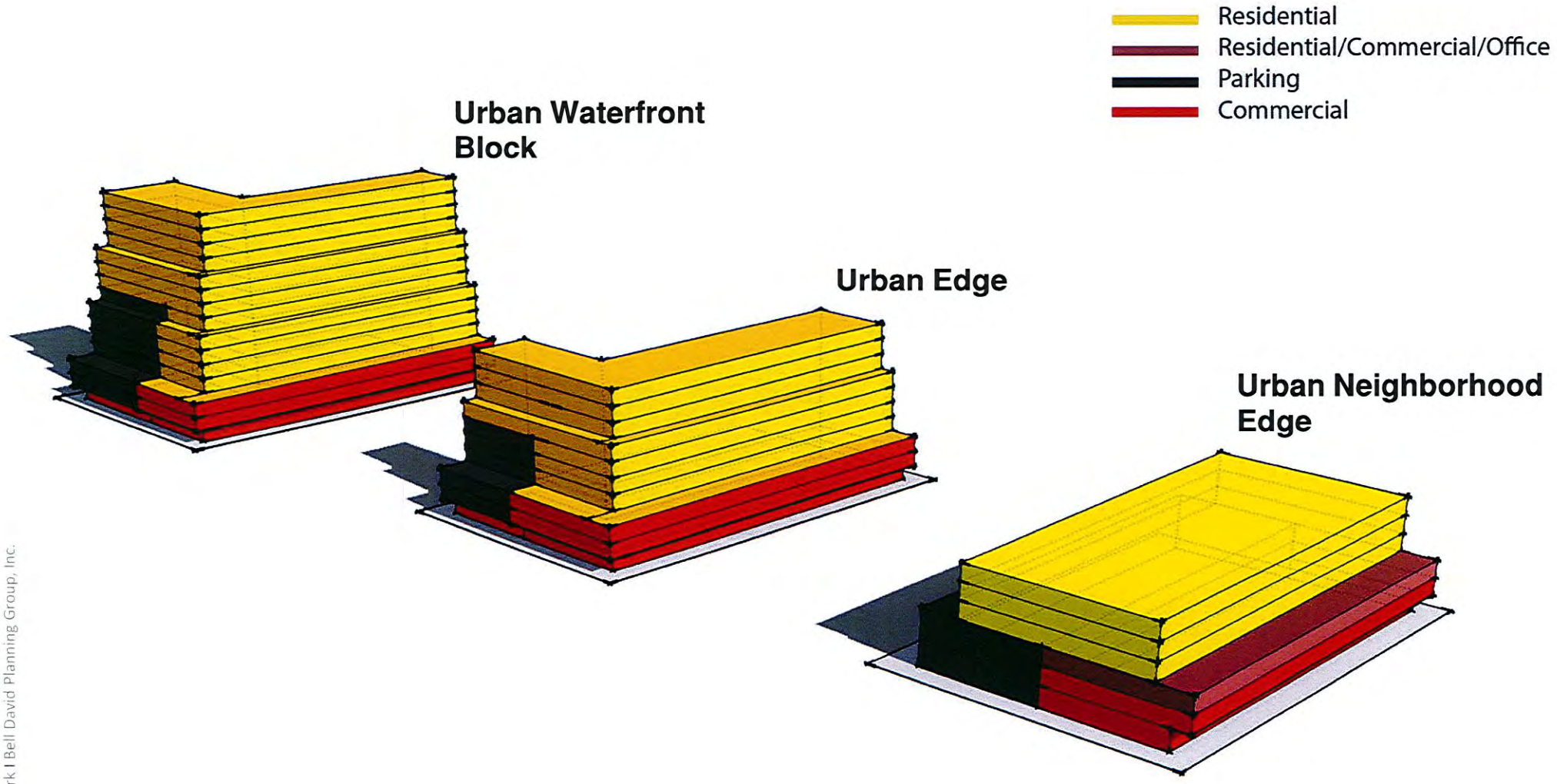
10 Stories
60 du's per acre

15 Stories
80 du's per acre

Town of Lake Park I Bell David Planning Group, Inc.

Sub Districts Massing

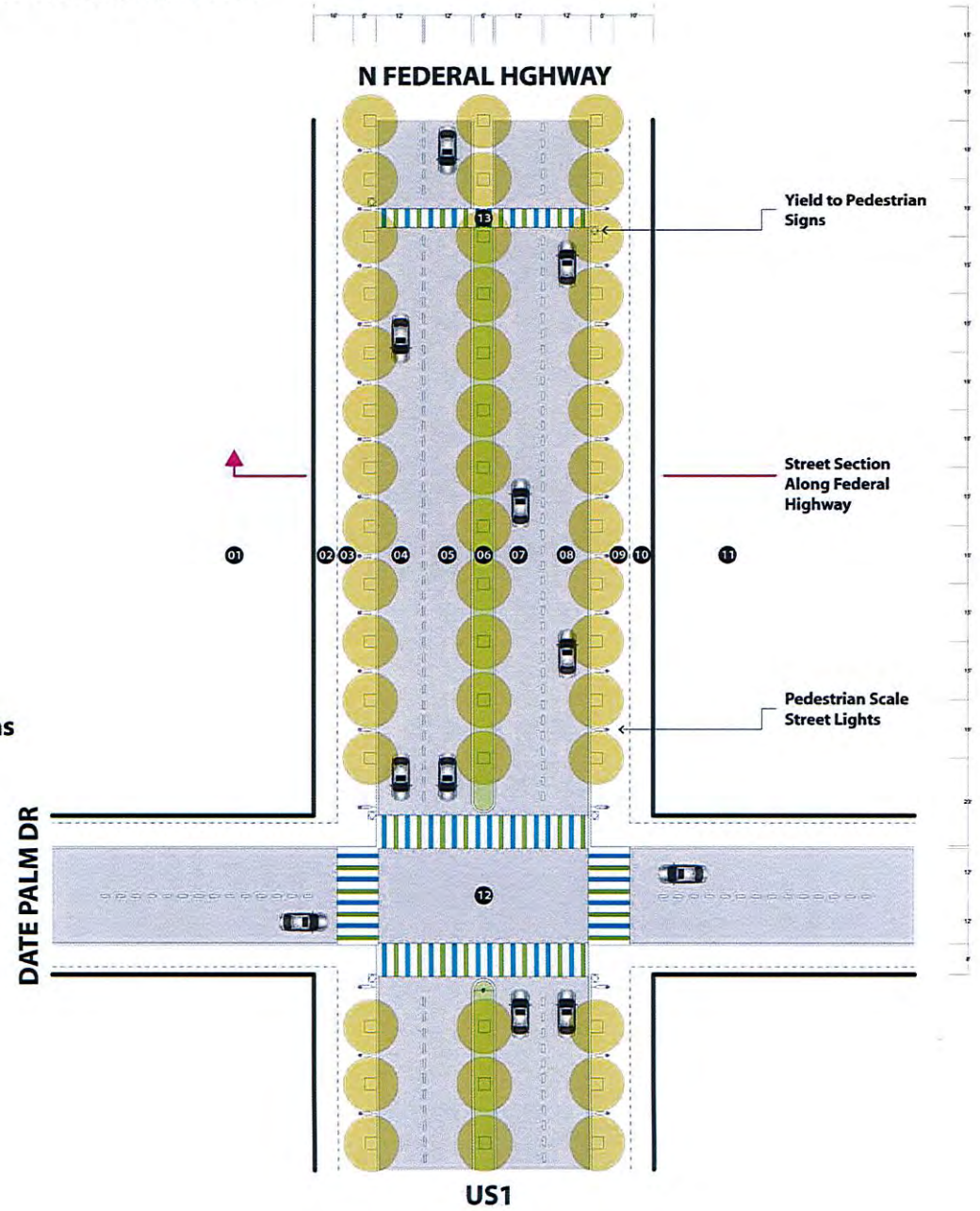
Programmatic



Complete Streets Initiative

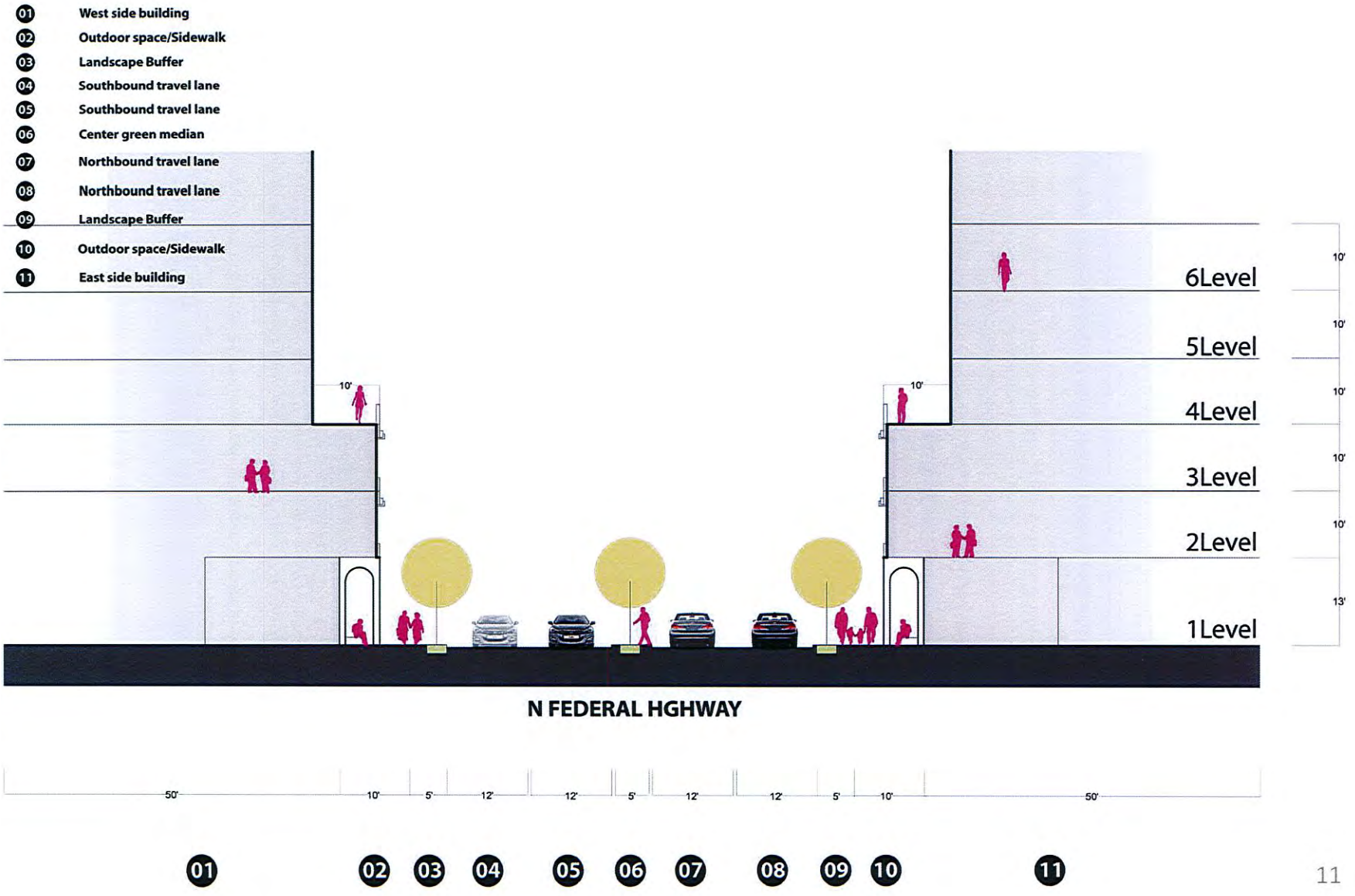
Design Elements

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

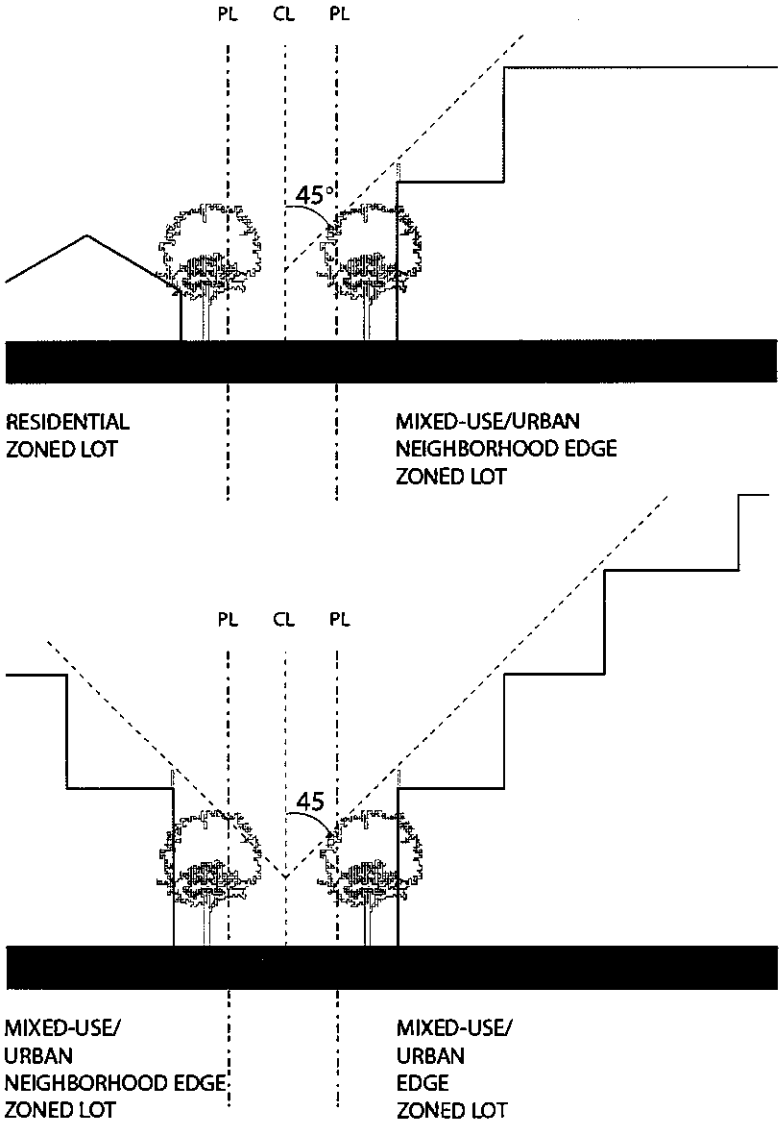
Design Elements



Recess Calculation

Urban Comfort

+Pedestrian Scale
+Systematic Calculation



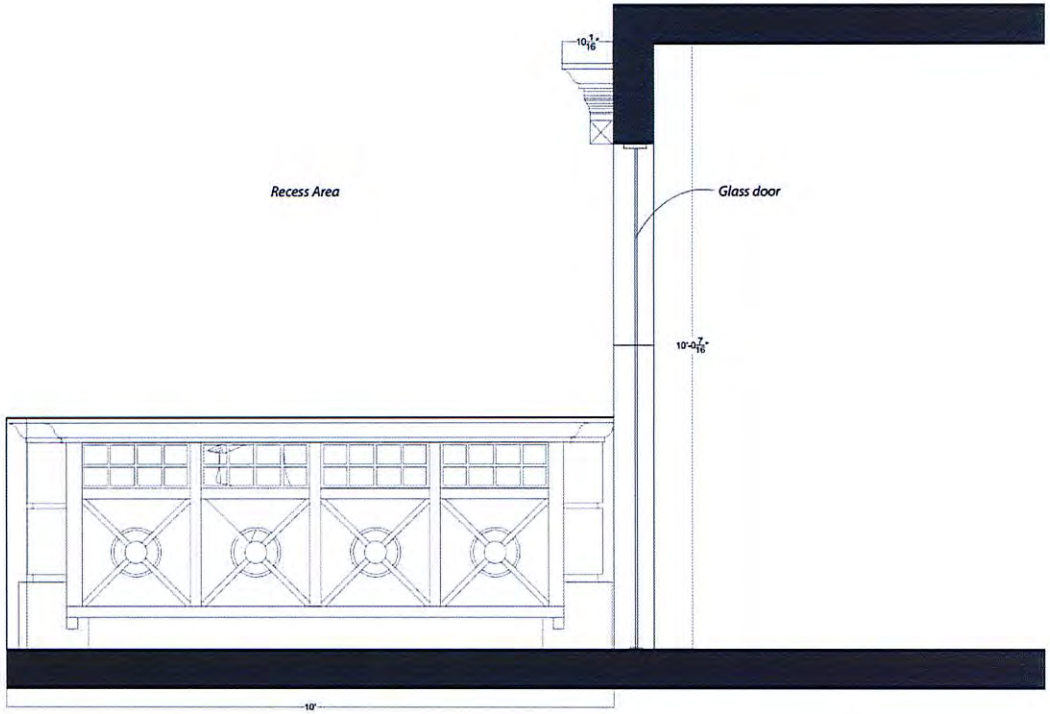
45 Encroachment Plane

Side View

Town of Lake Park | Bell David Planning Group, Inc.

Architectural Balcony Example

Mediterranean Style



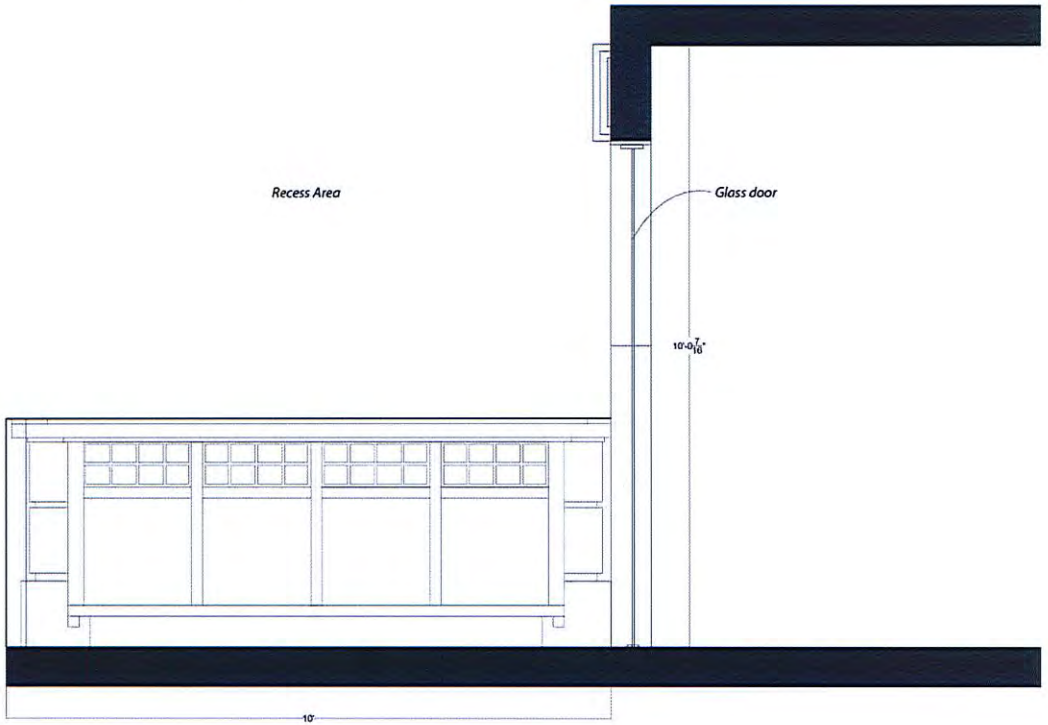
Recess Architectural techniques 01

Front/Side

Town of Lake Park I Bell David Planning Group, Inc.

Architectural Balcony Example

Modern Style



Recess Architectural techniques 02

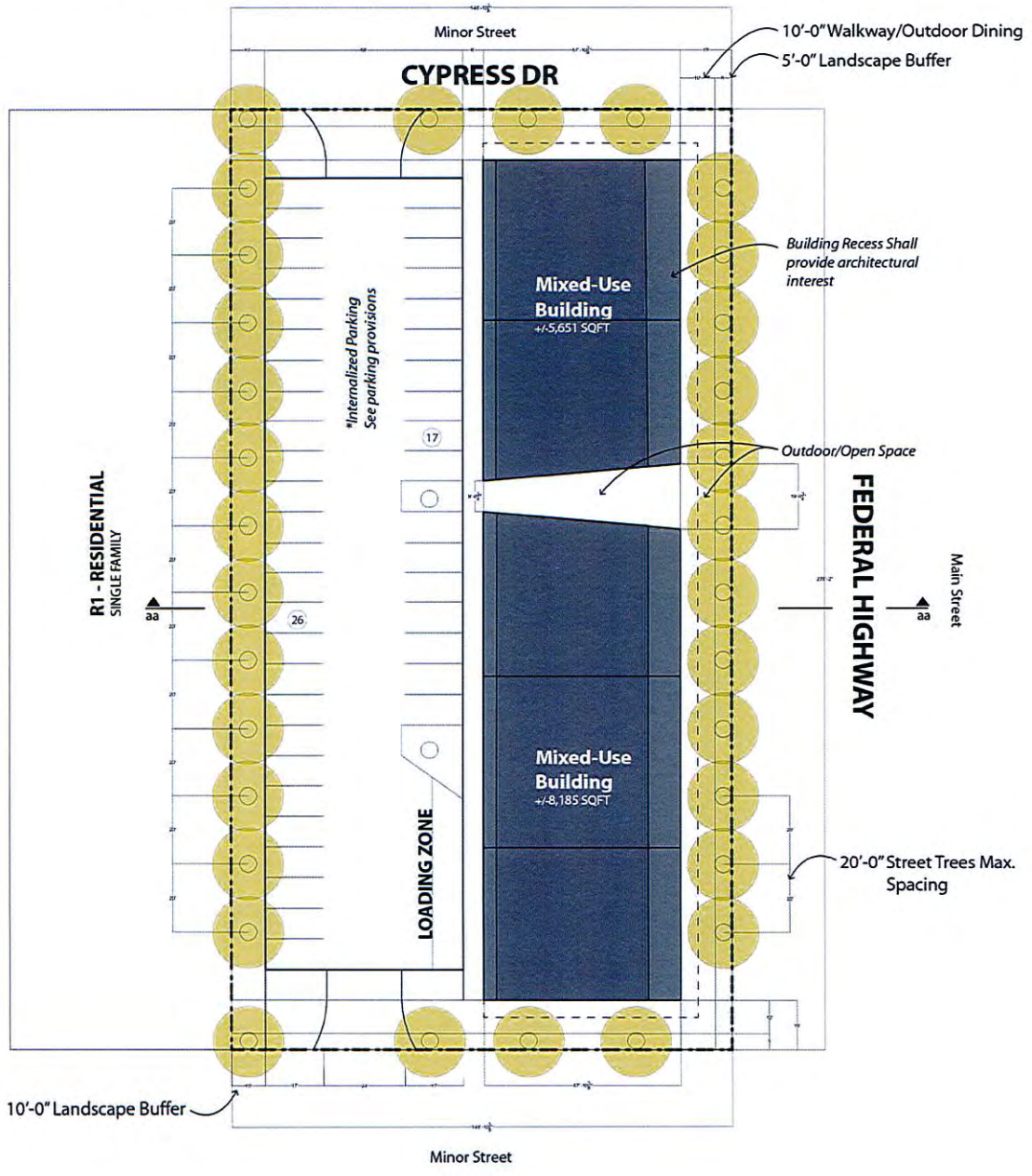
Front/Side

Town of Lake Park I Bell David Planning Group, Inc.

Urban Neighborhood Edge

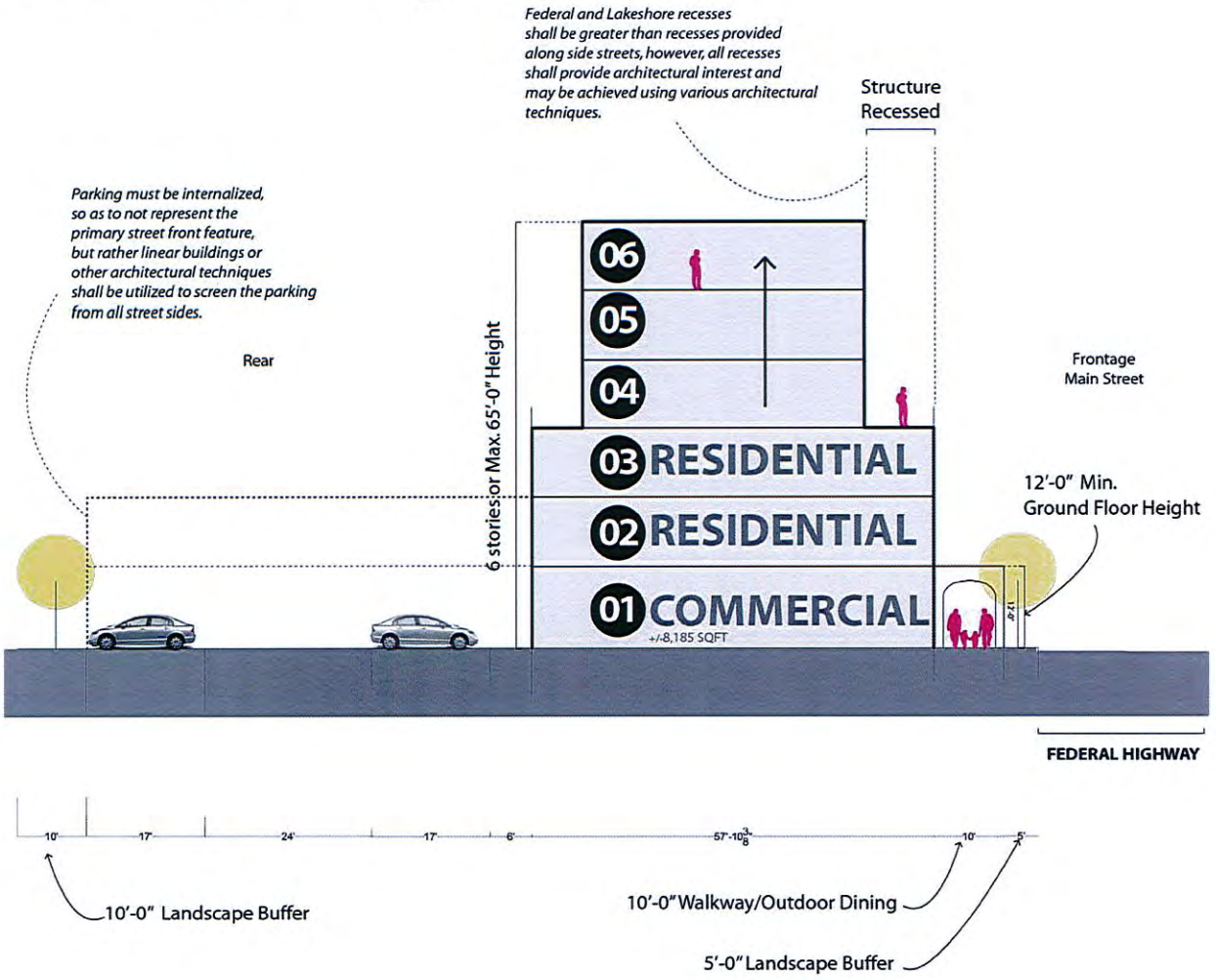
Plan

+Land Development Regulations



Urban Neighborhood Edge

Section



Density level
40 units/acre

Urban Neighborhood Edge **Section AA**

Urban Neighborhood Edge

3D

Urban Neighborhood Edge **Massing**

4-Story Mixed-Use Example

Photomontage

5-Story Mixed-Use Example

Photomontage

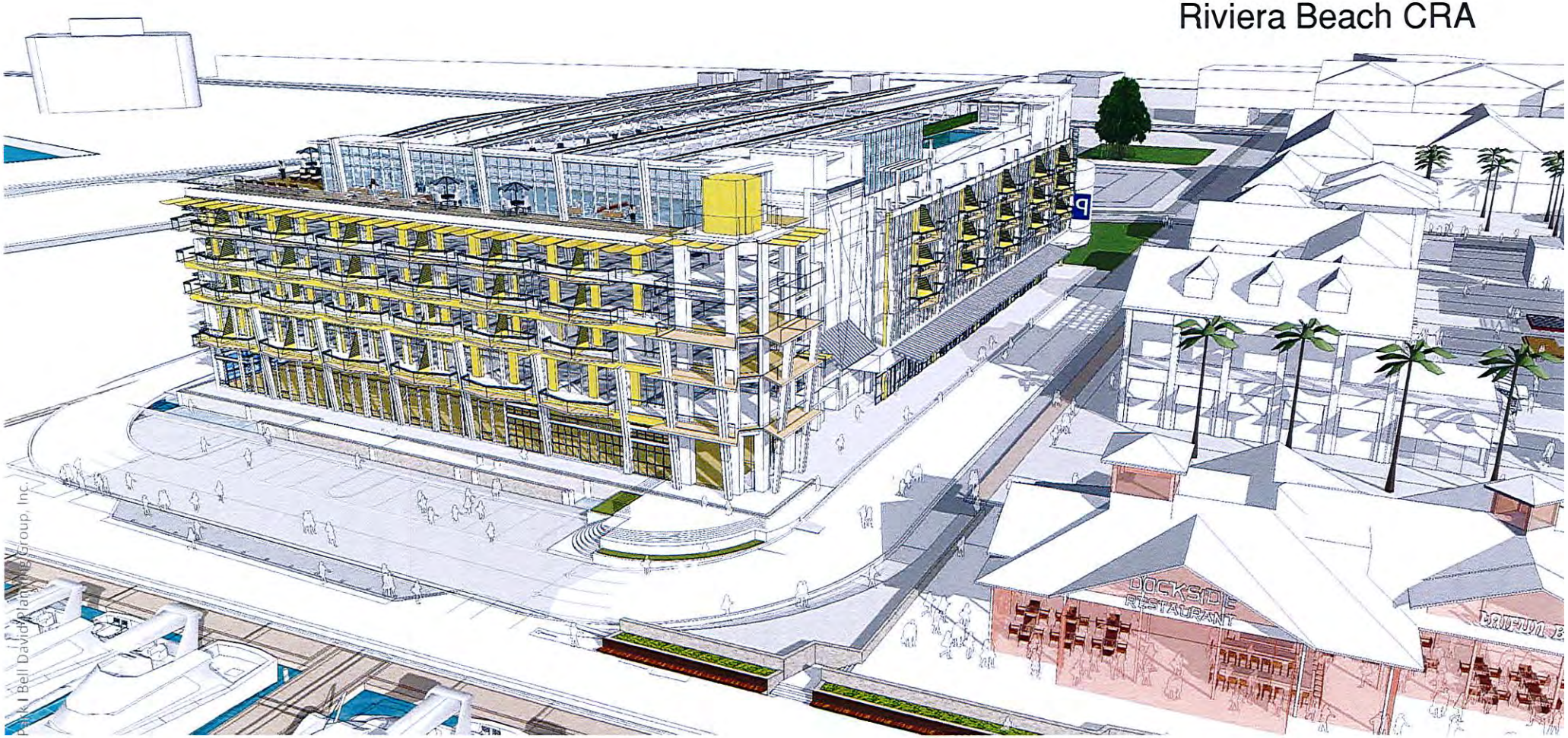
Mixed-Use Sample Development

[Urban Neighborhood Edge]

6-Story Mixed-Use Example

Photomontage

Riviera Beach CRA



4-Story Mixed-Use Example

Photomontage

Delray Beach

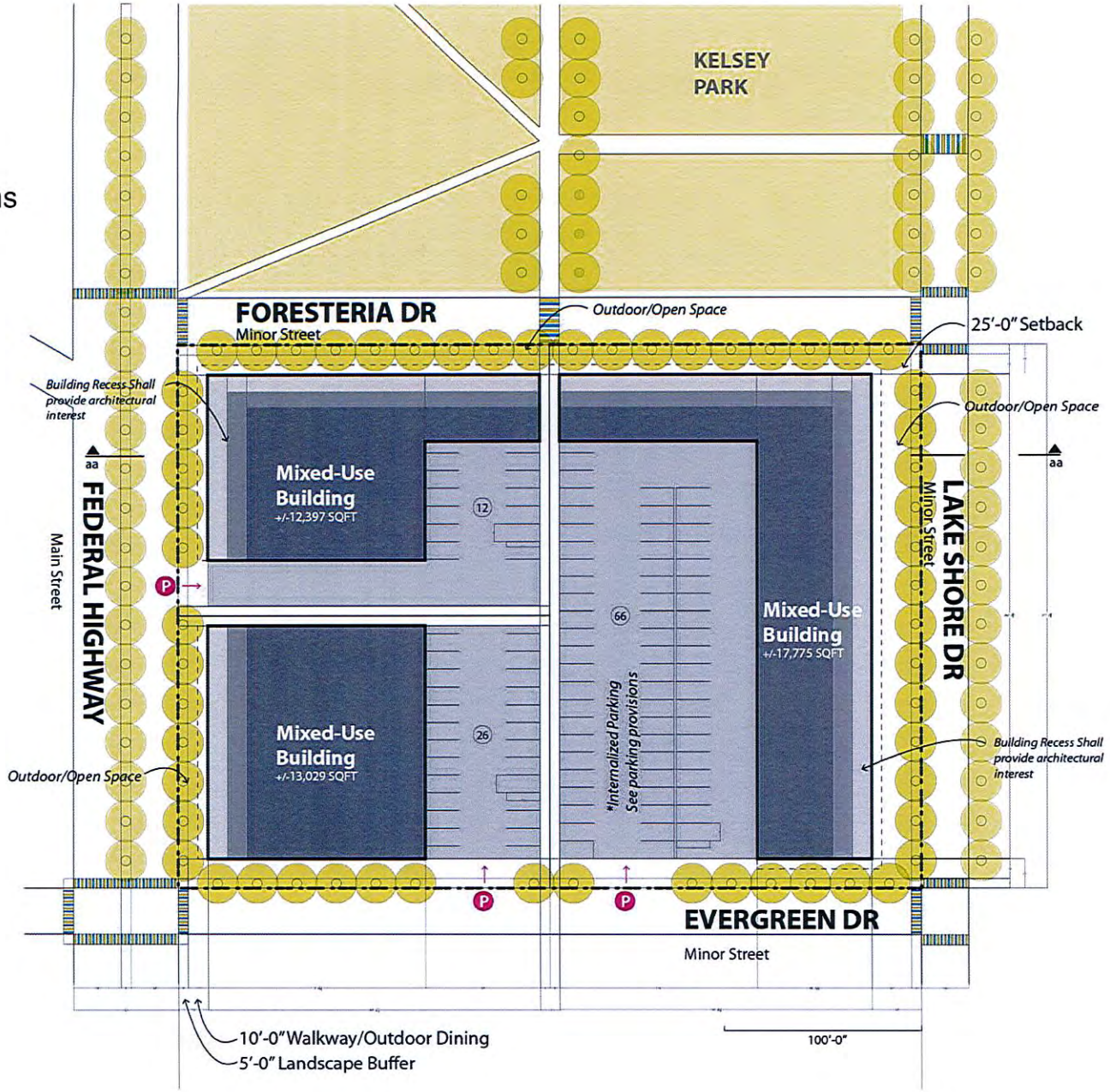
6-Story Mixed-Use Example

Photomontage

Urban Edge

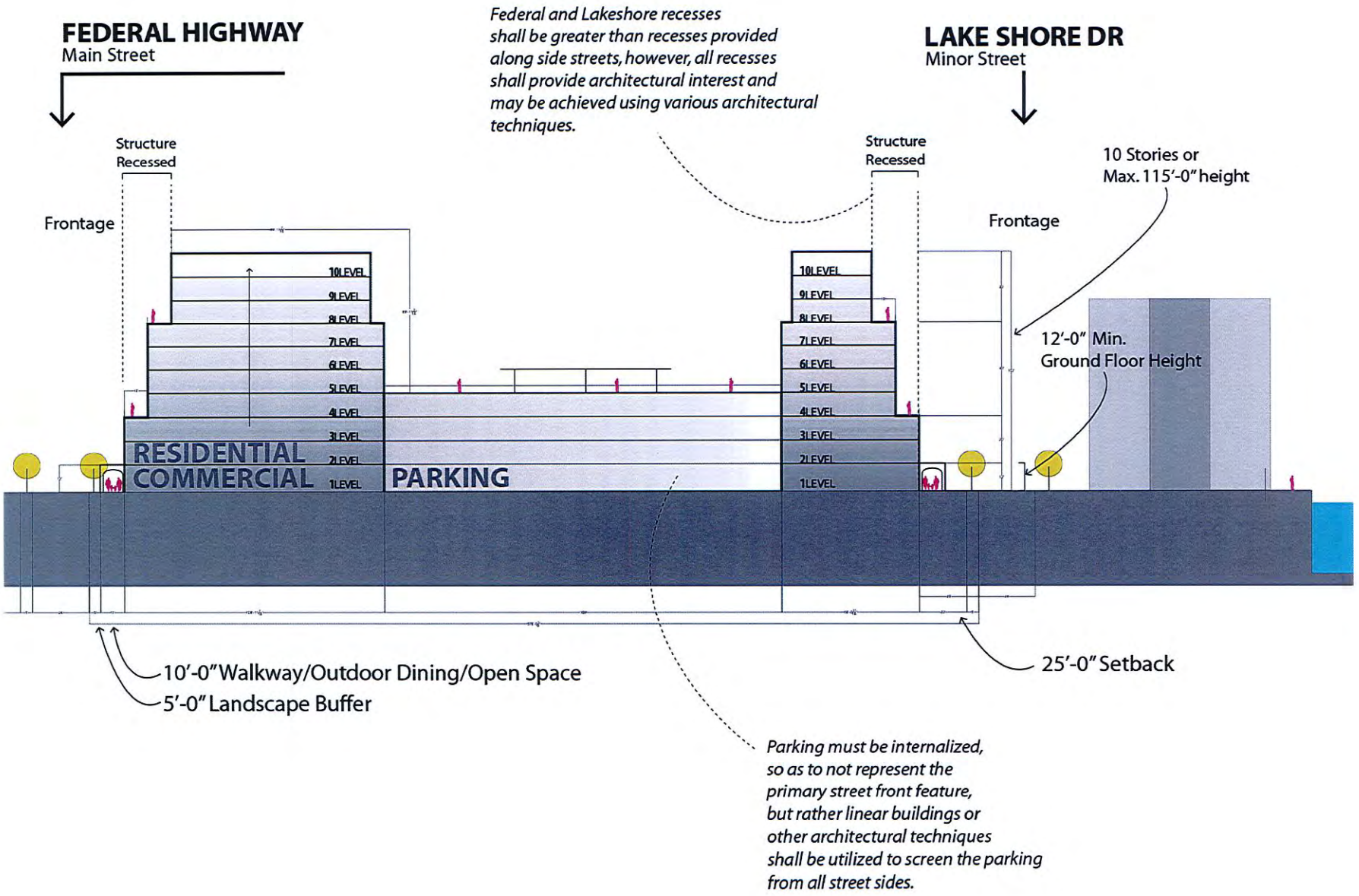
Plan

+Land Development Regulations



Urban Edge

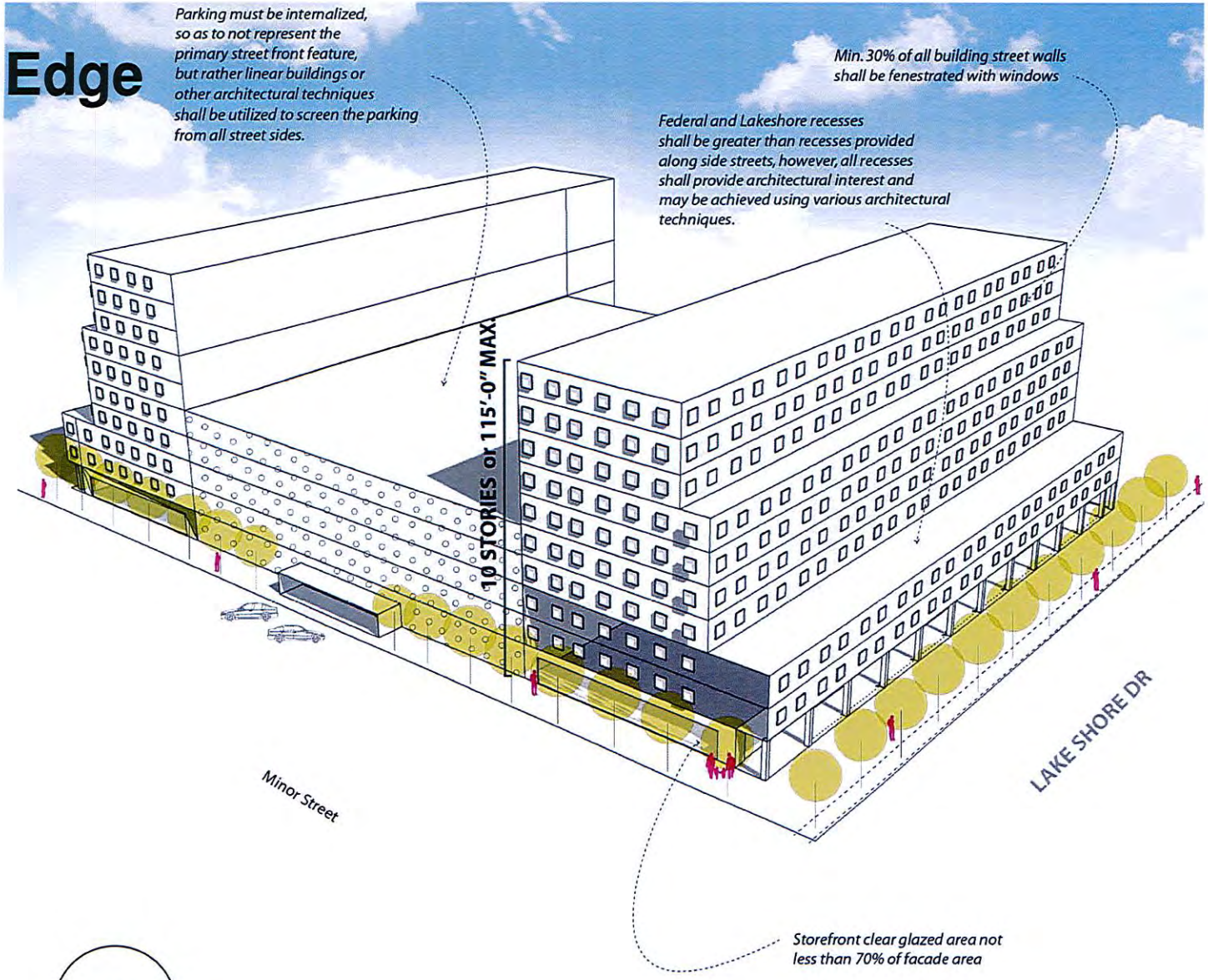
Section



Town of Lake Park I Bell David Planning Group, Inc.

Urban Edge

3D



Density level
60 units/acre

Town of Lake Park I Bell David Planning Group, Inc.

10-Story Mixed-Use Example

Photomontage

Mixed-Use Sample Development

[Urban Edge]

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

Town of Lake Park I Bell David Planning Group, Inc.

10-Story Mixed-Use Example

Photomontage

***NOT CONSISTENT WITH ZONING INTENT!**

8-Story Mixed-Use Example

Photomontage

10-Story Mixed-Use Example

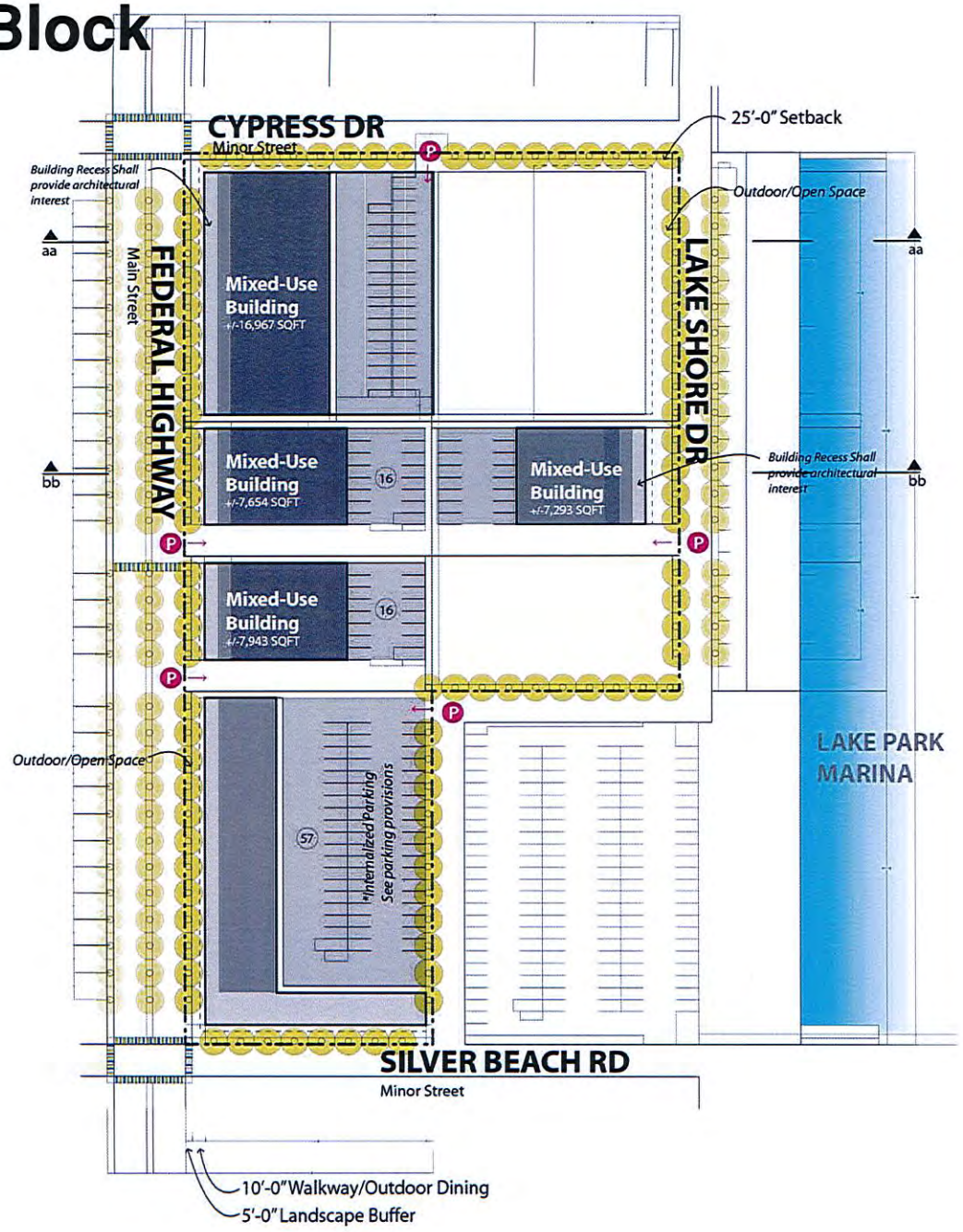
Photomontage

Ground Level Activity

Urban Waterfront Block

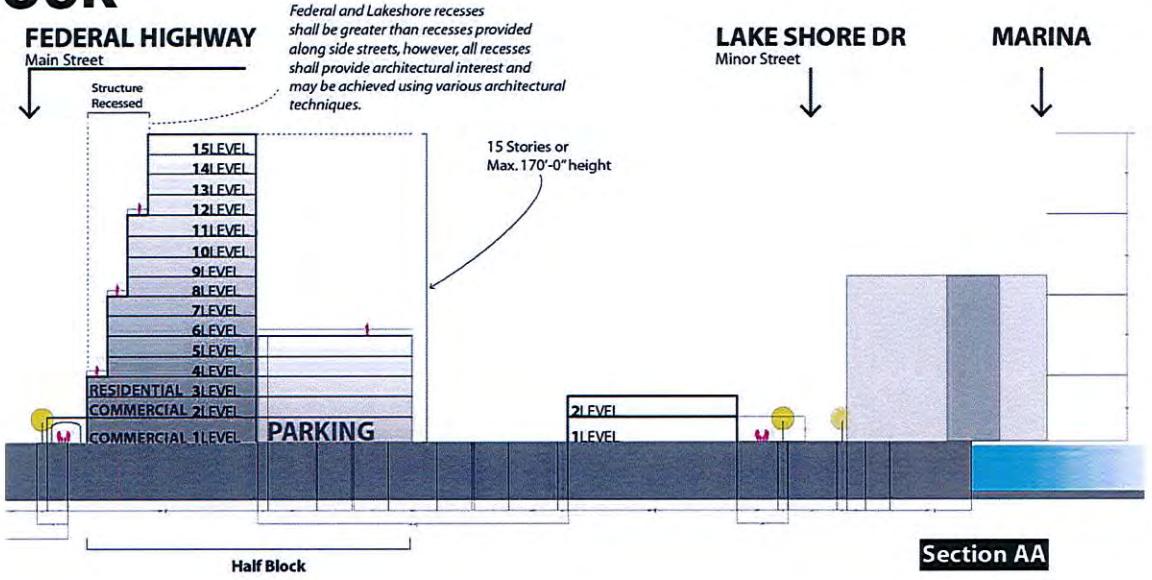
Plan

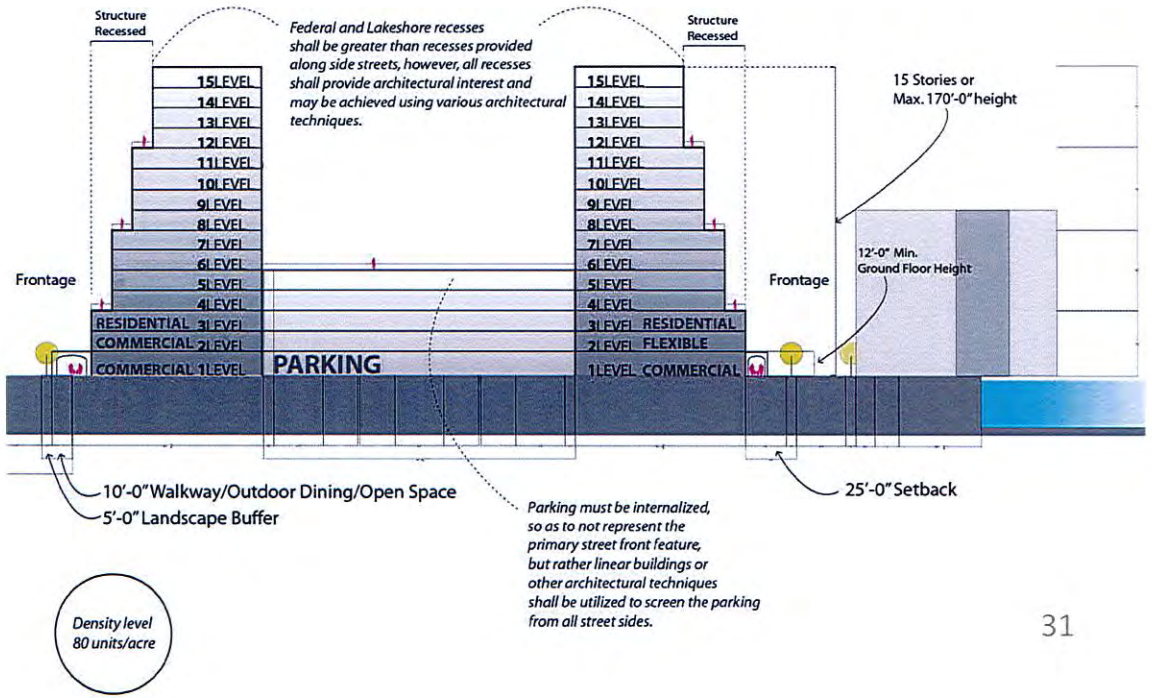
+Land Development Regulations



Urban Waterfront Block

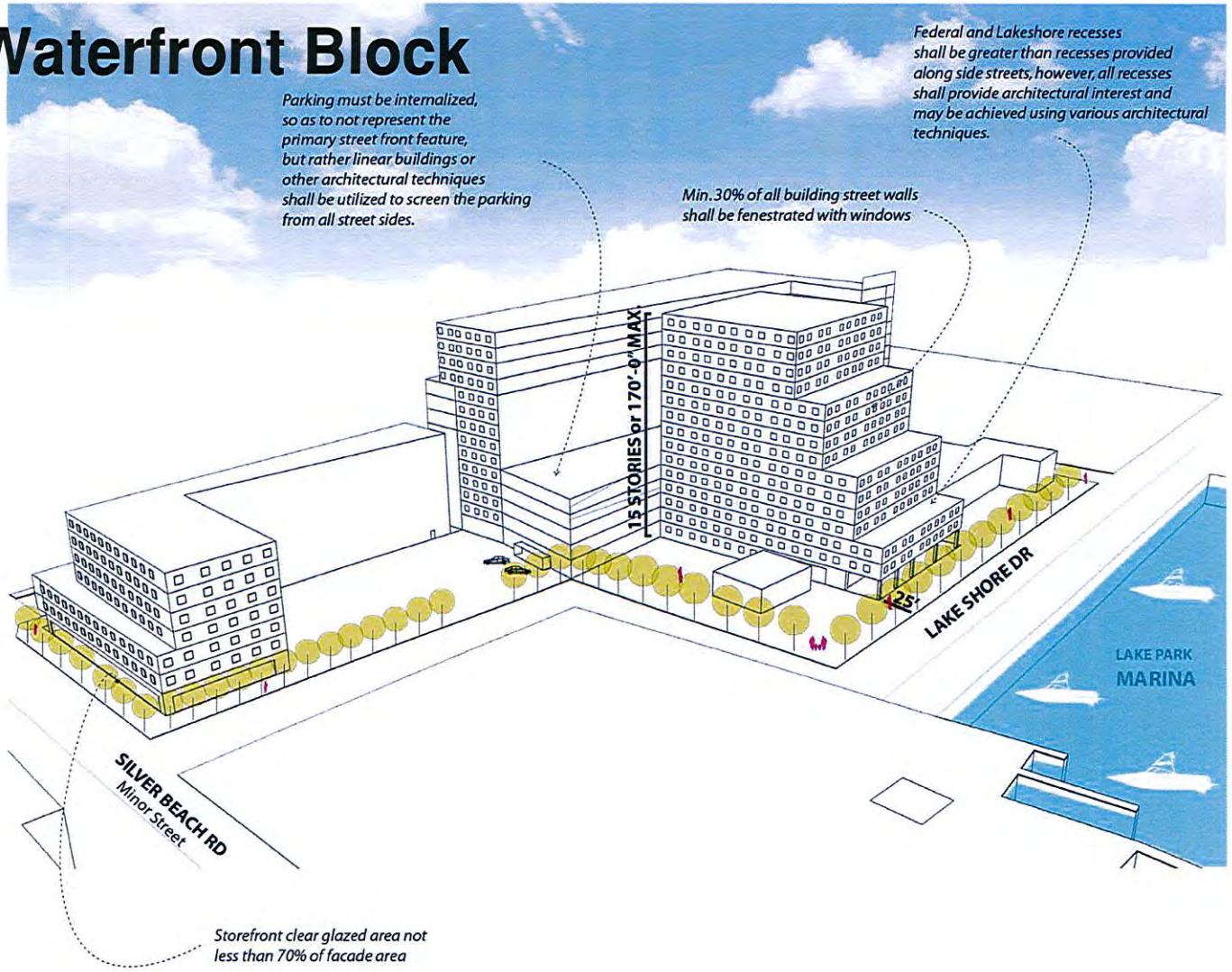
Section





Urban Waterfront Block

3D



Density level
80 units/acre

Urban Waterfront Block

Massing

13-Story Mixed-Use Example

Photomontage

15-Story Mixed-Use Example

Photomontage

Massing/Program

15-Story Mixed-Use Example

Photomontage

Mixed-Use Sample Development

[Urban Waterfront Block]

Image Source: Power Design Inc.
Graphic Montage: Bell David Planning Group

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 [X] **CONSENT AGENDA**
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-24-16

Vivian Mendez – Town Clerk
Name/Title

Originating Department: **Town Clerk**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Agenda** **meeting minutes** **Exhibits "A - E"**
Advertised: Date: _____ Paper: _____ **[X] 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 *VM* **Please initial one.**

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

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

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 10th 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 participates 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 oversite committee that would review the projects. Mayor DuBois stated that the oversite 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 adjoumed 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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS
[X] OTHER: Board Membership Nomination

Approved by Town Manager _____ **Date:** 3-8-16

Vivian Mendez, Town Clerk, CMC
Name/Title

Originating Department: Town Clerk	Costs: $ **0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** • Nomination by Vice-Mayor Glas-Castro. • Commission-Appointment Board Volunteer List Memo. • Applicant's Town Board Application.
Advertised: Date: _____ Paper: _____ **[X] 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 VM **Please initial one.**

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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING - ORDINANCE ON 1st READING
[X] NEW BUSINESS
[ ] OTHER:

Approved by Town Manager _____ **Date:** 3-9-16

Nadia Di Tommaso / Community Development Director ND
Name/Title

Originating Department: **Community Development**	Costs: **$ 0 (see requests listed herein)** Funding Source: Acct. # [ ] Finance _____	**Attachments:** → **Copy of Special Event Application and Letter Request**
Advertised: Date: ***N/A*** Paper: [ ] 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 ___ ***ND*** **Please initial one.**

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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[X] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-8-16

John O. D'Agostino, Town Manager
Name/Title

Originating Department: **Town Manager**	Costs: -0- Funding Source: General Fund Acct. # [ ] Finance _____	**Attachments:** • **Marina Market Study and Business Plan** • **Resolution Adopting the Market Study and Business Plan**
Advertised: Date: _____ Paper: _____ [X] 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 JOD _____ or Not applicable in this case ____ **Please initial one.**

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 has 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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[X] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-3-16

John O. D'Agostino, Town Manager
Name/Title

Originating Department: **Town Manager**	Costs:$770.00 Funding Source: General Fund Acct. # [ ] Finance _____	**Attachments:** • **Non-Ad Valorem Assessment Support Services Contract.** • **Notification Letter by Steve Bordelon.** • **Inter-Local Agreement for Assignment of Property data and Development of Annual Assessments for Palm Beach County Non-Ad Valorem Districts.** • **Exhibit A**
Advertised: Date: _____ Paper: _____ [X] 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___ **Please initial one.**

Summary Explanation/Background: The County on the October 27th, 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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[X] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-4-16

John O. D'Agostino, Town Manager
Name/Title

Originating Department: **Town Manager**	Costs: -0- Funding Source: General Fund Acct. # [ ] Finance _____	**Attachments:** • **Lake Park Infrastructure Improvement Project List** • **County Sales Tax Revenue Spreadsheet**
Advertised: Date: _____ Paper: _____ [X] 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____ **Please initial one.**

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.

Town of
LAKE PARK

Department of
PUBLIC WORKS

RECEIVED

JAN 7 2016

Office of Town Manager
TOWN OF LAKE PARK

MEMORANDUM

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

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
INTERSECTION IMPROVEMENTS:		
4 WAY:		
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
3 WAY:		
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
RE-CONSTRUCT PROJECTS		
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
RE-CONSTRUCT PROJECTS (cont.)		
Street light improvements		8.0M
DESIGN & RECONSTRUCT		
Five blocks of Tenth Street (2,300 ft.)	$1,571/ft.	3.6M
Gateway Road (1,320 ft.)	$1,311/ft.	1.7M
	TOTAL:	**$37,091,000**

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 Formula Distribution Percentage	Half Cent Yearly	Half Cent 10 Years, No revenue Increase	Half Cent 10 Years, 3% Revenue Increase	Distribution Percentage	One Cent Distribution 1 Year	One Cent Distribution 10 Year No Revenue Increase	One Cent Distribution 10 Year 3% Revenue Increase
PALM BEACH BOCC	**59.318244**	$ 67,605,436	$ 676,054,362	$ 798,271,178	**28.500%**	$ 64,963,316	$ 649,633,161	$ 767,073,564
Atlantis	0.107709	$ 122,757	$ 1,227,566	$ 1,449,485	0.0490%	$ 111,647	$ 1,116,470	$ 1,318,305
Belle Glade	0.935553	$ 1,066,257	$ 10,662,571	$ 12,590,146	0.4254%	$ 969,759	$ 9,697,593	$ 11,450,720
Boca Raton	4.652370	$ 5,302,340	$ 53,023,404	$ 62,608,952	2.1157%	$ 4,822,471	$ 48,224,712	$ 56,942,754
Boynton Beach	3.844876	$ 4,382,033	$ 43,820,327	$ 51,742,147	1.7485%	$ 3,985,453	$ 39,854,526	$ 47,059,411
Briny Breeze	0.022122	$ 25,212	$ 252,122	$ 297,701	0.0101%	$ 22,930	$ 229,305	$ 270,759
Cloud Lake	0.007141	$ 8,139	$ 81,389	$ 96,102	0.0032%	$ 7,402	$ 74,023	$ 87,405
Delray Beach	3.366575	$ 3,836,910	$ 38,369,100	$ 45,305,449	1.5309%	$ 3,489,664	$ 34,896,643	$ 41,205,243
Glen Ridge	0.011759	$ 13,402	$ 134,016	$ 158,244	0.0053%	$ 12,189	$ 121,888	$ 143,923
Golf	0.013370	$ 15,237	$ 152,375	$ 179,921	0.0061%	$ 13,858	$ 138,585	$ 163,638
Greenacres	2.072028	$ 2,361,505	$ 23,615,049	$ 27,884,167	0.9423%	$ 2,147,785	$ 21,477,854	$ 25,360,611
Gulf Stream	0.052566	$ 59,910	$ 599,096	$ 707,401	0.0239%	$ 54,488	$ 544,877	$ 643,380
Haverhill	0.105722	$ 120,492	$ 1,204,924	$ 1,422,750	0.0481%	$ 109,588	$ 1,095,877	$ 1,293,989
Highland Beach	0.192276	$ 219,138	$ 2,191,384	$ 2,587,541	0.0874%	$ 199,306	$ 1,993,060	$ 2,353,365
Hypoluxo	0.143469	$ 163,512	$ 1,635,123	$ 1,930,720	0.0652%	$ 148,714	$ 1,487,142	$ 1,755,987
Juno Beach	0.171497	$ 195,456	$ 1,954,560	$ 2,307,904	0.0780%	$ 177,767	$ 1,777,669	$ 2,099,036
Jupiter	3.074644	$ 3,504,194	$ 35,041,942	$ 41,376,609	1.3982%	$ 3,187,060	$ 31,870,598	$ 37,632,150
Jupiter Inlet Colony	0.021263	$ 24,233	$ 242,331	$ 286,140	0.0097%	$ 22,040	$ 220,400	$ 260,244
Lake Clarke Shores	0.180410	$ 205,614	$ 2,056,143	$ 2,427,852	0.0820%	$ 187,006	$ 1,870,059	$ 2,208,128
Lake Park	0.455159	$ 518,748	$ 5,187,478	$ 6,125,268	0.2070%	$ 471,800	$ 4,718,004	$ 5,570,923
Lake Worth	1.955674	$ 2,228,896	$ 22,288,959	$ 26,318,347	0.8893%	$ 2,027,178	$ 20,271,777	$ 23,936,500
Lantana	0.572210	$ 652,152	$ 6,521,523	$ 7,700,481	0.2602%	$ 593,132	$ 5,931,316	$ 7,003,577
Loxahatchee Groves	0.170906	$ 194,783	$ 1,947,828	$ 2,299,956	0.0777%	$ 177,155	$ 1,771,547	$ 2,091,807
Manalapan	0.021907	$ 24,967	$ 249,675	$ 294,811	0.0100%	$ 22,708	$ 227,079	$ 268,130
Mangonia Park	0.105883	$ 120,676	$ 1,206,760	$ 1,424,918	0.0482%	$ 109,755	$ 1,097,547	$ 1,295,961
North Palm Beach	0.654093	$ 745,474	$ 7,454,743	$ 8,802,408	0.2974%	$ 678,008	$ 6,780,078	$ 8,005,778
Ocean Ridge	0.095574	$ 108,927	$ 1,089,266	$ 1,286,183	0.0435%	$ 99,069	$ 990,686	$ 1,169,782
Pahokee	0.293112	$ 334,062	$ 3,340,621	$ 3,944,537	0.1333%	$ 303,829	$ 3,038,290	$ 3,587,551
Palm Beach	0.438675	$ 499,961	$ 4,999,610	$ 5,903,437	0.1995%	$ 454,714	$ 4,547,138	$ 5,369,168
Palm Beach Gardens	2.688266	$ 3,063,837	$ 30,638,369	$ 36,177,160	1.2225%	$ 2,786,555	$ 27,865,554	$ 32,903,077
Palm Beach Shores	0.061586	$ 70,190	$ 701,904	$ 828,793	0.0280%	$ 63,838	$ 638,380	$ 753,787
Palm Springs	1.121494	$ 1,278,174	$ 12,781,745	$ 15,092,423	0.5100%	$ 1,162,498	$ 11,624,979	$ 13,726,538
Riviera Beach	1.810970	$ 2,063,976	$ 20,639,761	$ 24,371,008	0.8235%	$ 1,877,183	$ 18,771,834	$ 22,165,398
Royal Palm Beach	1.947190	$ 2,219,227	$ 22,192,271	$ 26,204,181	0.8855%	$ 2,018,364	$ 20,183,640	$ 23,832,666
South Bay	0.161671	$ 184,257	$ 1,842,574	$ 2,175,673	0.0735%	$ 167,582	$ 1,675,818	$ 1,978,772
South Palm Beach	0.073130	$ 83,347	$ 833,472	$ 984,147	0.0333%	$ 75,804	$ 758,042	$ 895,080
Tequesta	0.302240	$ 344,465	$ 3,444,652	$ 4,067,374	0.1374%	$ 313,291	$ 3,132,906	$ 3,699,271
Wellington	3.175212	$ 3,618,812	$ 36,188,120	$ 42,730,192	1.4439%	$ 3,291,304	$ 32,913,044	$ 38,863,050
West Palm Beach	5.601454	$ 6,384,019	$ 63,840,185	$ 75,381,186	2.5473%	$ 5,806,256	$ 58,062,559	$ 68,559,084
School District					**46.500%**	$ **105,992,779**	$ 1,059,927,789	$ 1,251,541,078
Cultural Council					**6.500%**	$ **14,816,195**	$ 148,161,949	$ 174,946,602
Countywide Total	**100.000000**	$ **113,970,730**	$ **1,139,707,300**	$ **1,345,743,095**	**1.000000**	$ **227,941,460**	$ **2,279,414,600**	$ **2,691,486,189**

6173,414.54

Projects 24 | 148,161,949

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
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

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.

DRAFT

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	/	
VICE-MAYOR KIMBERLY GLAS-CASTRO	/	
COMMISSIONER ERIN FLAHERTY	/	
COMMISSIONER MICHAEL O'ROURKE	/	
COMMISSIONER KATHLEEN RAPOZA	/	

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	/	
VICE-MAYOR KIMBERLY GLAS-CASTRO	/	
COMMISSIONER ERIN FLAHERTY	/	
COMMISSIONER MICHAEL O'ROURKE	/	
COMMISSIONER KATHLEEN RAPOZA	/	

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

TOWN OF LAKE PARK, FLORIDA

BY: _____
Mayor, James DuBois

ATTEST:

_____
Town Clerk, Vivian Mendez
(Town Seal)

TOWN OF LAKE PARK SEAL FLORIDA

Approved as to form and legal sufficiency:

_____
Town Attorney, Thomas J. Baird

EXHIBIT "A"

TOWN OF LAKE PARK FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE[1]
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	10th 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 7th Street to 10th 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 7th Street (improved sidewalks; landscape medians; striping and signalization)		$0	$50,000	$50,000	$50,000	$50,000	Grant

[1] 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~~ $500,000	~~$250,000~~ $500,000	~~$250,000~~ $500,000	$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~~ $1,000,000	~~$0~~ $1,000,000	~~$0~~ $1,000,000	$1,000,000	Grant
2,4	Library Improvements (includes technology; security; carpets & lighting; shelving; 2nd floor; exterior renovations and marquee)		$13,200 *(split 50/50)*	$85,000 *($70,000 Grants / $15,000 General Fund)*	$45,000 *($25,000 General Fund; $20,000 Grants)*	$30,000 *($20,000 General Fund; $10,000 Grants)*	$1,110,000 *($110,000 General Fund, $1,000,000 Grants)*	General Fund; Grant
2	Community Garden Area Parking Lot Improvements			$200,000				General Fund; Grant (split 50/50)
	Total	~~$534,250~~	~~$3,344,000~~ $737,883	~~$3,109,000~~ $8,643,422	~~$3,509,000~~ $5,334,000	~~$2,869,000~~ $4,539,000	$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~~ $115,283	~~$296,500~~ $221,433	~~$296,500~~ $284,000	~~$156,500~~ $279,000	$369,000
Stormwater Utility Assessment	~~$0~~	~~$325,000~~	~~$325,000~~ $250,000	~~$325,000~~ $250,000	~~$325,000~~ $250,000	$250,000
Grants	~~$403,590~~	~~$2,362,500~~ $522,600	~~$1,987,500~~ $7,422,000	~~$2,137,500~~ $3,925,000	~~$1,887,500~~ $3,385,000	$4,375,000
Special Assessment	~~$0~~	~~$425,000~~	~~$425,000~~ $550,000	~~$675,000~~ $800,000	~~$425,000~~ $550,000	$550,000

CRA Funding	~~$0~~	~~$75,000~~	$75,000	$75,000	$75,000	$75,000
Streets and Roads			$125,000			
Stormwater Fund	~~$100,000~~	~~$0~~ $100,000	$0	$0	$0	
Total	~~$534,250~~	~~$3,344,000~~ $737,883	~~$3,109,000~~ $8,643,422	~~$3,509,000~~ $5,334,000	~~$2,869,000~~ $4,539,000	$5,619,000

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 **[X] CONSENT AGENDA**
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-29-16

Vivian Mendez – Town Clerk
Name/Title

Originating Department: **Town Clerk**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Agenda** **meeting minutes** **Exhibits "A - E"**
Advertised: Date: _____ Paper: _____ **[X] 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 *VM* **Please initial one.**

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

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

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 Tah 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.

Commission 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 Commissions 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 head 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 evenings 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 6th 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-feet 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-feet 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 occured 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 where 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-feet 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-feet 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 stats 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 affected 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 an 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 plans. 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. **Ricbard 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 Heislers** 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 Brasnahar** 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.

_____

Mayor James DuBois

_____

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this _____ of _____, 2016

Exhibit "A"

TOWN OF LAKE PARK
SPECIAL CALL TOWN COMMISSION MEETING
MEETING DATE: March 21, 2016
STAFF REPORT

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		Rooftop 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		Rooftop 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.

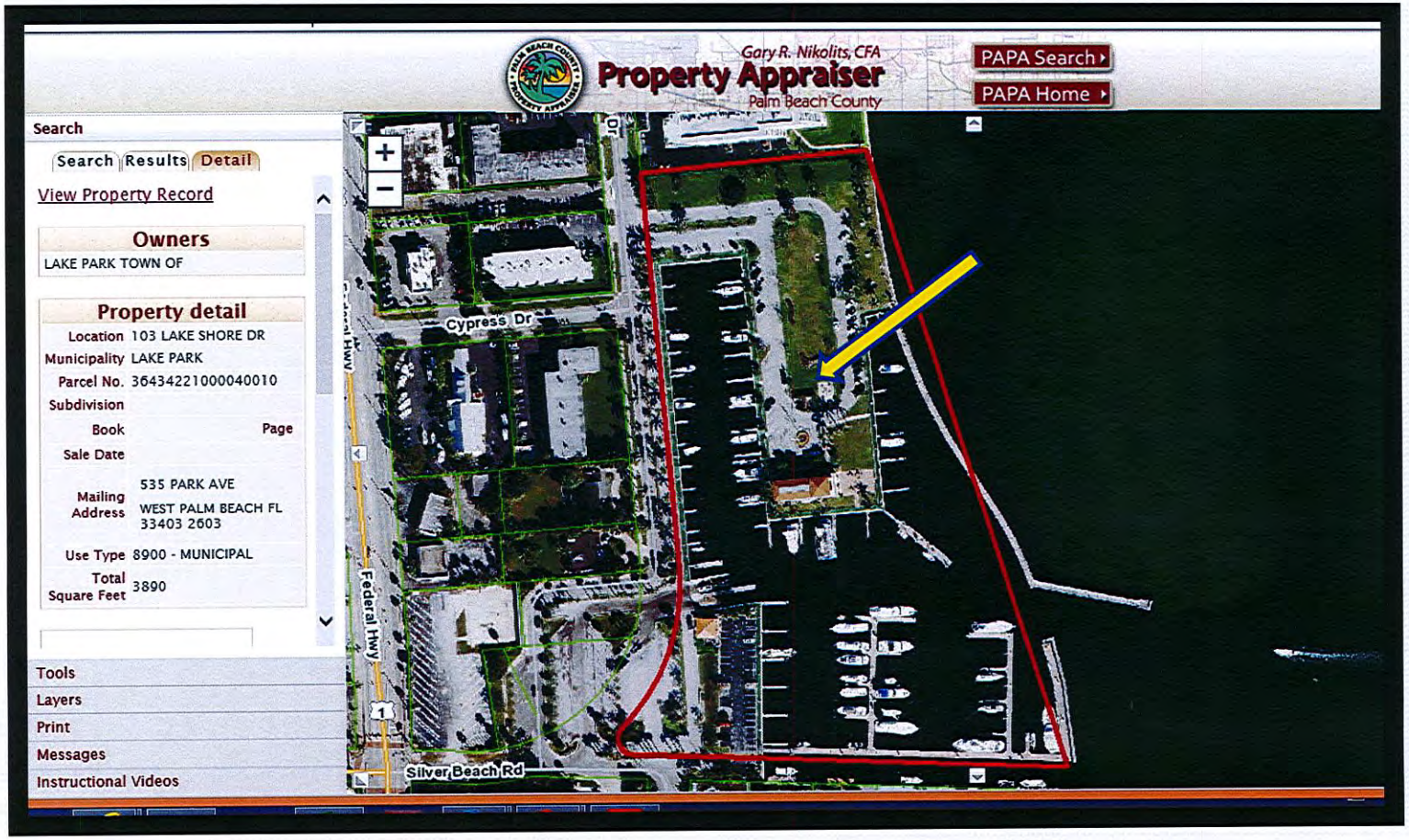
Pursuant to the former Marina Director recommendation,

(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"


Gary R. Nikolits, CFA
Property Appraiser
Palm Beach County
PAPA Search
PAPA Home
Search
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
Page
Sale Date
Mailing Address 535 PARK AVE
WEST PALM BEACH FL
33403 2603
Use Type 8900 - MUNICIPAL
Total Square Feet 3890
Tools
Layers
Print
Messages
Instructional Videos
Cypress Dr
Federal Hwy
Silver Beach Rd

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

The Code says..

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

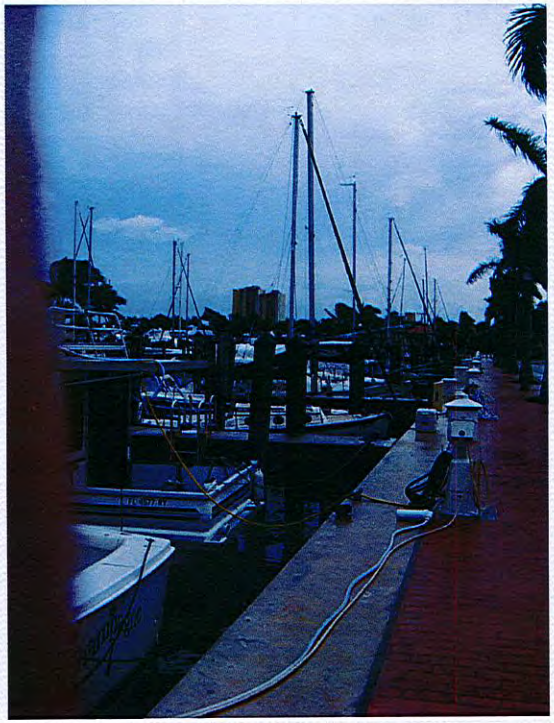
Proposed Location & Existing Conditions

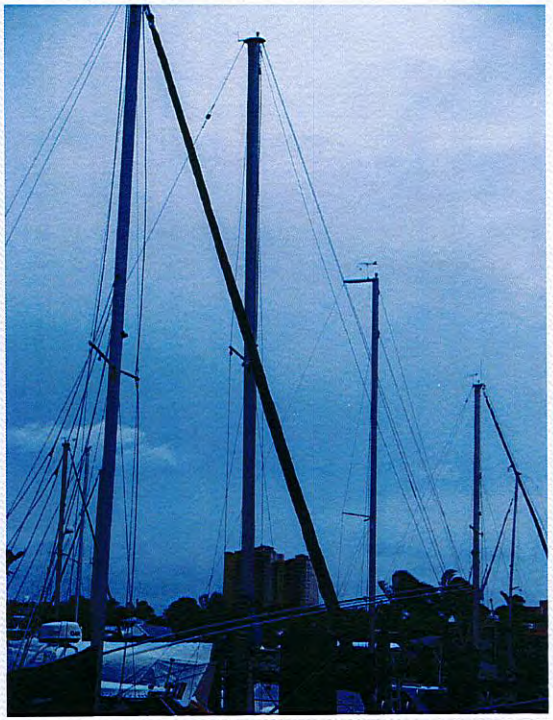
Proposed Location & Existing Conditions

Proposed Location & Existing Conditions

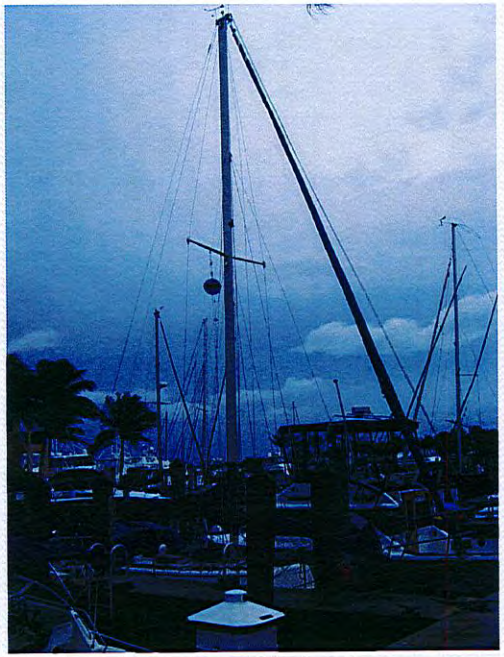
Proposed Location & Existing Conditions

Marina Existing Masts

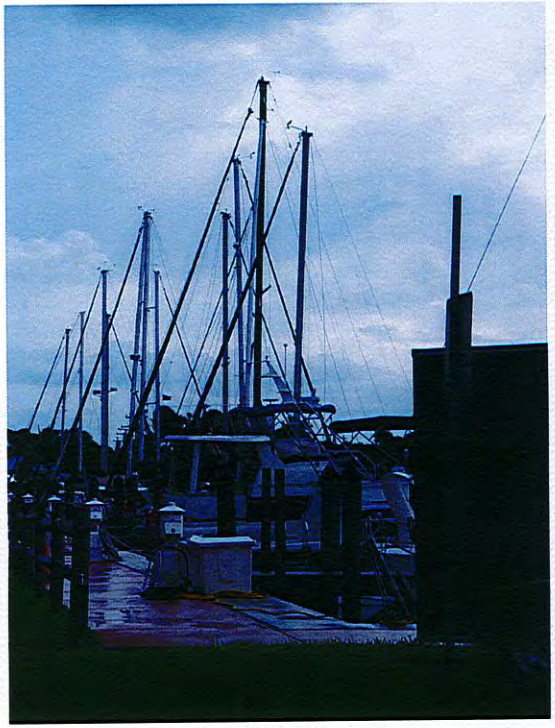




Marina Existing Masts

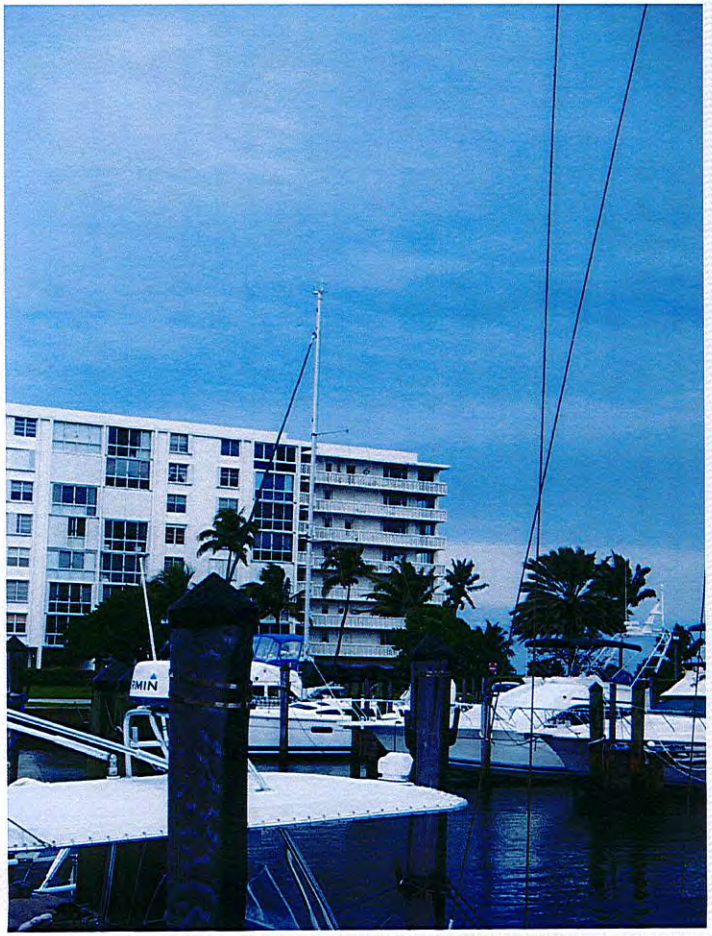


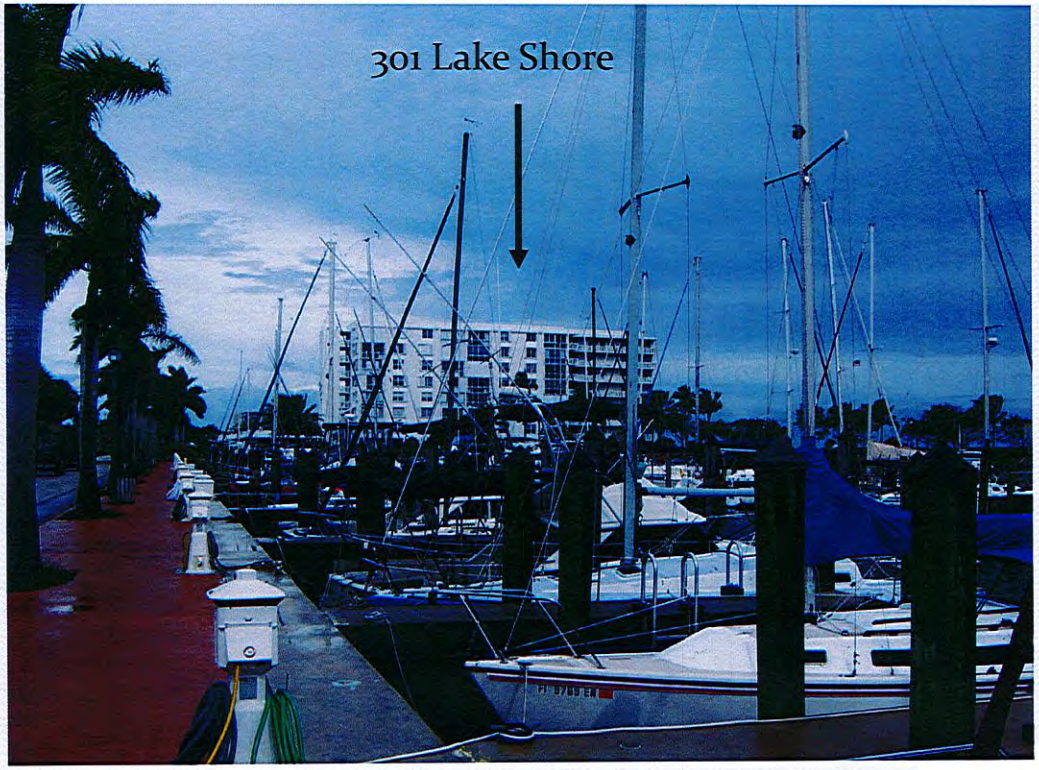
Marina Existing Masts



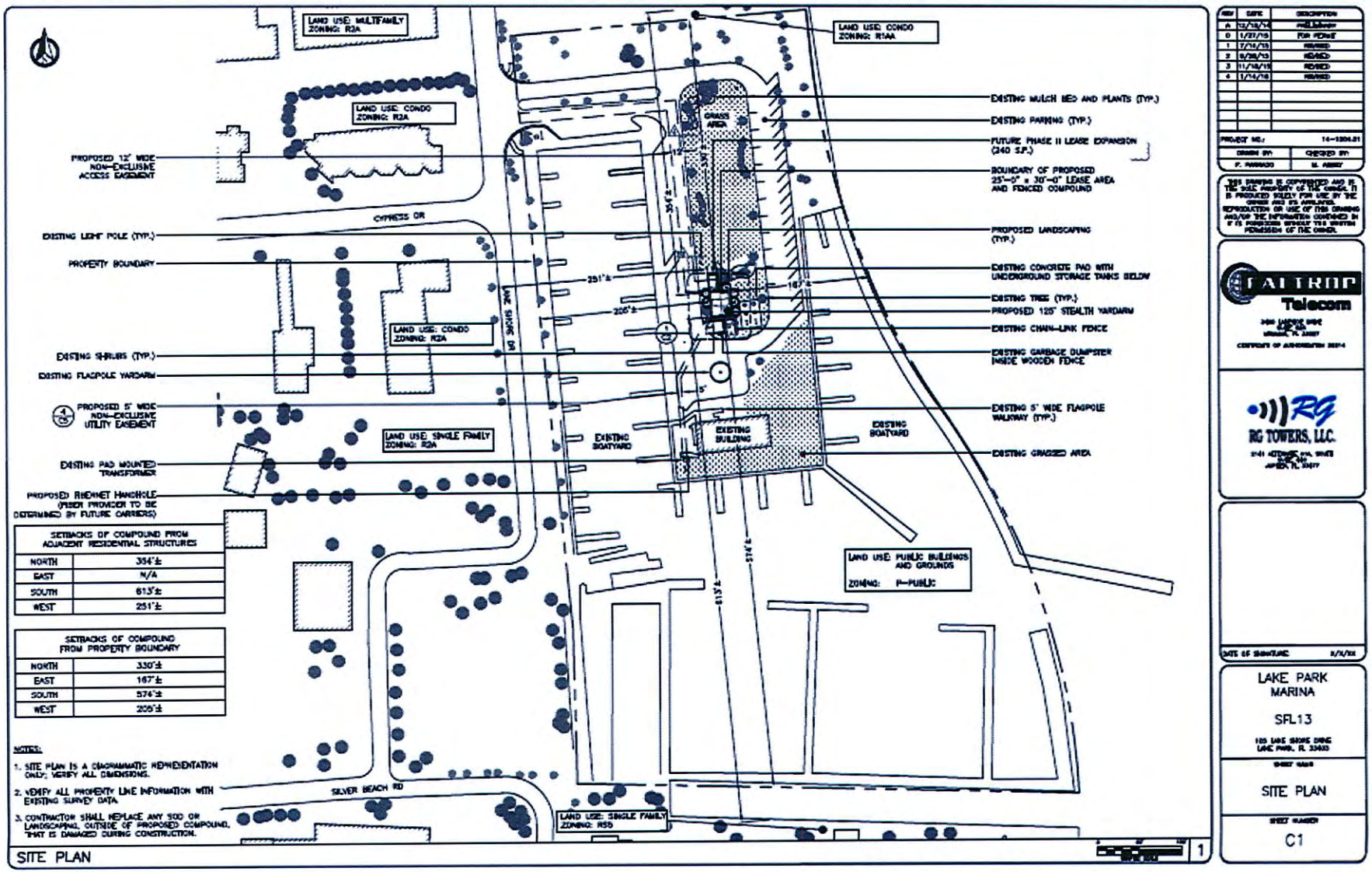
Marina Existing Masts

Marina Existing Masts



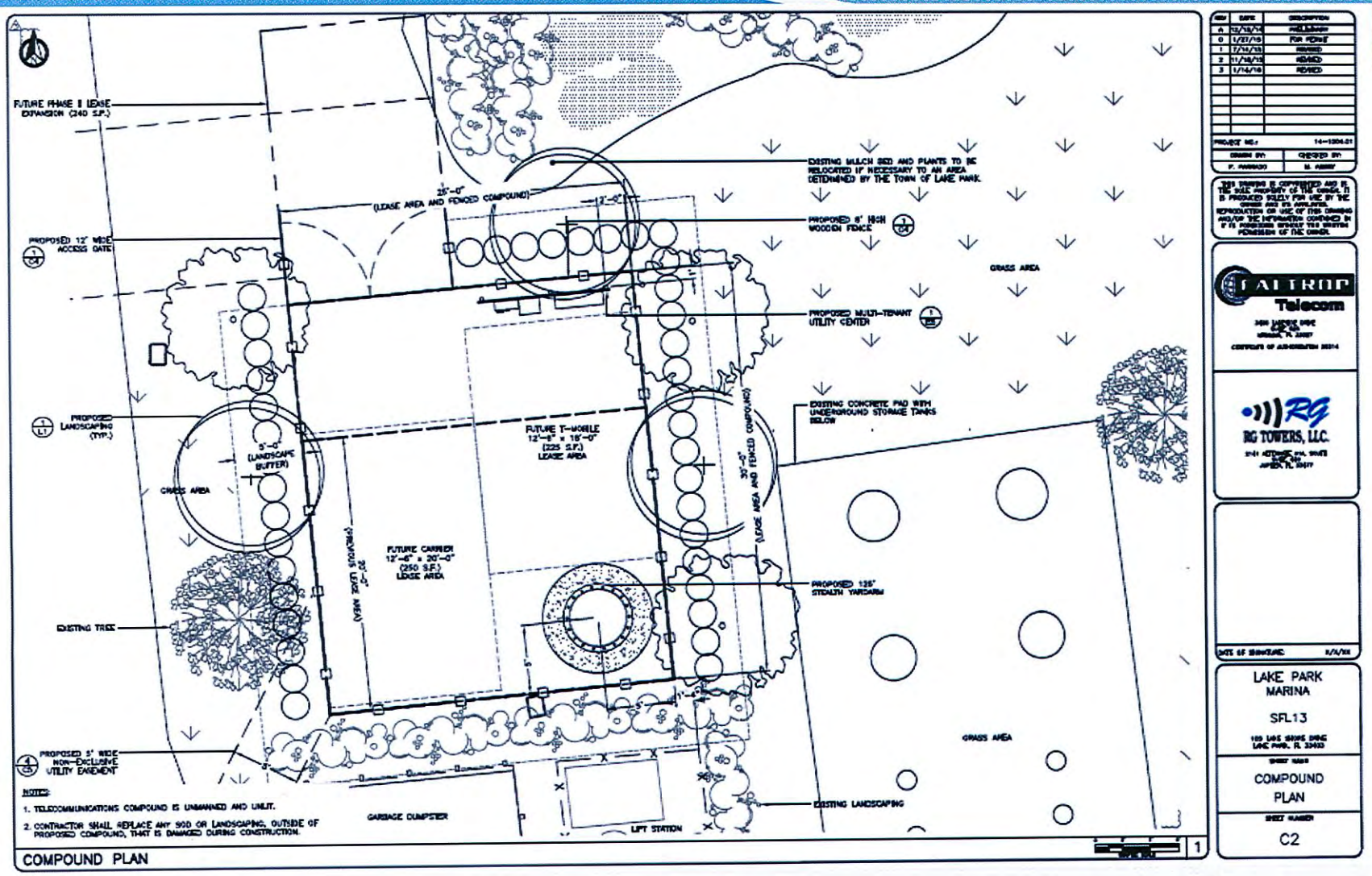


Site Plan



LAND USE: MULTIFAMILY ZONING: R2A
LAND USE: CONDO ZONING: R2A
LAND USE: CONDO ZONING: R1AA
LAND USE: CONDO ZONING: R2A
LAND USE: SINGLE FAMILY ZONING: R2A
LAND USE: PUBLIC BUILDINGS AND GROUNDS ZONING: P-PUBLIC
LAND USE: SINGLE FAMILY ZONING: R5B
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)
CYPRESS DR
SILVER BEACH RD
GRASS AREA
EXISTING BOATYARD
EXISTING BUILDING
EXISTING BOATYARD
EXISTING MULCH BED AND PLANTS (TYP.)
EXISTING PARKING (TYP.)
FUTURE PHASE II LEASE EXPANSION (240 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 125' STEALTH YARDARM
EXISTING CHAIN-LINK FENCE
EXISTING GARBAGE DUMPSTER INSIDE WOODEN FENCE
EXISTING 5' WIDE FLAGPOLE WALKWAY (TYP.)
EXISTING GRASSED AREA
251'±
205'±
167'±
354'±
613'±
574'±
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 205'±
NOTES:
1. SITE PLAN IS A DIAGRAMMATIC REPRESENTATION ONLY; VERIFY ALL DIMENSIONS.
2. VERIFY ALL PROPERTY LINE INFORMATION WITH EXISTING SURVEY DATA.
3. CONTRACTOR SHALL REPLACE ANY SOD OR LANDSCAPING, OUTSIDE OF PROPOSED COMPOUND, THAT IS DAMAGED DURING CONSTRUCTION.
SITE PLAN
1
FALTROP Telecom
RG TOWERS, LLC.
LAKE PARK MARINA
SFL13
SITE PLAN
C1

Compound Plan



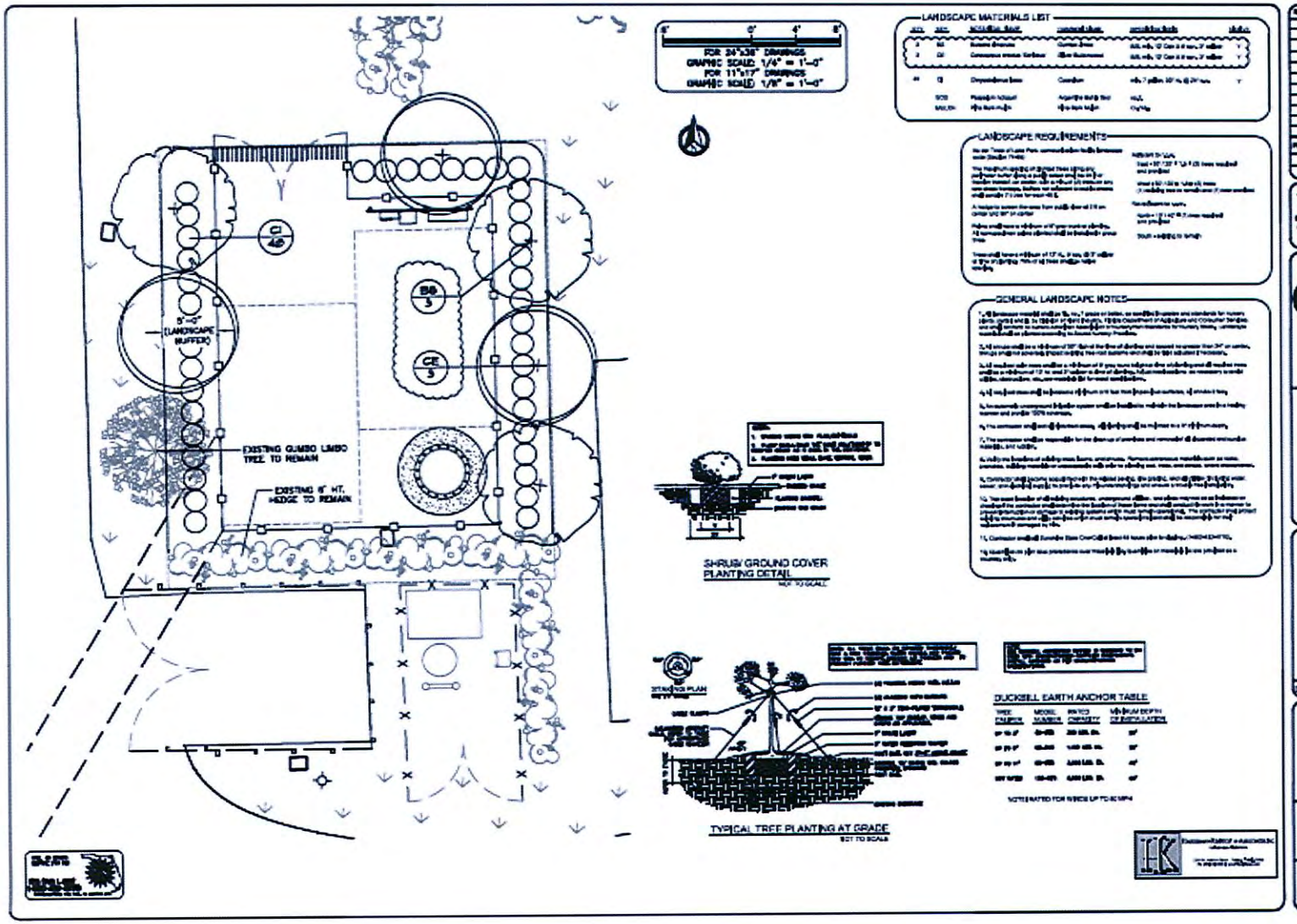
Existing Landscaping

Existing Cocoplum Shrubs.

Existing Landscaping

Existing Silver Buttonwood Trees

Landscape Plan



Visual Analysis

Lake Park Marina

105 Lake Shore Drive
Lake Park, FL 33403

View looking
South from 301
Lake Shore Drive

PS6

Visual Analysis

Lake Park Marina

105 Lake Shore Drive
Lake Park, FL 33403

View looking East from 302 Lake Shore Drive

PS8

Visual Analysis

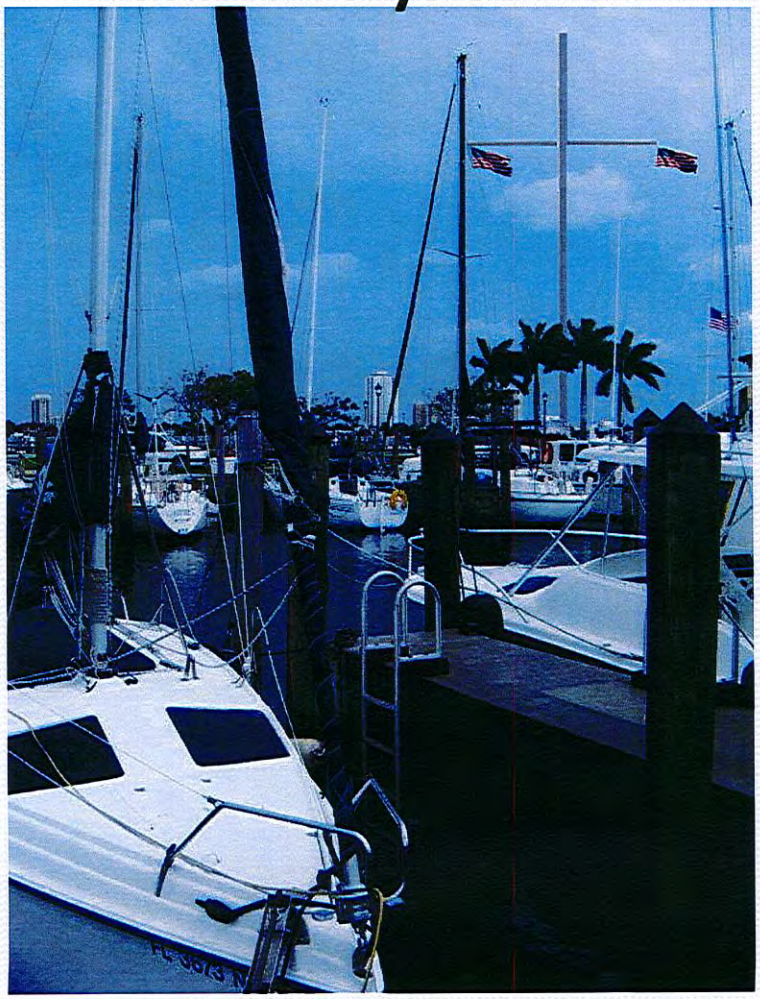
Lake Park Marina

105 Lake Shore Drive
Lake Park, FL 33403

View looking East from 220 Lake Shore Drive

PS2

Visual Analysis

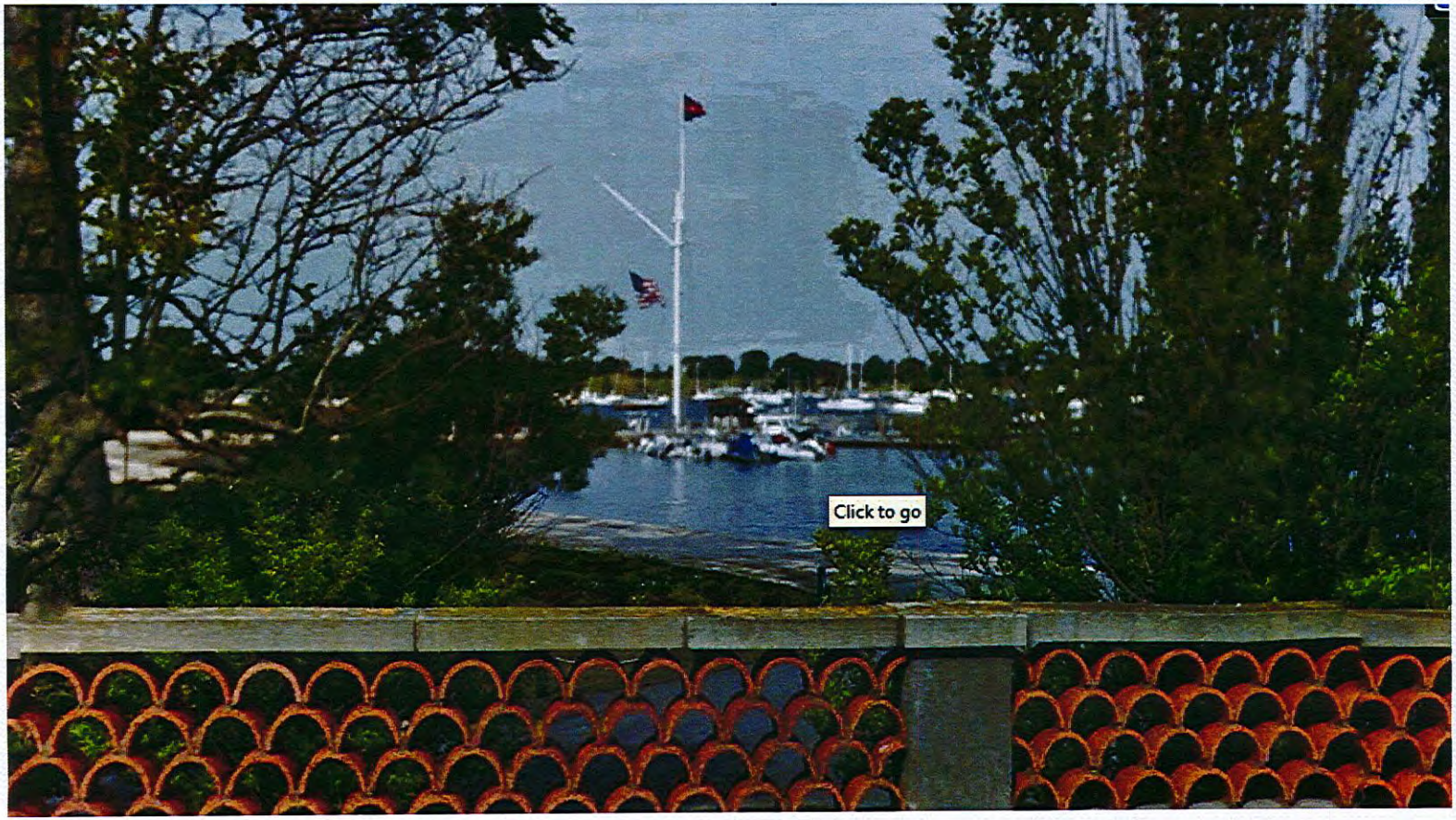


Lake Park Marina

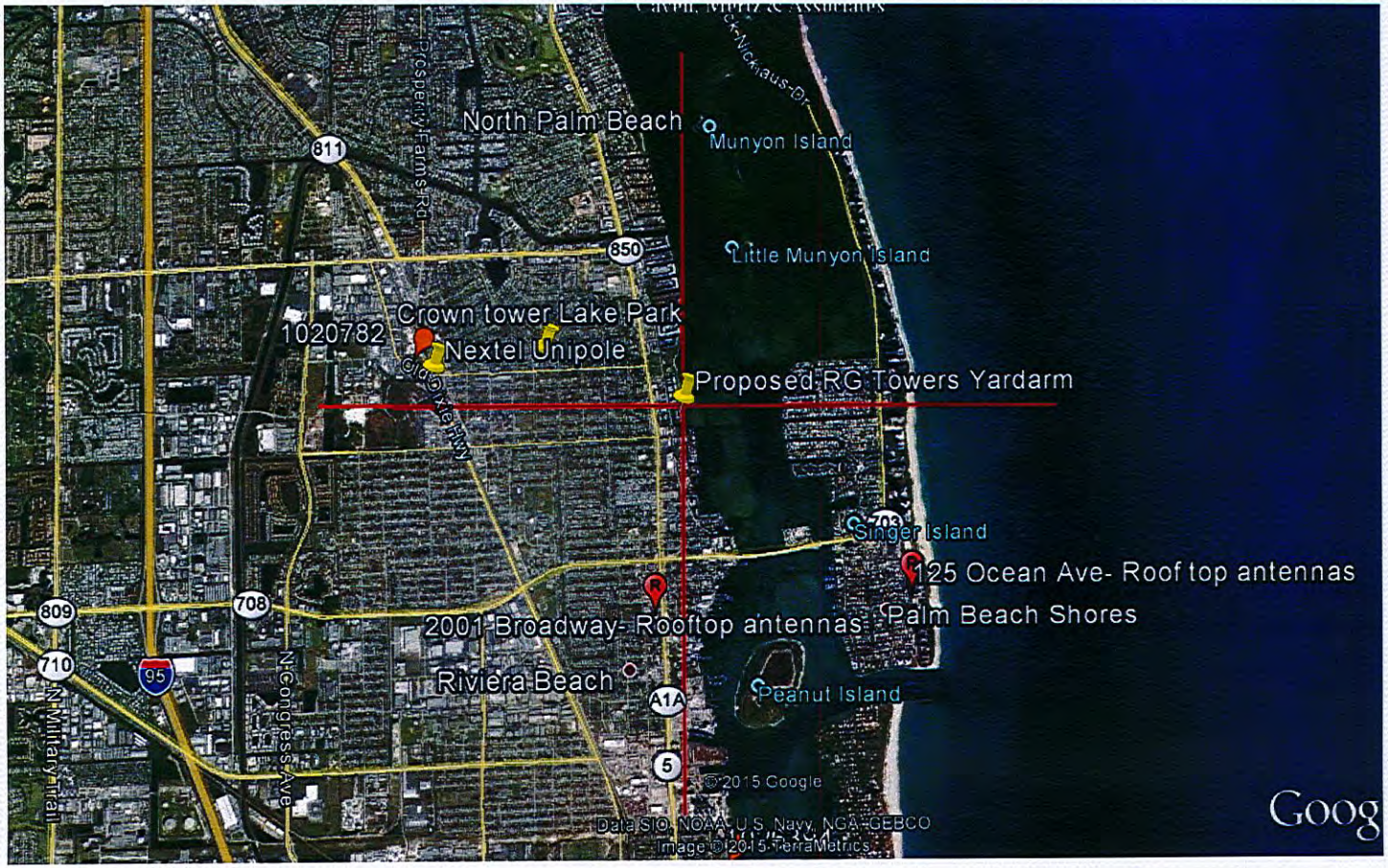
105 Lake Shore Drive
Lake Park, FL 33403

View looking
From west-side
marina walkway

Former Marina Manager Recommendation
5 Haliden Avenue Newport RI



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 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.

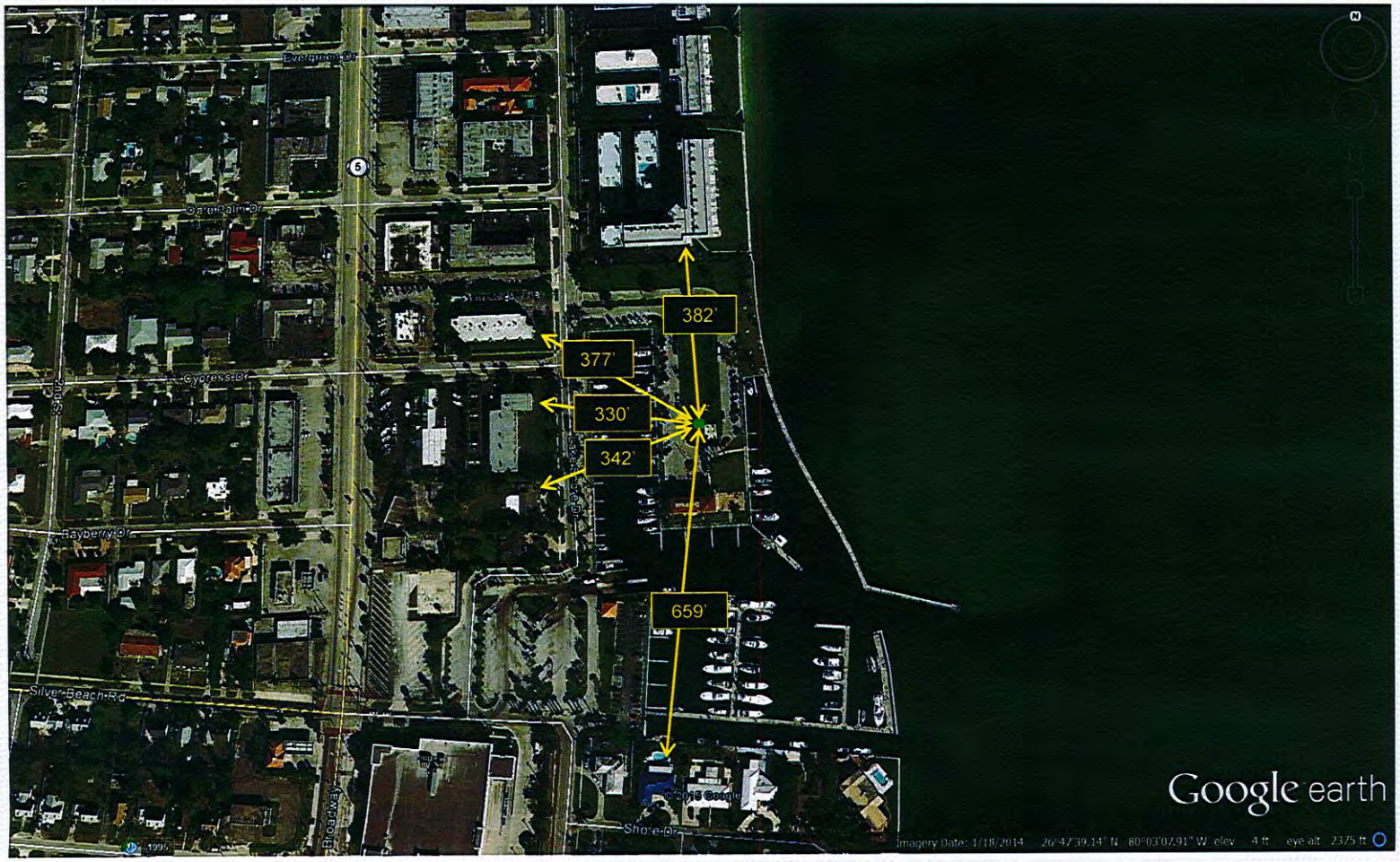
Existing Nextel 150’ Unipole Lake Park Public Works

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

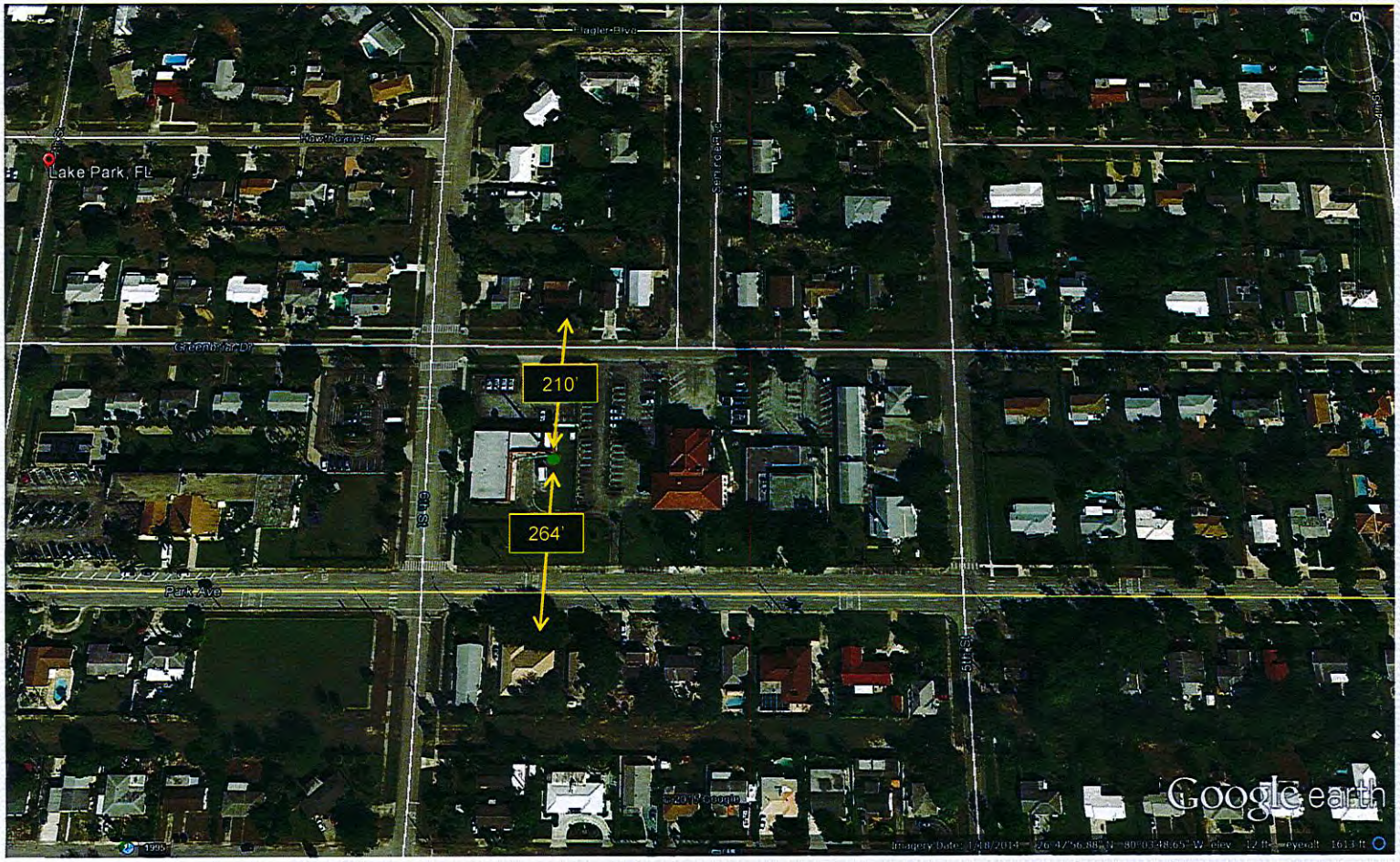
Existing Spectrasite fencing

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.

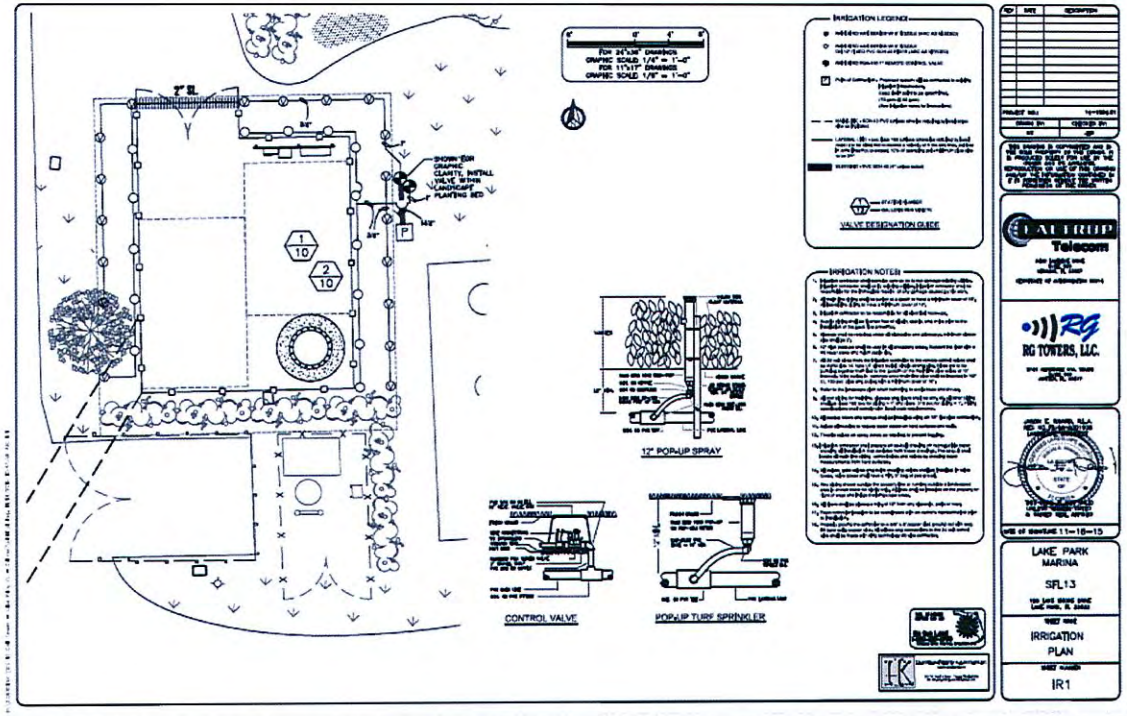
8. If the Tower is approved with flag that require lighting, a Photometric Plan must be submitted prior to the issuance of any development permit

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.

Irrigation Plan



Lease Paragraph 7(d) provides: "Tenant shall, wherever practicable, install separate meters for utilities used on the property by Tenant. In the event separate meters are not installed, Tenant shall pay the periodic charges for all utilities attributable to Tenant's use, at the rate charged by the service and utility."

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**

Revenue Stream for Town of Lake Park

$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	12,633	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	6,610	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 Improve	20,740	20,804	18,000	4,438	6,657	10,000	10,000	10,000
001-361.100	Interest Earnings	3,959	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)	-		2,950	2,950	2,950	-	-	-
001-362.124	Rent - Burt Reynolds Institute	-	12	12		12	12	12	12
001-362.200	Rent - Dunkin Donuts Lot	7,788	8,099	7,488	8,423	8,423	8,844	8,844	8,844
001-363.120	Service Charges-Code Violation	1,785	8,223	4,500		-	-	-	-
001-364.100	Sale of Surplus Property	2,043	472	1,000		-	-	-	-
001-365.100	Sale of Scrap Material	-	528	500		-	-	-	-
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

RG TOWERS, LLC.

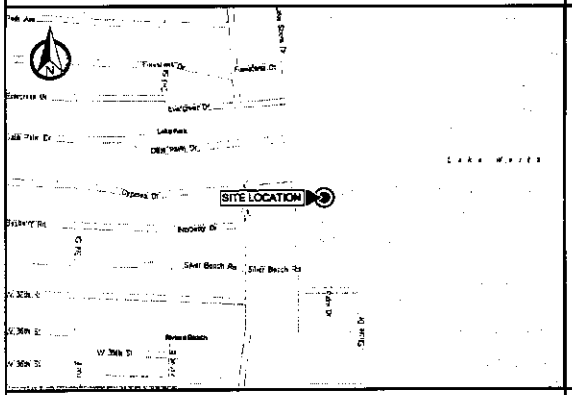
LAKE PARK MARINA

105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SFL13

NEW SITE BUILD

LOCAL MAP



PROPERTY SUMMARY

FOLIO

36-43-42-21-00-004-0010

PROPERTY OWNER

TOWN OF LAKE PARK
535 PARK AVENUE
WEST PALM BEACH, FL 33403

LATITUDE

26.794194°N

LONGITUDE

80.052242°W

ZONING JURISDICTION

CITY OF LAKE PARK

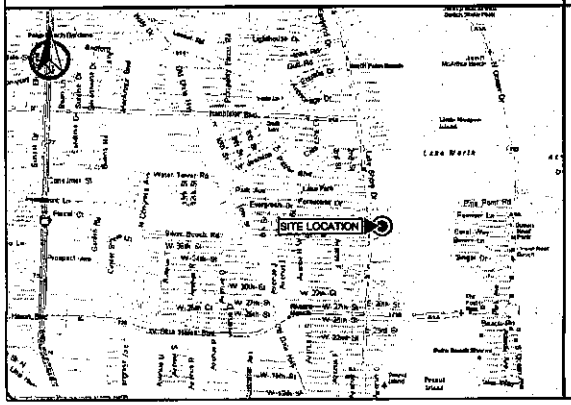
PROJECT DESCRIPTION

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 DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL 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

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	1
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

VICINITY MAP



DESIGN CRITERIA

DESIGN WIND SPEED: 169 MPH (ULTIMATE, 3-SECOND GUST)
131 MPH (NOMINAL, 3-SECOND GUST)
EXPOSURE: C
RISK CATEGORY: II
OPEN STRUCTURE

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED 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. TIA-222-G WITH ADDENDUM 1 APPLICABLE STANDARDS.
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. UNDERWRITERS LABORATORIES (U.L.) APPROVED ELECTRICAL PRODUCTS.
8. LOCAL JURISDICTIONAL REQUIREMENTS.
9. CITY/COUNTY ORDINANCES.

REV	DATE	DESCRIPTION
A	12/18/14	PRELIMINARY
0	1/27/15	FOR PERMIT
1	7/14/15	REVISED
2	9/28/15	REVISED
3	11/18/15	REVISED
4	1/14/16	REVISED

PROJECT NO.: 14-1004.01

DRAWN BY:	CHECKED BY:
F. PARRADO	M. ABBEY

THIS DRAWING IS COPYRIGHTED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS PRODUCED SOLELY FOR USE BY THE OWNER AND ITS AFFILIATES. REPRODUCTION OR USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED IN IT IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

CALTROP Telecom
3400 LAKESIDE DRIVE
SUITE 525
MIRAMAR, FL 33027
CERTIFICATE OF AUTHORIZATION 29214

RG TOWERS, LLC.
2141 ALTERNATE A1A, SOUTH
SUITE 440
JUPITER, FL 33477

MICHAEL A. PHILLIPS
LICENSED
No. 68312
STATE OF FLORIDA
PROFESSIONAL ENGINEER

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

GENERAL NOTES 1

1. FOR THE PURPOSES OF THESE CONSTRUCTION DRAWINGS, THE FOLLOWING DEFINITIONS SHALL APPLY:

   - OWNER – RG TOWERS, LLC
   - ENGINEER – CALTROP CORPORATION
   - CONTRACTOR – GENERAL CONTRACTOR (CONSTRUCTION)

2. PRIOR TO SUBMITTING HIS BID, THE CONTRACTOR SHALL VISIT THE JOB SITE IN ORDER TO (1) VERIFY ALL EXISTING CONDITIONS, (2) CONFIRM WHETHER ALL DIMENSIONS ARE AS SHOWN ON THE PLANS AND (3) CONFIRM WHETHER THE WORK MAY BE ACCOMPLISHED AS SHOWN. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE CONSTRUCTION MANAGER.
3. A 20-FOOT HORIZONTAL CLEARANCE DISTANCE SHALL BE MAINTAINED FROM ALL EXISTING POWER LINES.
4. CONSTRUCTION STAGING AREA SHALL BE LOCATED INSIDE THE LEASE AREA OF 750 SQ FT AS DEPICTED ON SHEET C1. CONTRACTOR SHALL RESTORE AREAS DISTURBED DURING CONSTRUCTION TO EXISTING OR BETTER CONDITION (INCLUDING RE-SODDING).
5. LABOR, MATERIAL, TOOLS, EQUIPMENT, TRANSPORTATION AND TEMPORARY POWER SERVICES NECESSARY FOR AND INCIDENTAL TO COMPLETION OF ALL WORK SHALL BE PROVIDED AS INDICATED ON THE DRAWINGS AND/OR AS SPECIFIED HEREIN. LABOR AND MATERIALS SHALL BE FURNISHED AS REQUIRED FOR COMPLETE SYSTEMS, INCLUDING ALL ELEMENTS OBVIOUSLY OR REASONABLY INCIDENTAL TO A COMPLETE INSTALLATION, WHETHER OR NOT SPECIFICALLY INDICATED ON THE PLANS.
6. FOR TASKS REQUIRED TO BE PERFORMED BUT NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL NOT START WORK ON SUCH TASKS WITHOUT HAVING RECEIVED WRITTEN AUTHORIZATION FROM THE CONSTRUCTION MANAGER TO PROCEED.
7. THE DRAWINGS ARE DIAGRAMMATIC AND INDICATE THE GENERAL ARRANGEMENT OF SYSTEMS AND EQUIPMENT UNLESS OTHERWISE INDICATED BY DIMENSIONS OR DETAILS. EXACT EQUIPMENT LOCATIONS MAY BE MODIFIED AS REQUIRED BY ACTUAL FIELD CONDITIONS. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, CONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE ENGINEER AND THE CONSTRUCTION MANAGER.
8. THE CONTRACTOR SHALL OBTAIN, PAY FOR AND DELIVER ALL REQUIRED PERMITS, CERTIFICATES OF INSPECTION, INCLUDING UTILITY CONNECTION FEES, ETC., REQUIRED BY THE AUTHORITIES HAVING JURISDICTION AND SHALL DELIVER SUCH DOCUMENTS TO THE OWNER PRIOR TO FINAL ACCEPTANCE OF THE WORK.
9. THE CONTRACTOR'S OPERATIONS SHALL BE CONFINED TO AREAS OF NEW CONSTRUCTION.
10. ALL NECESSARY PROVISIONS SHALL BE MADE TO PROTECT EXISTING IMPROVEMENTS, LANDSCAPING, PAVING, CURBS, GALVANIZED SURFACES, ETC, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO SAME RESULTING FROM THE CONSTRUCTION WORK. ALL DISTURBED AND DAMAGED AREAS SHALL BE RESTORED TO THEIR ORIGINAL CONDITION OR BETTER UPON COMPLETION OF ALL WORK TO THE SATISFACTION OF THE CONSTRUCTION MANAGER.
11. THE FOLLOWING CLEANUP TASKS SHALL BE PERFORMED AS FOLLOWS: (1) ON A DAILY BASIS, KEEP THE GENERAL AREA CLEAN AND HAZARD FREE, REMOVING ALL WASTE, DEBRIS AND TRASH FROM THE SITE AND DISPOSING OF SAME IN A LEGAL MANNER. (2) UPON COMPLETION, LEAVE THE PREMISES IN A CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE.
12. ALL EQUIPMENT AND MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE RESPECTIVE MANUFACTURER'S RECOMMENDATIONS EXCEPT WHERE IT IS SPECIFICALLY INDICATED OTHERWISE IN THE CONTRACT DOCUMENTS OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
13. ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES. THE CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY HAVING JURISDICTION OVER THE PERFORMANCE OF THE WORK. MECHANICAL AND ELECTRICAL SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AS WELL AS LOCAL AND STATE CODES, ORDINANCES AND APPLICABLE REGULATIONS.
14. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AT ALL TIMES, USING THE BEST SKILLS AND ATTENTION. HE SHALL BE SOLELY RESPONSIBLE FOR ALL OF THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK, INCLUDING CONTACT AND COORDINATION WITH THE CONSTRUCTION MANAGER AND WITH THE OWNER'S AUTHORIZED REPRESENTATIVE.
15. WITHIN TEN (10) WORKING DAYS AFTER PROJECT COMPLETION, THE CONTRACTOR SHALL PROVIDE A COMPLETE SET OF AS-BUILT DRAWINGS, SWEEP TEST, CYLINDER TESTS, LIEN RELEASES, AND OTHER CLOSEOUT DOCUMENTATION AS REQUIRED BY THE OWNER. ALL SYSTEMS SHALL BE COMPLETELY ASSEMBLED, TESTED, ADJUSTED AND DEMONSTRATED TO BE READY FOR OPERATION PRIOR TO THE OWNER'S ACCEPTANCE.

1. THE APPROPRIATE UTILITY LOCATING SERVICES SHALL BE CONTACTED PRIOR TO THE START OF CONSTRUCTION IN ORDER TO VERIFY THE EXACT LOCATION OF ALL EXISTING UNDERGROUND UTILITIES.
2. THE INSTALLATION OF NEW UTILITIES SHALL BE COORDINATED WITH LOCAL AUTHORITIES.
3. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES. WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SUCH UTILITIES SHALL BE RELOCATED AS DIRECTED BY THE CONSTRUCTION MANAGER. EXTREME CAUTION SHALL BE USED WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES.
4. RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
5. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES THAT INTERFERE WITH THE EXECUTION OF THE WORK SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS THAT WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF THE LANDLORD AND/OR LOCAL UTILITIES.
6. DISTURBANCE TO THE EXISTING SITE DURING CONSTRUCTION SHALL BE MINIMIZED. ANY DISTURBANCE SHALL BE REPAIRED AND RESTORED BY CONTRACTOR
7. ANY AREAS OF THE CONSTRUCTION SITE DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE. SUCH GRADING SHALL CAUSE SURFACE WATER TO FLOW AWAY FROM ANY EQUIPMENT SHELTER AND TOWER AREAS AND THE SOIL SHALL BE STABILIZED TO PREVENT EROSION. EROSION CONTROL MEASURES,IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL GUIDELINES FOR EROSION AND SEDIMENT CONTROL.
8. THE SUB-GRADE SHALL BE COMPACTED AND BROUGHT TO A UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.
9. BACKFILL SHALL CONSIST OF CLEAN SAND FILL APPROVED FOR USE BY THE ENGINEER. NO UNAPPROVED MATERIAL WILL BE ALLOWED. CLEAN SAND FILL SHALL BE FREE OF ALL ROOTS, BOULDERS, OR OTHER DELETERIOUS MATERIAL.
10. THE CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS TO EQUAL TO OR BETTER CONDITION THAN ORIGINAL.
11. SITE SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS FOR SUCH SIGNAGE AS MAY BE CONTAINED IN THESE DRAWINGS.

SITE WORK NOTES 2

1. ALL STRUCTURAL STEEL WORK SHALL CONFORM TO THE LATEST EDITION OF THE AISC "STEEL CONSTRUCTION MANUAL".
2. MATERIAL:
   A. ALL STRUCTURAL STEEL WF BEAMS SHALL BE ASTM A992 AND "HOT DIPPED" GALVANIZED IN ACCORDANCE WITH ASTM A123 AND ASTM A153 STANDARDS.
   B. ALL STRUCTURAL PLATES, ANGLES, AND CHANNELS SHALL BE ASTM A36 AND "HOT DIPPED" GALVANIZED IN ACCORDANCE WITH ASTM A123 AND ASTM A153 STANDARDS, UNLESS NOTED OTHERWISE.
   C. ALL TS MEMBERS SHALL BE ASTM A500 GRADE B (Fy=46ksi), AND "HOT DIPPED" GALVANIZED IN ACCORDANCE WITH ASTM A123 AND ASTM A153 STANDARDS.
   D. ALL STRUCTURAL PIPE MEMBERS SHALL BE ASTM A500 GRADE B (Fy=42ksi), AND "HOT DIPPED" GALVANIZED IN ACCORDANCE WITH ASTM A123 AND ASTM A153 STANDARDS, UNLESS NOTED OTHERWISE
   E. ALL NON-STRUCTURAL PIPE MEMBERS SHALL BE ASTM A53 GRADE B, AND "HOT DIPPED" GALVANIZED IN ACCORDANCE WITH ASTM A123 AND ASTM A153 STANDARDS.
3. DESIGN, FABRICATION, AND CONSTRUCTION OF ALL CONNECTIONS SHALL CONFORM TO AISC STEEL CONSTRUCTION MANUAL.
4. WELDING:
   A. ALL WELDS, WELDERS, AND WELD INSPECTIONS SHALL CONFORM TO THE REQUIREMENTS OF AWS D 1.1, LATEST REVISION.
   B. ALL WELDS SHALL BE MADE WITH E70XX LOW HYDROGEN ELECTRODES.
   C. ALL STEEL SHALL BE SPRAY GALVANIZED AFTER WELDING.
5. ALL BOLTS SHALL BE GALVANIZED ¾" DIAMETER A325-N, UNLESS NOTED OTHERWISE AND TIGHTENED TO A "SNUG TIGHT" CONDITION AS DEFINED BY AISC. SECURE NUT WITH LOCKING WASHER.
6. THE CONTRACTOR/STEEL FABRICATOR SHALL LOCATE ANY REINFORCEMENT IN THE STRUCTURAL MEMBERS IN SUCH A MANNER SO THAT THERE WILL NOT BE CONFLICT WITH THE REINFORCEMENT WHEN INSTALLING ANCHORS. THE ANCHORS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTION.
7. THE CONTRACTOR/STEEL FABRICATOR SHALL CONFORM TO THE MINIMUM EDGE DISTANCE REQUIREMENTS IN ACCORDANCE WITH THE AISC MANUAL OF STEEL CONSTRUCTION.
8. ALL STRUCTURAL STEEL SHALL BE FABRICATED TO FIT AT BOLTED CONNECTIONS WITHIN 1/16 INCH TOLERANCE. STRUCTURAL STEEL SHALL NOT BE FLAME CUT UNDER ANY CIRCUMSTANCES WITHOUT APPROVAL OF THE ENGINEER.
9. THE CONTRACTOR/STEEL FABRICATOR SHALL CAP OR SEAL ALL PIPES AS REQUIRED TO PREVENT WATER INTRUSION.
10. THE CONTRACTOR/STEEL FABRICATOR SHALL SUBMIT SHOP DRAWINGS FOR REVIEW PRIOR TO ANY STEEL FABRICATION. AT THE CONTRACTOR'S OPTION, FIELD SPLICES MAY BE USED FOR ERECTION PURPOSES. IF FIELD SPLICES ARE USED, THE SHOP DRAWINGS SHALL INCLUDE ALL DETAILS FOR THE PROPOSED FIELD SPLICES.
11. AT THE CONTRACTOR'S OPTION, SHOP WELDS MAY BE USED INSTEAD OF FIELD WELDS.
12. SUBMIT ORIGINAL SHOP DRAWINGS, INCLUDING COMPLETE DETAILS, SCHEDULES OF FABRICATION AND ASSEMBLY, PROCEDURES, AND DIAGRAMS. INCLUDE DETAILS OF CUTS, CONNECTIONS, CAMBER, HOLE, AND OTHER PERTINENT DATA. INDICATE WELDS BY STANDARD AWS A2.1 AND A2.4 SYMBOLS, AND SHOW SIZE, LENGTH, AND TYPE OF WELD. PROVIDE SETTING DRAWINGS, TEMPLATES, AND DIRECTIONS FOR INSTALLATION OF ANCHOR BOLTS AND OTHER ANCHORAGES TO BE INSTALLED AS WORK OF OTHERS' SECTIONS.

STRUCTURAL STEEL NOTES 3

REV	DATE	DESCRIPTION
A	12/18/14	PRELIMINARY
0	1/27/15	FOR PERMIT
1	11/18/15	REVISED

PROJECT NO.:	14-1004.01
DRAWN BY: F. PARRADO	CHECKED BY: M. ABBEY

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SUITE #40
JUPITER, FL 33477

MICHAEL A. PHILLIPS LICENSE No. 68312 STATE OF FLORIDA PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/16

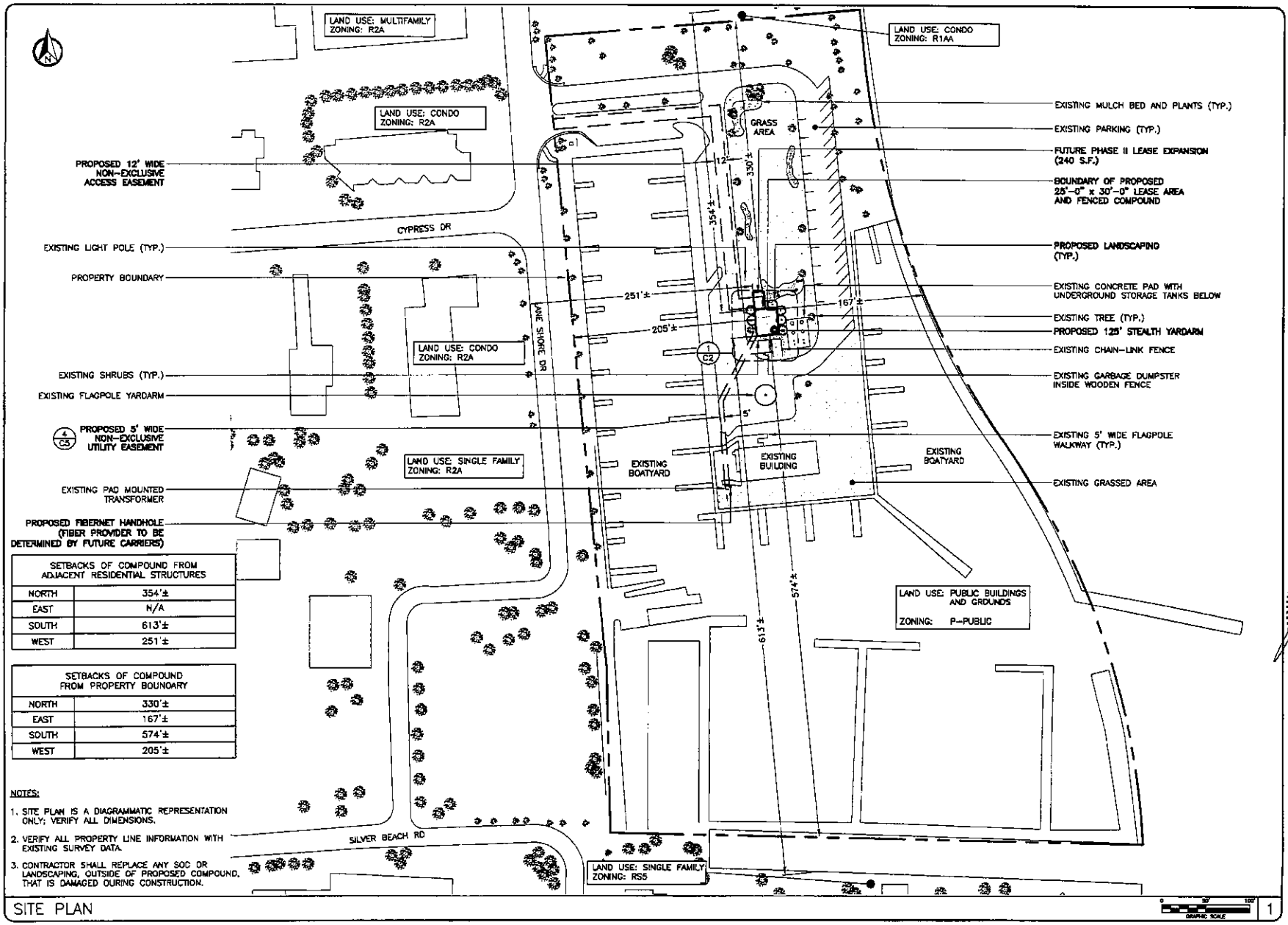
LAKE PARK MARINA

SFL13

1125 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
NOTES

SHEET NUMBER
T2



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	205'±

NOTES:

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

SITE PLAN

GRAPHIC SCALE 0 30' 60'

1

REV	DATE	DESCRIPTION
A	12/18/14	PRELIMINARY
0	1/27/15	FOR PERMIT
1	7/14/15	REVISED
2	9/28/15	REVISED
3	11/18/15	REVISED
4	1/14/16	REVISED

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MICHAEL A. PHILLIPS LICENSE No. 68312 STATE OF FLORIDA PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/16

LAKE PARK MARINA

SFL13

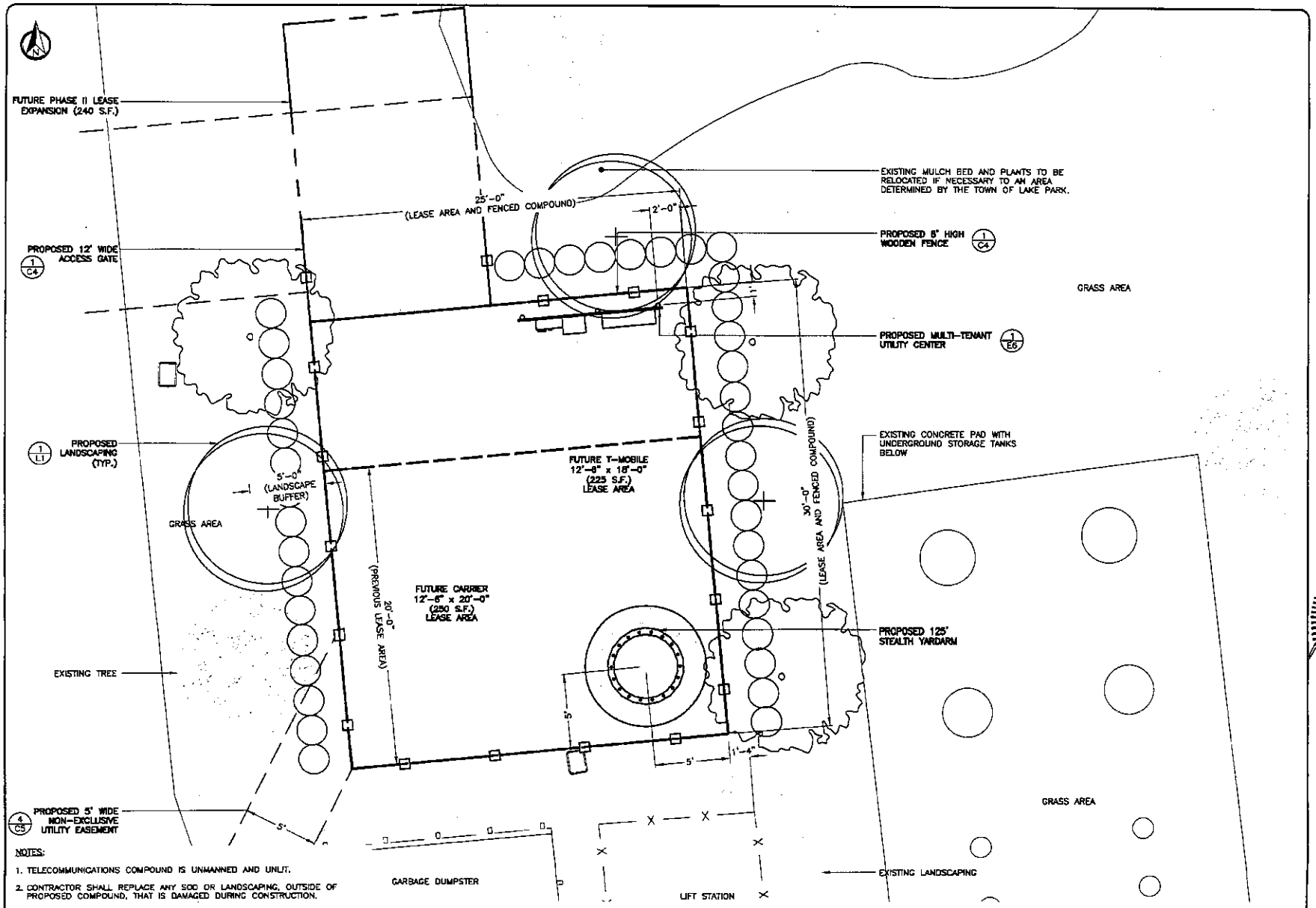
105 LAKE SHORE DRIVE LAKE PARK, FL 33403

SHEET NAME

SITE PLAN

SHEET NUMBER

C1



NOTES:

1. TELECOMMUNICATIONS COMPOUND IS UNMANNED AND UNLIT.
2. CONTRACTOR SHALL REPLACE ANY SOD OR LANDSCAPING, OUTSIDE OF PROPOSED COMPOUND, THAT IS DAMAGED DURING CONSTRUCTION.

COMPOUND PLAN

GRAPHIC SCALE

1

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1	7/14/15	REVISED
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3	1/14/16	REVISED

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DATE OF SIGNATURE: 1/14/16

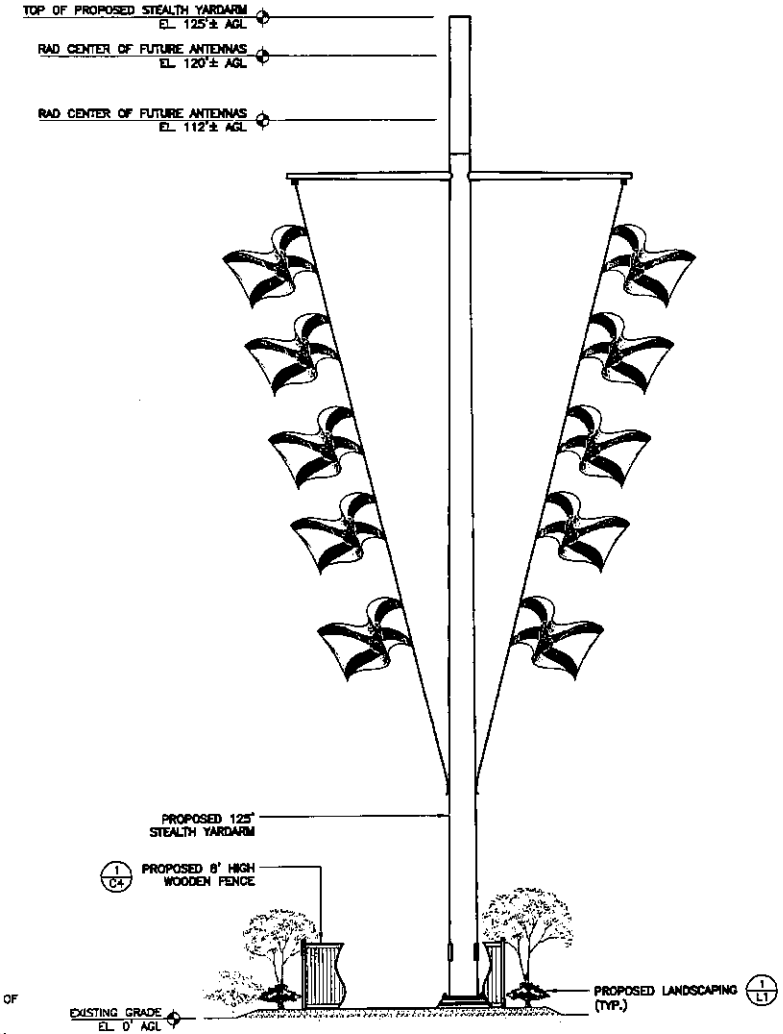
LAKE PARK MARINA

SFL13

105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
COMPOUND PLAN

SHEET NUMBER
C2



NOTES:

1. TOWER SHALL BE PAINTED WHITE WITH COLOR/FINISH APPROVED BY TOWN OF LAKE PARK.
2. FLAG TYPE AND QUANTITY TO BE DETERMINED BY THE TOWN OF LAKE PARK.
3. TOWER LIGHTING SHALL BE DETERMINED WHEN FLAG TYPE IS DETERMINED.
4. FLAG SHALL BE MAINTAINED BY RG TOWERS, LLC

ELEVATION

1

REV	DATE	DESCRIPTION
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0	1/27/15	FOR PERMIT
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PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/15

LAKE PARK MARINA

SFL13

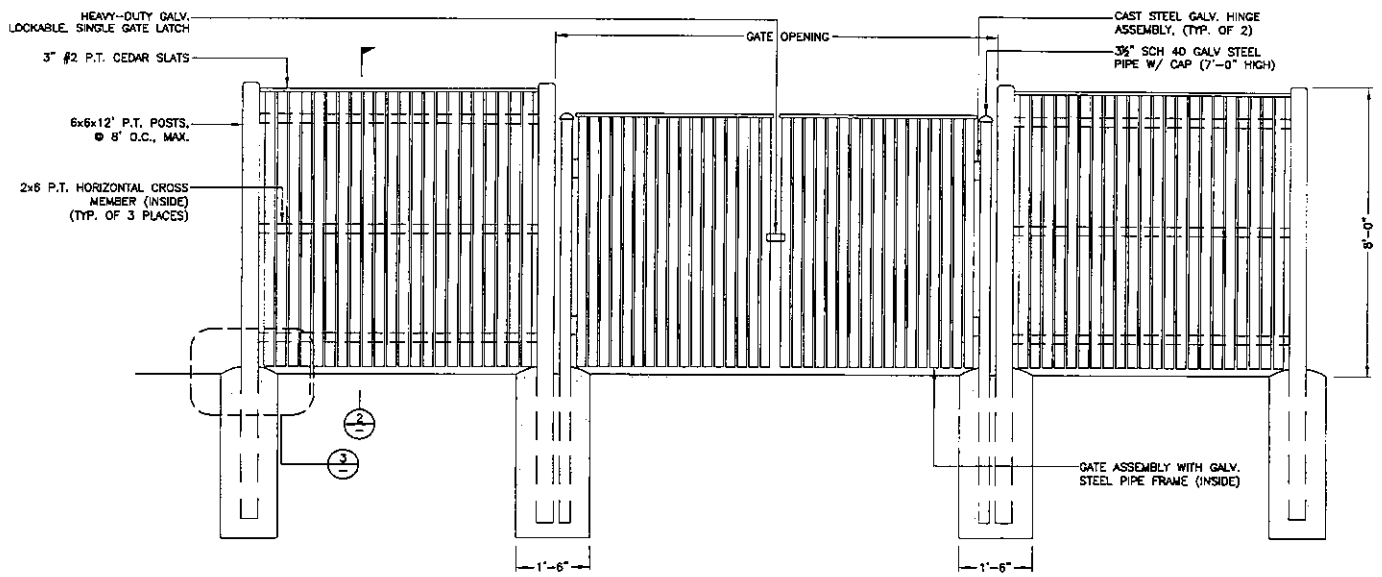
105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME

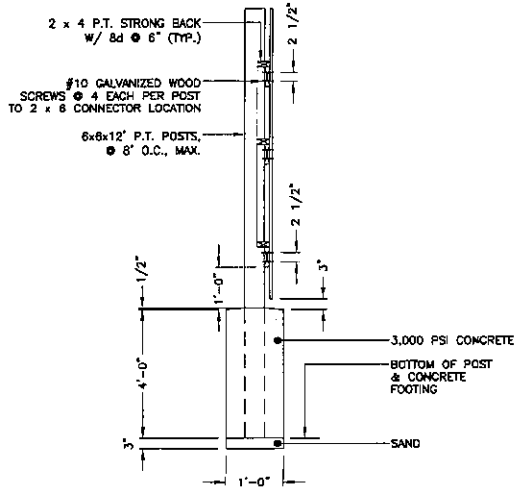
ELEVATION

SHEET NUMBER

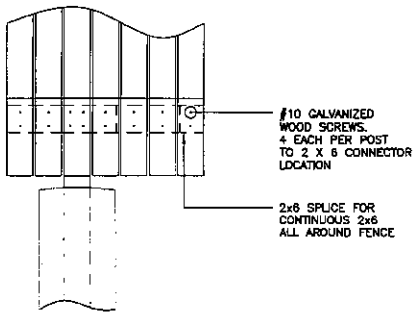
C3



WOOD FENCE AND MAIN GATE DETAIL — NTS | 1



FENCE DETAIL — NTS | 2



FENCE DETAIL — NTS | 3

REV	DATE	DESCRIPTION
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JUPITER, FL 33477

MICHAEL A. PHILLIPS — LICENSE — No. 68312 — STATE OF FLORIDA — PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/16

LAKE PARK MARINA

SFL13

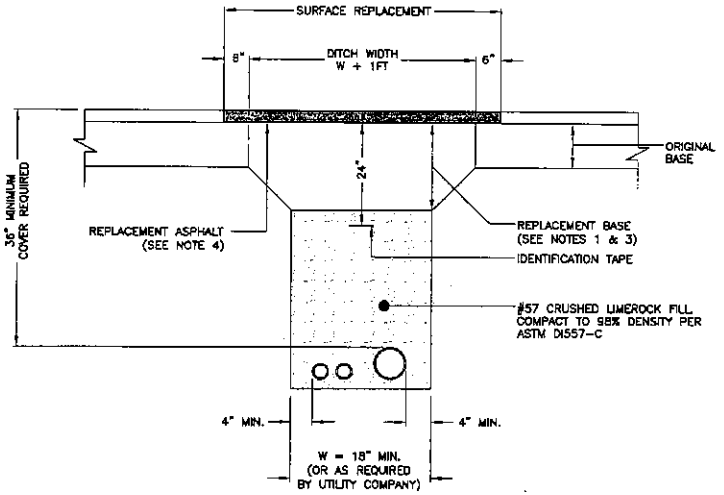
105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
WOOD FENCE DETAILS

SHEET NUMBER
C4

1. REPLACEMENT BASE MATERIAL OVER DITCH SHALL BE TWICE THE THICKNESS OF THE ORIGINAL BASE OR 12" MINIMUM, WHICHEVER IS GREATER.
2. ASPHALT CONCRETE PAVEMENT JOINTS SHALL BE MECHANICALLY SAWED AND BUTT-JOINTED.
3. BASE MATERIAL (PER ROADWAY PRODUCTION DESIGN STANDARDS) SHALL BE PLACED IN 6" MAX LAYERS AND EACH LAYER THOROUGHLY ROLLED OR TAMPED TO 98% DENSITY PER ASTM D1557-C.
4. REPLACEMENT ASPHALT MATERIAL SHALL MATCH EXISTING ASPHALT THICKNESS OR 1.5" MINIMUM, WHICHEVER IS GREATER.

TRENCH NOTES | 1



TRENCH DETAIL | NTS | 2

(NOT USED) | 3

(NOT USED) | 4

REV	DATE	DESCRIPTION
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MICHAEL A. PHILLIPPS LICENSE No. 68312 STATE OF FLORIDA PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/16

LAKE PARK MARINA

SFL13

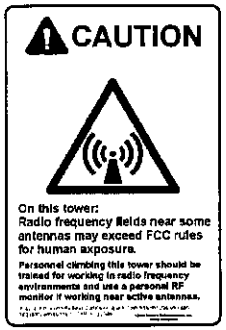
105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
TRENCH DETAIL

SHEET NUMBER
C5

NO TRESPASSING SIGN NTS 1

FCC REGISTRATION SIGN NTS 2



RF WARNING SIGN NTS 3

1. SIGNS SHALL BE MADE OF UV-RESISTANCE SOLID PLASTIC W/ ¼" DRILLED HOLES ½" FROM EACH CORNER TO HANG SIGNS.
2. SIGNS SHALL BE INSTALLED AS FOLLOWS:
   - 2.1. GATE: FCC TOWER REGISTRATION NUMBER
   - 2.2. NO TRESPASSING
   - 2.3. RF WARNING
   - 2.4. A "NO TRESPASSING" SIGN SHALL BE INSTALLED IN THE CENTER OF EACH SIDE OF THE COMPOUND THAT DOES NOT HAVE A GATE. AND SPACED NO MORE THAN 40' APART.
   - 2.5. SIGNS SHALL BE INSTALLED ON POLE IN FRONT OF SHRUBS AT A HEIGHT TO MATCH EXISTING POST SIGN.
   - 2.6. IF SIGNS ARE OBSTRUCTED BY LANDSCAPING, THE SIGNS SHALL BE INSTALLED ON POLE.

SIGNAGE NOTES 4

REV	DATE	DESCRIPTION
A	12/19/14	PRELIMINARY
0	1/27/15	FOR PERMIT
1	11/18/15	REVISED

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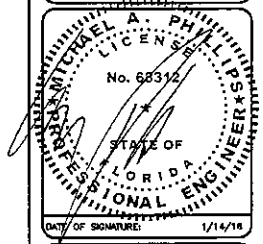


DATE OF SIGNATURE: 1/14/16

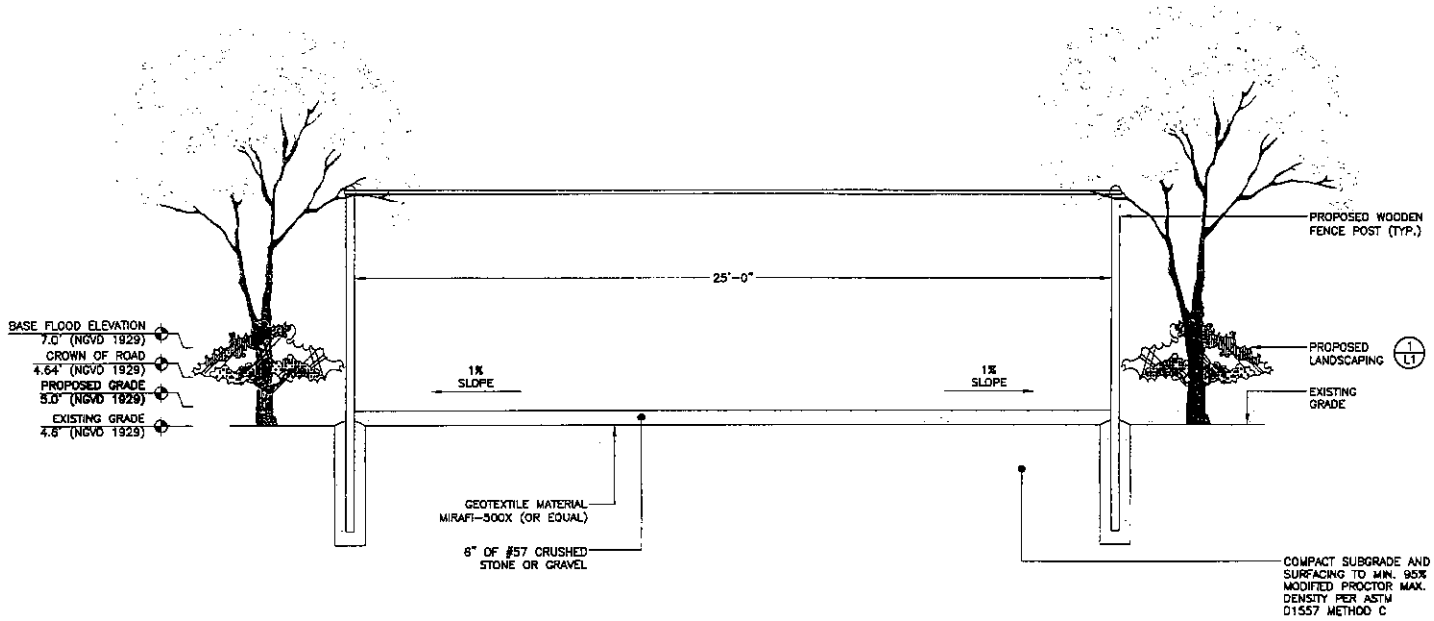
LAKE PARK MARINA

SFL13

105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
SIGNAGE DETAILS

SHEET NUMBER
C6



SITE COMPOUND CROSS SECTION

NTS | 1

REV	DATE	DESCRIPTION
A	12/18/14	PRELIMINARY
0	1/27/15	FOR PERMIT
1	7/14/15	REVISED
2	11/18/15	REVISED

PROJECT NO.: 14-1004.01

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MICHAEL A. PHILLIPS
LICENSED
No. 68312
STATE OF FLORIDA
PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/16

LAKE PARK
MARINA

SFL13

105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
COMPOUND
DETAIL

SHEET NUMBER
C7

A – GENERAL

A1. ALL ELECTRICAL WORK SHALL CONFORM TO THE NATIONAL ELECTRICAL CODE (EDITION ADOPTED BY LOCAL JURISDICTION) AND APPLICABLE LOCAL CODES.

A2. GROUNDING SHALL COMPLY WITH ARTICLE 250 OF THE NATIONAL ELECTRIC CODE.

A3. ALL ELECTRICAL EQUIPMENT AND ACCESSORIES SHALL BE U.L. APPROVED OR LISTED.

A4. ALL POWER WIRING SHALL BE STRANDED COPPER, TYPE THHN/THHW, AND 90 DEGREES C RATED.

A5. GROUNDING ELECTRODE CONDUCTORS SHALL BE BARE, TIN COATED COPPER AND EQUIPMENT GROUND CONDUCTORS SHALL BE GREEN INSULATED, UNLESS OTHERWISE NOTED.

A6. ALL POWER WIRING SHALL BE INSTALLED IN GALVANIZED RIGID STEEL CONDUIT, PVC, OR FLEXIBLE LIQUIDTIGHT CONDUIT, AS INDICATED.

A7. CONTRACTOR SHALL OBTAIN ALL PERMITS, PAY PERMIT FEES, AND SCHEDULE INSPECTIONS.

A8. CONTRACTOR SHALL APPLY FOR ELECTRICAL SERVICE AS SOON AS POSSIBLE AND COORDINATE REQUIREMENTS, SERVICE ROUTING, AND METER SOCKET TYPE WITH LOCAL POWER COMPANY.

A9. CONTRACTOR SHALL APPLY FOR TELEPHONE SERVICE AS SOON AS POSSIBLE AND COORDINATE REQUIREMENTS AND SERVICE ROUTING WITH TELEPHONE COMPANY.

A10. PROVIDE ALL LABOR AND MATERIAL DESCRIBED ON THIS DRAWING, AND ALL ITEMS INCIDENTAL TO COMPLETING AND PRESENTING THIS PROJECT AS FULLY OPERATIONAL.

A11. WHERE LONG POWER CABLE RUNS PREVAIL, CONTRACTOR SHALL CALCULATE THE VOLTAGE DROP AND SIZE WIRES AND CONDUIT ACCORDINGLY.

A12. WHERE TRANSFORMER IS REQUIRED FOR ELECTRICAL SERVICE, TRANSFORMER SECONDARY SHALL BE GROUNDED PER N.E.C., ARTICLE 250-26.

A13. REFER TO SITE SPECIFIC DWGS FOR ELEVATIONS.

A14. ALL ELECTRICAL DEVICES EXPOSED TO WEATHER SHALL BE OF RAINPROOF CONSTRUCTION AND SHALL REQUIRE WATER TIGHT CONDUIT HUBS.

A15. CONTRACTOR SHALL COIL CABLES AT HANDHOLE WITH LENGTHS AS REQUIRED BY ELECTRICAL UTILITY FOR CONNECTION BY UTILITY.

A16. ALL UNDERGROUND SERVICE ENTRANCE POWER CABLES SHALL BE TYPE FOR SUCH USE. CONTRACTOR SHALL CALCULATE VOLTAGE DROP AND RE-SIZE CABLES PER NEC REQUIREMENTS FOR CABLE RUNS EXCEEDING 250 FEET.

B – POWER CABLE AND SERVICE

B1. CONTRACTOR SHALL PROVIDE CONDUIT AND WIRING TO BTS AND VERIFY EXACT CONDUIT ROUTING. RACEWAY SYSTEM MATERIALS AND DEVICES FURNISHED SHALL BE IN ACCORDANCE WITH APPLICABLE STANDARDS OF ANSI, NEMA, AND UL. RACEWAY SYSTEM COMPONENTS SHALL BE INSTALLED IN ACCORDANCE WITH APPLICABLE REQUIREMENTS OF THE N.E.C.

B2. A COIL OF WIRE SHALL EXTEND A MINIMUM OF 10 FEET FROM CONDUIT TO PERMIT TERMINATION BY OTHERS.

B3. CONTRACTOR SHALL SEAL AROUND ALL CONDUIT PENETRATIONS THROUGH WALLS, FLOORS AND ROOFS TO PREVENT MOISTURE PENETRATION OR VERMIN INFESTATION.

B4. CONDUCTORS RUNNING ALONG HORIZONTAL SURFACES (ROOF TOP OR SLAB) SHALL BE INSTALLED IN RIGID CONDUIT SUPPORTED ON SLEEPERS.

B5. ALL VERTICAL RUNS OF POWER CABLE EXCEEDING 80 FEET IN LENGTH SHALL BE SUPPORTED PER N.E.C. ARTICLE 300 USING KELLEMS GRIPS OR ACCEPTABLE EQUAL CABLE SUPPORT SYSTEM.

B6. WHERE A SEPARATE ELECTRICAL SERVICE DROP IS ADDED, CONTRACTOR SHALL INSTALL PERMANENT SERVICE DISCONNECT OR GROUPING THEREOF, DENOTING ALL OTHER SERVICE ENTRANCES, LOCATION OF EACH AND THE AREAS SERVED BY EACH.

B7. WHERE ELECTRICAL POWER IS TO BE SUB-FED FROM AN EXISTING DISTRIBUTION SYSTEM, THE FOLLOWING SHALL APPLY:
- A) CONTRACTOR SHALL PERFORM LOAD TESTING TO DETERMINE MAXIMUM FEEDER DEMAND PER N.E.C. ARTICLE 220-35.
- B) CONTRACTOR SHALL VERIFY WHETHER EXISTING FEEDER CAPACITY EXCEEDS VALUE CALCULATED PER N.E.C. ARTICLE 220-35
- C) EACH BRANCH CIRCUIT PROTECTIVE DEVICE SHALL HAVE SAME INTERRUPTING RATING AS EQUIPMENT SUPPLYING IT.
- D) PREFERRED MEANS OF SUPPLY SHALL BE A BRANCH CIRCUIT PROTECTIVE DEVICE LOCATED IN EXISTING PANEL.
- E) IF A BRANCH CIRCUIT PROTECTIVE DEVICE CANNOT BE OBTAINED OR SPACE IS NOT AVAILABLE, A BRANCH CIRCUIT MAY BE TAPPED FROM EXISTING FEEDER CONDUCTORS USING AN INSTALLED 2-POLE FUSED DISCONNECT AND METER BASE PER N.E.C. ARTICLE 240-21 WITH TEN FOOT (10) MAXIMUM TAP CONDUCTORS. FUSED DISCONNECT SHALL BE LISTED SAME OR BETTER INTERRUPTING RATING AS EXISTING SOURCE OF SUPPLY.

C – RF (COAX) AND LOW VOLTAGE CABLE

C1. RF CABLES AND LOW VOLTAGE CABLING BETWEEN BTS, LNA OR TMA AND ANTENNA SHALL BE SUPPORTED USING ANDREW "SNAP-IN" HANGERS OR ACCEPTABLE EQUAL.

C2. RF CABLES AND LOW VOLTAGE CABLING BETWEEN BTS, LNA OR TMA AND ANTENNA SHALL BE ROUTED AS FOLLOWS:
- A) RUNNING ALONG HORIZONTAL SURFACES: USE WAVEGUIDE SUPPORTS OR BRIDGE KIT MOUNTED ON CONCRETE SLEEPERS.
- B) RUNNING ALONG VERTICAL TOWER FACE: WAVEGUIDE LADDER W/HANGERS OR KELLEMS GRIPS.
- C) RUNNING ALONG OR ADJACENT TO BTS PLATFORM: USE 12 X 3 OPEN OR COVERED ELECTRICAL LADDER TRAY.

D – IDENTIFICATION

D1. LOCATE NAMEPLATE, MARKING, OR OTHER IDENTIFICATION MEANS ON OUTSIDE EQUIPMENT OR BOX FRONT COVERS.

D2. PROVIDE NAMEPLATE ENGRAVED WITH EQUIPMENT DESIGNATION FOR EACH SAFETY SWITCH AND ALL OTHER ELECTRICAL CABINETS, ETC.

D3. DURING TRENCH BACK-FILLING FOR EACH UNDERGROUND ELECTRICAL, TELEPHONE, SIGNAL AND COMMUNICATIONS LINE, PROVIDE A CONTINUOUS UNDERGROUND WARNING TAPE TWELVE INCHES BELOW FINISHED GRADE.

REV	DATE	DESCRIPTION
A	12/16/14	PRELIMINARY
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DRAWN BY: F. PARRADO	CHECKED BY: M. ABBEY

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MICHAEL A. PHILLIPS
LICENSE
No. 68312
STATE OF FLORIDA
PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/15

LAKE PARK MARINA

SFL13

105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
ELECTRICAL NOTES

SHEET NUMBER
E1

A – GENERAL

A1. INSTALLATION OF GROUNDING ELECTRODE SYSTEM SHALL COMPLY WITH ARTICLE 250 OF THE NATIONAL ELECTRIC CODE AND WITH ALL BUILDING CODES OF AUTHORITIES HAVING JURISDICTION.

A2. GROUNDING CONDUCTORS SHALL BE #2 AWG TINNED SOLID BARE COPPER BELOW AND ABOVE GRADE, UNLESS OTHERWISE NOTED AND SHALL BE ROUTED IN A DOWNWARD PATH TOWARDS GROUND BARS.

A3. GROUNDING CONDUCTORS SHALL BE KEPT AS SHORT AND DIRECT AS POSSIBLE WITH MINIMUM BEND RADIUS OF 12 INCHES.

A4. ALL BELOW GRADE CONNECTIONS SHALL BE CADWELD TYPE CONNECTIONS AND ALL CONNECTIONS TO EQUIPMENT AND GROUND BARS SHALL BE 2–HOLE BRONZE COMPRESSION CONNECTORS UNLESS OTHERWISE NOTED.

A5. CONTRACTOR SHALL INSTALL NEW PCS GROUNDING SYSTEM PER SPECIFICATIONS AND INTERCONNECT NEW SYSTEMS TO ANY EXISTING GROUNDING SYSTEMS AS REQUIRED BY NFPA 70 AND 780 (THIS APPLIES TO ELECTRICAL POWER DISTRIBUTION GROUNDING SYSTEM, LIGHTNING PROTECTION GROUNDING SYSTEM, COAX CABLE GROUNDING SYSTEM AND ANY OTHER EXISTING GROUNDING SYSTEMS).

A6. GROUNDING CONDUCTORS SHALL BE BONDED TO CABLE SUPPORTS, ANTENNA FRAMES, AND ANY SUPPORT FRAMES OR RACKS USING CADWELD OR MECHANICAL CONNECTIONS.

A7. CONTRACTOR SHALL PROVIDE LOCK WASHERS FOR ALL MECHANICAL CONNECTIONS FOR GROUND CONDUCTORS. STAINLESS STEEL HARDWARE SHALL BE USED THROUGHOUT.

A8. GROUNDING CONDUCTORS EMBEDDED IN CONCRETE OR PENETRATING WALLS AND FLOORS SHALL BE ENCASED IN PVC CONDUIT. NO METALLIC CONDUIT SHALL BE USED FOR GROUNDING CONDUCTORS UNLESS REQUIRED BY LOCAL CODES OR OTHERWISE INDICATED ON DRAWINGS. CONTRACTOR SHALL SEAL AROUND ALL CONDUIT PENETRATIONS TO PREVENT MOISTURE PENETRATION AND VERMIN INFESTATION.

A9. CONTRACTOR SHALL BOND PCS GROUNDING SYSTEM VIA THE MASTER GROUND BAR TO ALL METAL OBJECTS WITHIN 12 FEET OF EQUIPMENT, CONDUIT AND CABLES.

A10. BONDING OF GROUNDED CONDUCTOR (NEUTRAL) AND GROUNDING CONDUCTOR SHALL BE AT SERVICE DISCONNECTING MEANS. BONDING JUMPER SHALL BE INSTALLED PER N.E.C. ARTICLE 250–28.

A11. CONTRACTOR SHALL VERIFY EXACT CONDUIT ROUTING FOR GROUNDING CONDUCTORS WHERE APPLICABLE.

A12. A GROUND LEAD IS REQUIRED ONLY FOR BTS SUPPORTED ON STEEL FRAME. AN ADDITIONAL GROUND LEAD IS REQUIRED IF CABLE TRAY IS USED.

A13. CONNECTIONS TO CGB SHALL BE ARRANGED IN THE FOLLOWING THREE GROUPS:

- SURGE PRODUCERS (COAXIAL CABLE GROUND KITS, TELCO CABINET AND POWER PEDESTAL GROUND).
- SURGE ABSORBERS (GROUNDING ELECTRODE RING OR BUILDING STEEL).
- NON–SURGING OBJECTS (EGB GROUND IN BTS).

A14. DOUBLING OR STACKING OF ANY GROUNDING CONNECTIONS IS NOT ACCEPTABLE.

A15. ALL GROUND BARS SHALL BE INSTALLED WITH STAND OFF INSULATORS.

B – PREPARATION

B1. SURFACES: ALL CONNECTIONS SHALL BE MADE TO BARE METAL. ALL PAINTED SURFACES SHALL BE FIELD INSPECTED TO ENSURE PROPER CONTACT. ALL GALVANIZED SURFACES ON WHICH GALVANIZING HAS BEEN REMOVED BY CUTTING, DRILLING, OR ANY OTHER OPERATION SHALL BE RE–GALVANIZED IN ACCORDANCE WITH ASTM A780 USING "ZINC RICH" COATING AS MANUFACTURED BY ZRC CHEMICAL PRODUCTS COMPANY (LOCATED IN QUINCY, MASSACHUSETTS), OR ACCEPTABLE EQUAL. NO WASHERS ARE ALLOWED BETWEEN ITEMS BEING GROUNDED. ALL CONNECTIONS ARE TO HAVE A NON–OXIDIZING AGENT ("COPPER SHIELD") APPLIED PRIOR TO INSTALLATION.

B2. GROUND BAR: ALL COPPER GROUND BARS SHALL BE CLEANED, POLISHED AND A NON–OXIDIZING AGENT ("COPPER SHIELD") APPLIED. NO FINGER PRINTS OR DISCOLORED COPPER SHALL BE PERMITTED.

C – BUILDINGS

C1. ELECTRICAL CONTRACTOR SHALL PERFORM REQUIRED TESTING ON GROUNDING SYSTEM ONCE GROUNDING SYSTEM IS COMPLETELY CONSTRUCTED AND BEFORE SERVICE POWER AND GROUND IS CONNECTED (SEE NOTE T1 FOR TEST DESCRIPTION).

C2. A #4/0 AWG COPPER CONDUCTOR SHALL BE ROUTED FROM MASTER GROUND BAR AT BTS SITE TO MAIN METAL COLD WATER PIPE AND BONDED TO PIPE WITH BRONZE 2–HOLE PIPE CLAMP. CLAMP SHALL BE CONNECTED TO WATER PIPE WITHIN 5 FEET OF ENTRY OF PIPE INTO BUILDING WITH NO DEVICES BETWEEN ENTRY POINT AND CONNECTION AND SHALL COME IN CONTACT WITH PIPE FOR A MINIMUM DISTANCE OF 6 INCHES.

C3. METAL RACEWAYS, ENCLOSURES, FRAMES AND OTHER NON–CURRENT CARRYING PARTS OF ELECTRICAL EQUIPMENT SHALL BE KEPT AT LEAST 6 FEET AWAY FROM LIGHTNING ROD CONDUCTORS OR THEY MUST BE BONDED TO LIGHTING ROD CONDUCTORS AT THE LOCATION WHERE SEPARATION DISTANCE IS LESS THAN 6 FEET.

C4. A MASTER GROUND BAR (MGB) SHALL BE INSTALLED NEAR BTS WITH BUILDING PRINCIPAL GROUND BAR (BPG) INSTALLED NEAR ENTRANCE OF MAIN METAL COLD WATER PIPE INTO BUILDING. A #4/0 AWG STRANDED COPPER DOWN CONDUCTOR (VERTICAL GROUND RISER) SHALL BE USED TO INTERCONNECT GROUND BARS.

C5. VERTICAL RISER SHALL CONSIST OF A #4/0 AWG (THWN) STRANDED COPPER CONDUCTOR INSIDE ¾" CONDUIT.

C6. CONTRACTOR SHALL BOND BUILDING PRINCIPAL GROUND BAR (BPG) NEAR MAIN METAL COLD WATER PIPE TO EXISTING BUILDING GROUND RING AS WELL AS TO MAIN METAL COLD WATER PIPE WITH #4/0 AWG (THWN) STRANDED COPPER CONDUCTOR.

C7. ANTENNA GROUND BARS (AGB) SHALL BE INSTALLED NEAR ANTENNAS AND SHALL BE BONDED TO MASTER GROUND BAR (MGB) WITH #2 AWG TINNED SOLID BARE COPPER CONDUCTOR.

C8. IF CODES REQUIRE VERTICAL RISER TO BE ISOLATED IN CONDUIT, PVC CONDUIT IS PREFERRED. IF METALLIC CONDUIT IS USED, GROUNDING BUSHINGS SHALL BE INSTALLED ON EACH END OF THE CONDUIT AND BONDED TO GROUND BARS USING #2 AWG (THWN) STRANDED COPPER CONDUCTORS WITH GREEN INSULATION.

D – LAND BUILDS AND CO–LOCATES

D1. THE GROUND ELECTRODE SYSTEM SHALL CONSIST OF DRIVEN GROUND RODS UNIFORMLY SPACED AROUND THE EQUIPMENT FOUNDATION AND AROUND THE PERIMETER OF THE TOWER FOUNDATION. THE GROUND RODS SHALL BE ⅝" X 10'–0" COPPER CLAD STEEL. INTERCONNECTED WITH #2 SOLID TINNED BARE COPPER GROUND CONDUCTOR TO FORM A GROUND RING AT A DEPTH OF 30 INCHES BELOW THE SURFACE OF THE SOIL. A MINIMUM OF 1 FOOT AND A MAXIMUM OF 3 FEET CLEARANCES SHALL BE MAINTAINED FROM FOUNDATIONS. TOWER AND EQUIPMENT GROUND RINGS SHALL BE INTERCONNECTED WITH TWO GROUNDING CONDUCTORS OF EQUAL LENGTH AND MATERIALS.

D2. GROUND RODS SHALL BE BONDED TO GROUND RINGS AND INTERCONNECTING CONDUCTORS AT EQUAL INTERVALS OF APPROXIMATELY 10 FEET.

D3. WAVEGUIDE BRIDGE SHALL BE BONDED TO GROUND RINGS OR INTERCONNECTING CONDUCTORS WITH GROUNDING CONDUCTORS BONDED TO DIAGONALLY OPPOSED SUPPORT POSTS.

D4. GROUND BARS SHALL BE BONDED TO GROUND RING WITH SINGLE GROUNDING CONDUCTOR.

D5. BONDS TO ANTENNA MASTS, FENCE POSTS, WAVEGUIDE BRIDGE, TOWER STEEL (UNLESS PROHIBITED BY TOWER MANUFACTURER) AND THOSE BELOW GRADE SHALL BE EXOTHERMIC TYPE (CADWELD). ALL OTHER BONDS SHALL BE BRONZE 2–HOLE COMPRESSION FITTINGS UNLESS OTHERWISE NOTED.

D6. GROUNDING CONDUCTORS MAKING A TRANSITION FROM ABOVE TO BELOW GRADE SHALL BE INSULATED FROM EARTH CONTACT BY PASSING THROUGH PVC CONDUIT. THE CONDUIT SHALL EXTEND AT LEAST 6 INCHES ABOVE AND 12 INCHES BELOW GRADE LEVEL.

E – LIGHTNING PROTECTION

E1. IF EXISTING BUILDING HAS AN NFPA 780 AIR TERMINAL SYSTEM, EXISTING SYSTEM SHALL BE BONDED TO A GROUND BAR TO BOND THE EXISTING SYSTEM TO THE NEW SYSTEM. SHOULD THE EXISTING SYSTEM COME WITHIN 8 FEET OF ANTENNA STRUCTURES, EXISTING SYSTEM SHALL ALSO BE BONDED TO COAX GROUND BARS.

E2. IF SITE IS IN A HIGH RISK AREA AND ANTENNAS DO NOT FALL WITHIN EXISTING CONE OF PROTECTION FOR BUILDING, AIR TERMINALS SHALL BE INSTALLED AT ANTENNAS. A SINGLE AIR TERMINAL MAY BE USED WHEN TWO ANTENNAS ARE MOUNTED ON SAME STRUCTURE AND IT HAS BEEN DETERMINED THAT BOTH ANTENNAS WILL FALL WITHIN LIGHTNING CONE OF PROTECTION FOR SINGLE AIR TERMINAL.

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PROJECT NO.:	14–1004.01
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LICENSED
No. 68312
STATE OF FLORIDA
PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/16

LAKE PARK MARINA

SFL13

105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

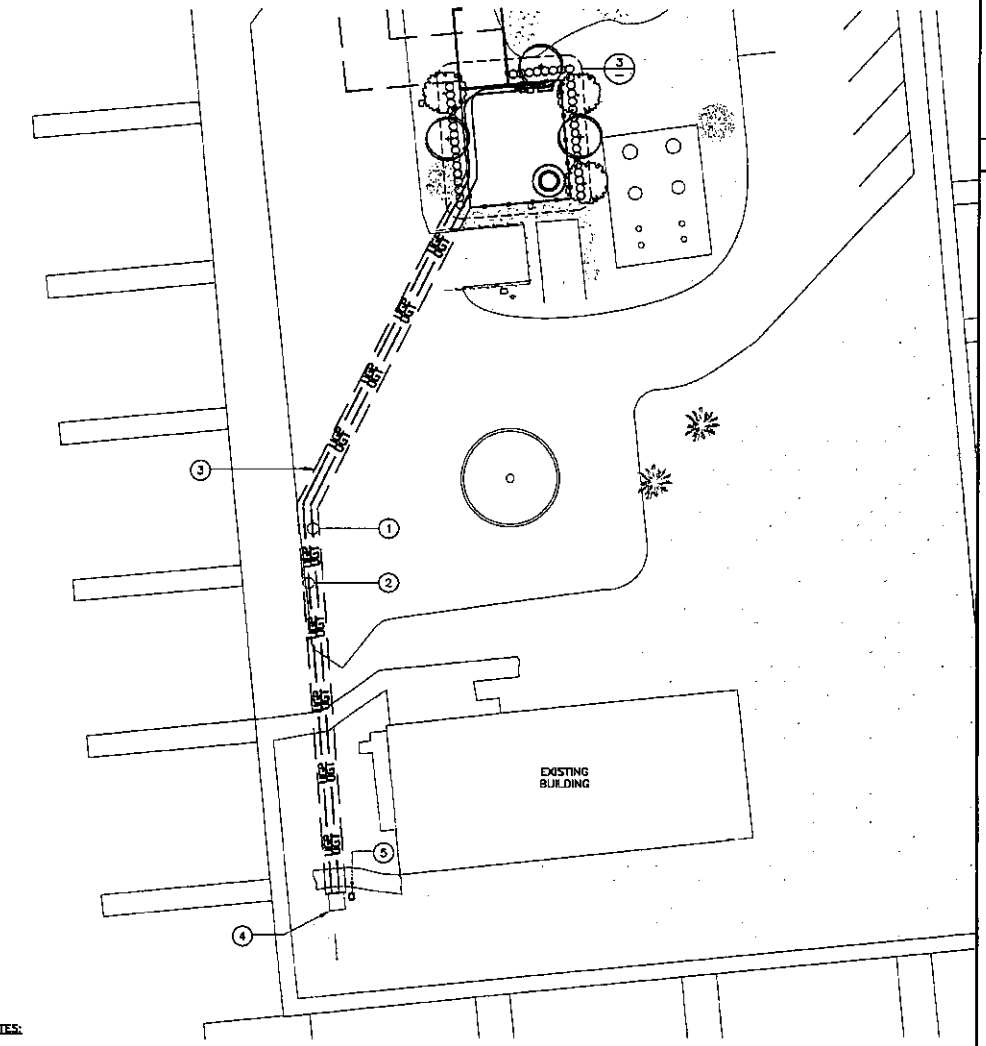
SHEET NAME
GROUNDING NOTES

SHEET NUMBER
E2

CALL 48 HOURS BEFORE YOU DIG

IT'S THE LAW !
1-800-432-4770

SUNSHINE STATE ONE CALL OF FLORIDA, INC.



NOTES:

1. PROPOSED CONDUIT ROUTING IS SCHEMATIC ONLY, CONTRACTOR SHALL DETERMINE SUITABLE ROUTING IN THE FIELD.
2. LANDSCAPING NOT SHOWN FOR CLARITY.

UTILITY ROUTING SITE PLAN

GRAPHIC SCALE 0 10' 20' 30'

1

(1) (2) PROPOSED 2"ø CONDUITS FOR TELCO (240'± IN LENGTH). (SEE DETAIL 3, SHEET E6)

(2) PROPOSED 4"ø CONDUIT FOR POWER (230'± IN LENGTH). (SEE DETAIL 3, SHEET E6)

(3) PROPOSED 5' WIDE NON-EXCLUSIVE UTILITY EASEMENT

(4) EXISTING FPL TRANSFORMER. COORDINATE WITH FPL REPRESENTATIVE, MIKE FETTO AT 561-575-6302 PRIOR TO START OF WORK

(5) PROPOSED FIBERNET HANDHOLE (FIBER PROVIDER TO BE DETERMINED BY FUTURE CARRIERS)

(6) PROPOSED FIBER CABINET

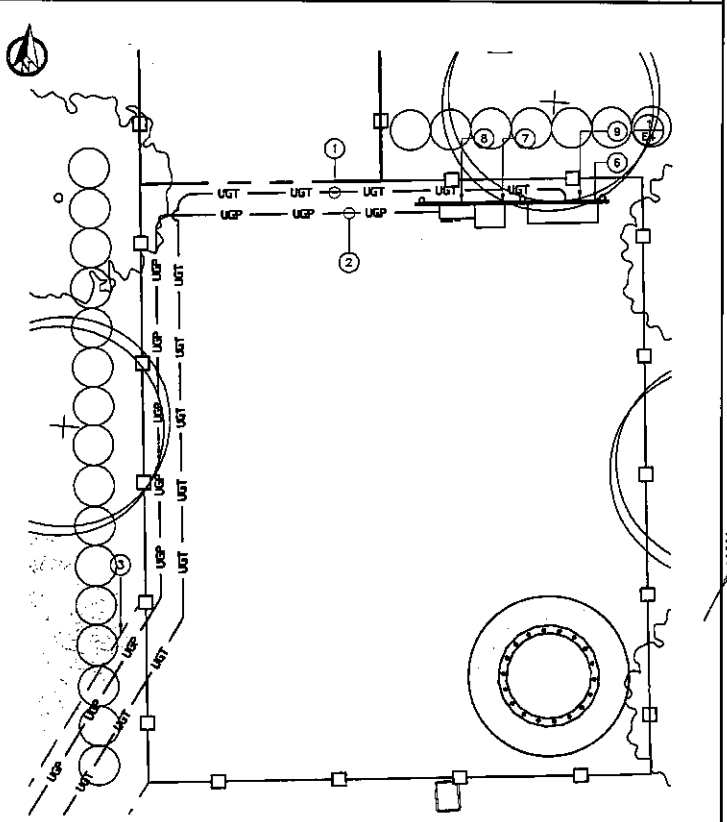
(7) PROPOSED 400A METER TERMINAL BOX

(8) PROPOSED 225A METER STACK

(9) PROPOSED MULTI-TENANT H-FRAME

CONSTRUCTION KEY NOTES

2



UTILITY ROUTING COMPOUND PLAN

GRAPHIC SCALE 0 2' 4' 6'

3

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A	12/18/14	PRELIMINARY
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MICHAEL A. PHILLIPS
LICENSE
No. 68312
STATE OF FLORIDA
PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/16

LAKE PARK MARINA

SFL13

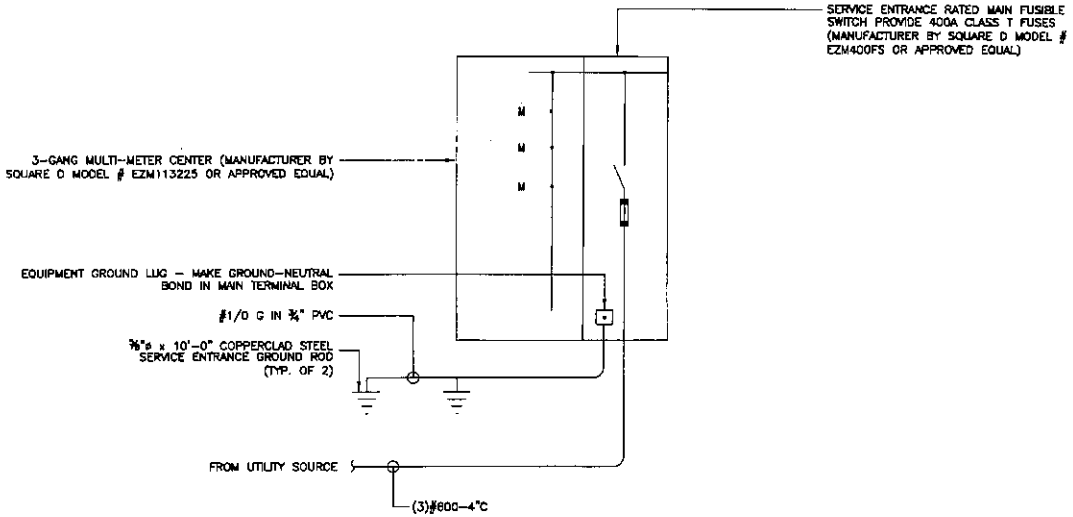
105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME

UTILITY ROUTING SITE PLAN

SHEET NUMBER

E3



ONE-LINE DIAGRAM

NTS | 1

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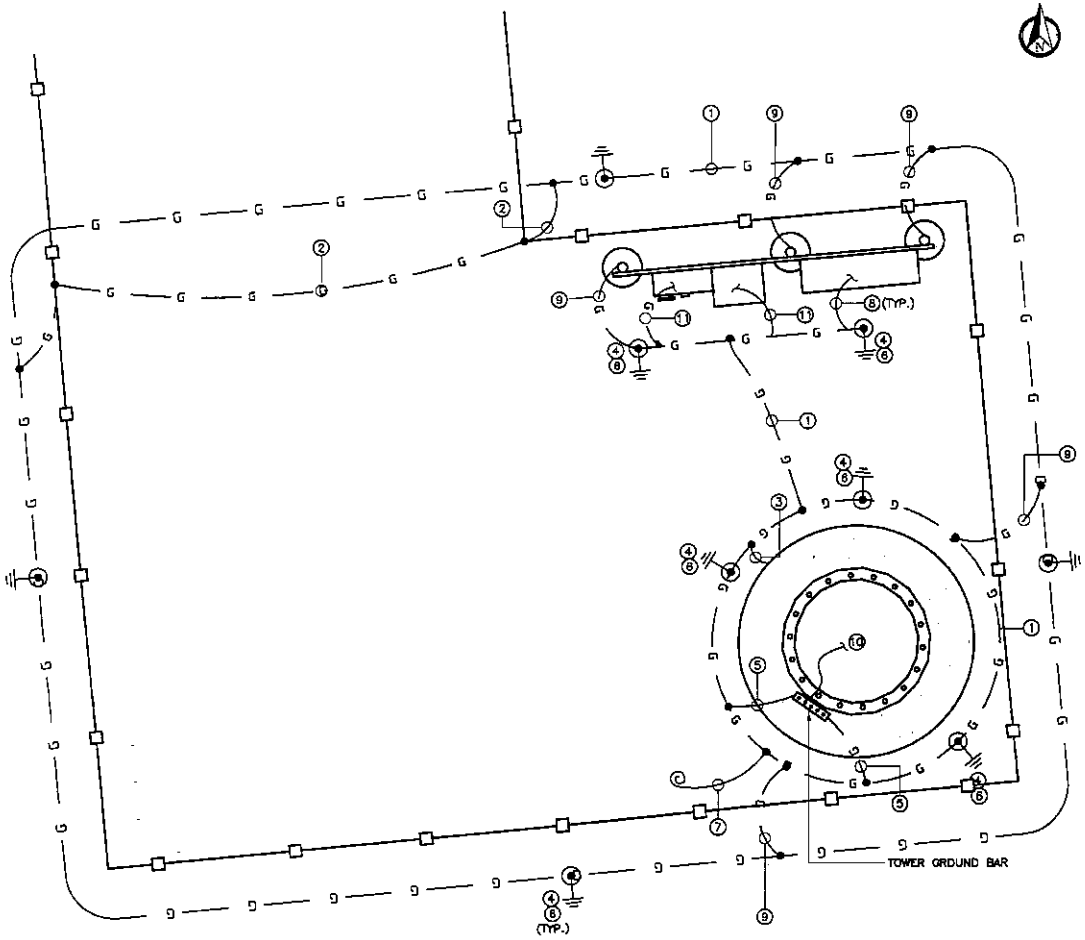
LAKE PARK MARINA

SFL13

105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
ONE-LINE DIAGRAM

SHEET NUMBER
E4



NOTES:

1. CONTRACTOR SHALL INSPECT AND TEST GROUNDING SYSTEM WITH A BIDDLE–MEGGER 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.
2. 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

NTS | 1

1. PROVIDE A #2 AWG SOLID BARE TINNED 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 ROCK, THE ROUTING OF THE GROUND RING MAY BE ADJUSTED. ALL BONDS TO THE BURIED GROUND RING SHALL BE WITH EXOTHERMIC WELDS.
2. BOND GATE POST TO BURIED GROUND RING. EXOTHERMICALLY WELD A #2 AWG SOLID BARE TINNED COPPER CONDUCTOR TO THE GATE POST AT 12" ABOVE GRADE AND CONNECT TO THE BURIED GROUND RING. PROVIDE CONDUCTOR LENGTH AS REQUIRED TO MAKE CONNECTION. BOND OPPOSITE SIDES OF FENCE, AND FENCE POST TO FENCE GATE AS SHOWN USING A WELDING CABLE GROUNDING STRAP
3. BOND REBAR IN CONCRETE FOR PAD TO THE BURIED GROUND RING. EXOTHERMICALLY WELD A #2 AWG SOLID BARE TINNED COPPER CONDUCTOR TO THE REBAR (AT THE END OF THE REBAR) AND CONNECT THE BURIED GROUND RING.
4. PROVIDE A 8" DIAMETER PVC INSPECTION SLEEVE WITH REMOVABLE COVER WHERE SHOWN FOR ALL PRIMARY CONNECTIONS TO BURIED GROUND RING. SEE GROUND ROD INSPECTION WELL DETAIL. FOR TYPICAL GROUND RING INSPECTION SLEEVE. NOTE: INSPECTION SLEEVE CAN BE USED AS A TEST WELL FOR GROUND WATER LEVEL INSPECTION AND GROUND RESISTANCE TESTING.
5. 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 TINNED COPPER GROUNDING CONDUCTOR (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.
6. INSTALL ⅝" x 10'–0" LONG COPPERCLAD STEEL GROUND RODS. SPACING BETWEEN RODS NOT TO EXCEED 20'–0" (NON–LINEAR). TYPICAL FOR ALL GROUND RODS SHOWN, UNLESS NOTED OTHERWISE. SEE GROUND ROD DETAIL. GROUND ROD MAY BE INSTALLED WITH A MAXIMUM VARIATION OF 30° FROM VERTICAL IF ROCK IS ENCOUNTERED AND CONTRACTOR SHALL BE PREPARED TO CORE DRILL TO INSTALL GROUND RODS AND BACKFILL WITH GROUND ENHANCEMENT MATERIAL.
7. COIL (1) 10'–0" SECTION OF #2 AWG SOLID WIRE ADJACENT TO FUTURE T–MOBILE EQUIPMENT.
8. BOND EQUIPMENT TO BURIED GROUND RING.
9. BOND CABLE BRIDGE/H–FRAME POSTS TO BURIED GROUND RING (TYP.). EXOTHERMICALLY WELD A #2 AWG SOLID BARE TINNED COPPER CONDUCTOR TO THE POST AT 12" ABOVE GRADE AND CONNECT TO THE BURIED GROUND RING. PROVIDE CONDUCTOR LENGTH AS REQUIRED TO MAKE CONNECTION.
10. INSTALL GROUNDING CONDUCTOR(S) FROM THE GROUND BAR AT BOTTOM OF TOWER TO TOWER MOUNTED UPPER GROUND BAR(S). VERIFY EXACT LOCATION OF GROUNDING BARS AND PROPER CONDUCTOR LENGTH. EXOTHERMICALLY WELD (2) #2 AWG SOLID BARE TINNED COPPER GROUNDING CONDUCTORS (LENGTH AS REQUIRED) TO THE GROUND BARS.
11. PROVIDE GROUND CONDUCTOR IN PVC CONDUIT. REFER TO ONE LINE DIAGRAM FOR WIRE AND CONDUIT SIZE.
12. SYSTEM GROUND RESISTANCE SHALL NOT EXCEED 5 OHMS. A THREE POINT SYSTEM RESISTANCE TEST SHALL BE PERFORMED BY THE CONTRACTOR.
    A. PERFORM THREE TESTS AT EACH SITE.
    B. CONTRACTOR SHALL PROVIDE A WRITTEN REPORT CONSISTING OF THE FOLLOWING: SITE NAME, ADDRESS AND IDENTIFICATION NUMBER, DESCRIPTION OF SITE SOIL AND MOISTURE CONDITION, DESCRIPTION OF WEATHER, MODEL NUMBER OF TESTING EQUIPMENT, DATE OF LAST CALIBRATION, SITE SKETCH SHOWING LOCATION OF TEST PROBES, AND ALL FIELD DATA COLLECTED (READINGS, RANGE, TEST, MILLIAMPS, ETC.).
    C. 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.

GROUNDING KEY NOTES

2

REV	DATE	DESCRIPTION
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2	11/18/15	REVISED

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PROFESSIONAL ENGINEER

DATE OF SIGNATURE: 1/14/16

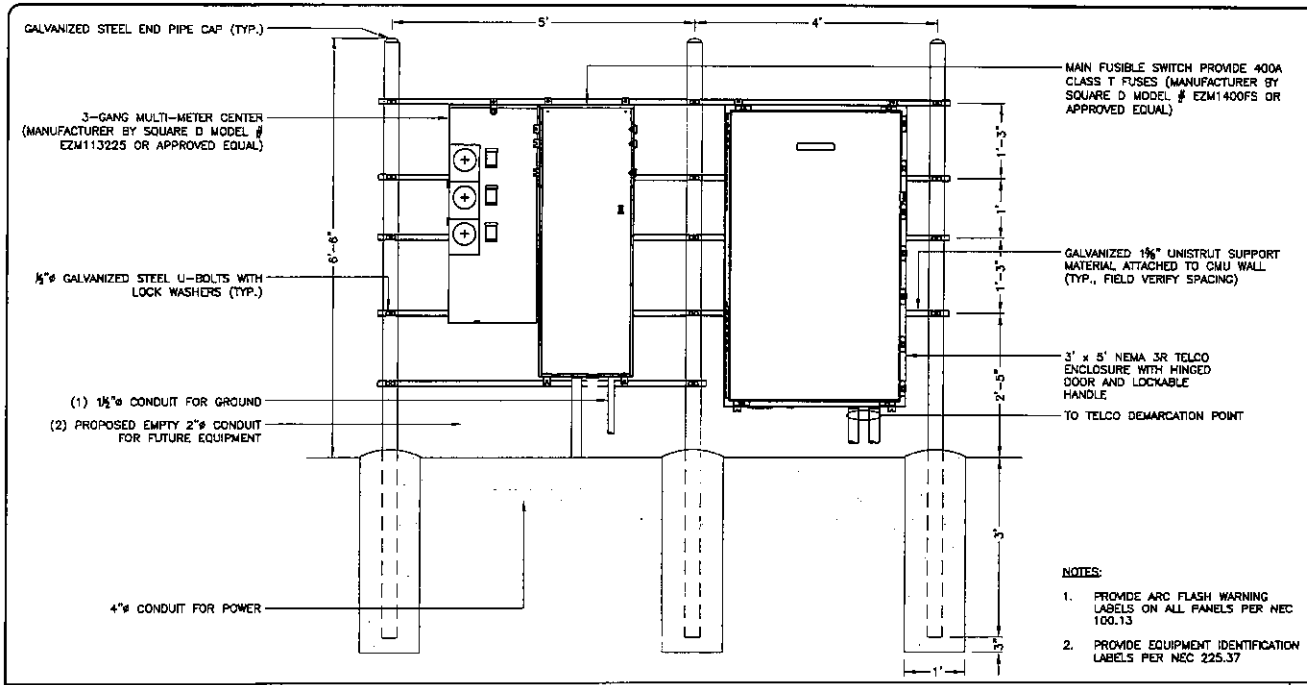
LAKE PARK MARINA

SFL13

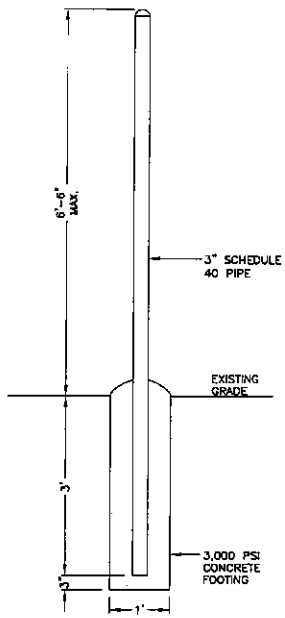
105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
GROUNDING PLAN AND NOTES

SHEET NUMBER
E5



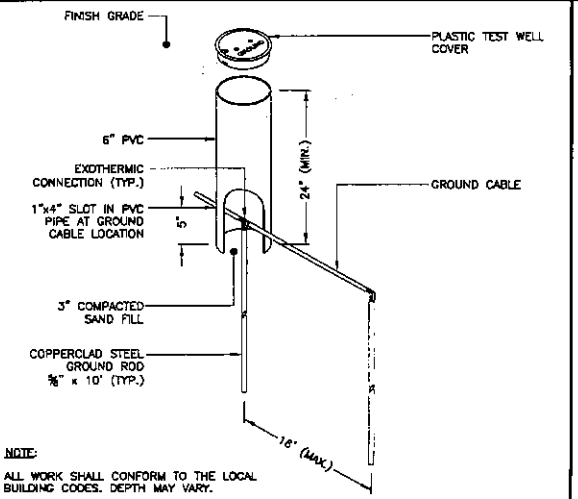
UTILITY RACK DETAIL NTS 1



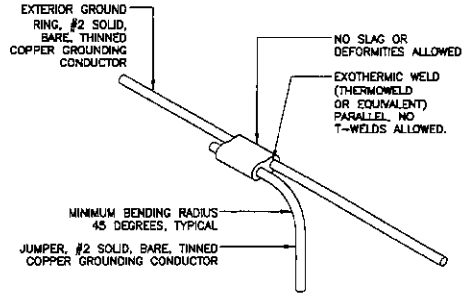
UTILITY RACK POST DETAIL NTS 2

DETAIL REMOVED

TRENCH DETAIL NTS 3



GROUND ROD INSPECTION WELL DETAIL 4



WELD CONNECTION DETAIL NTS 5

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DATE OF SIGNATURE: 1/14/16

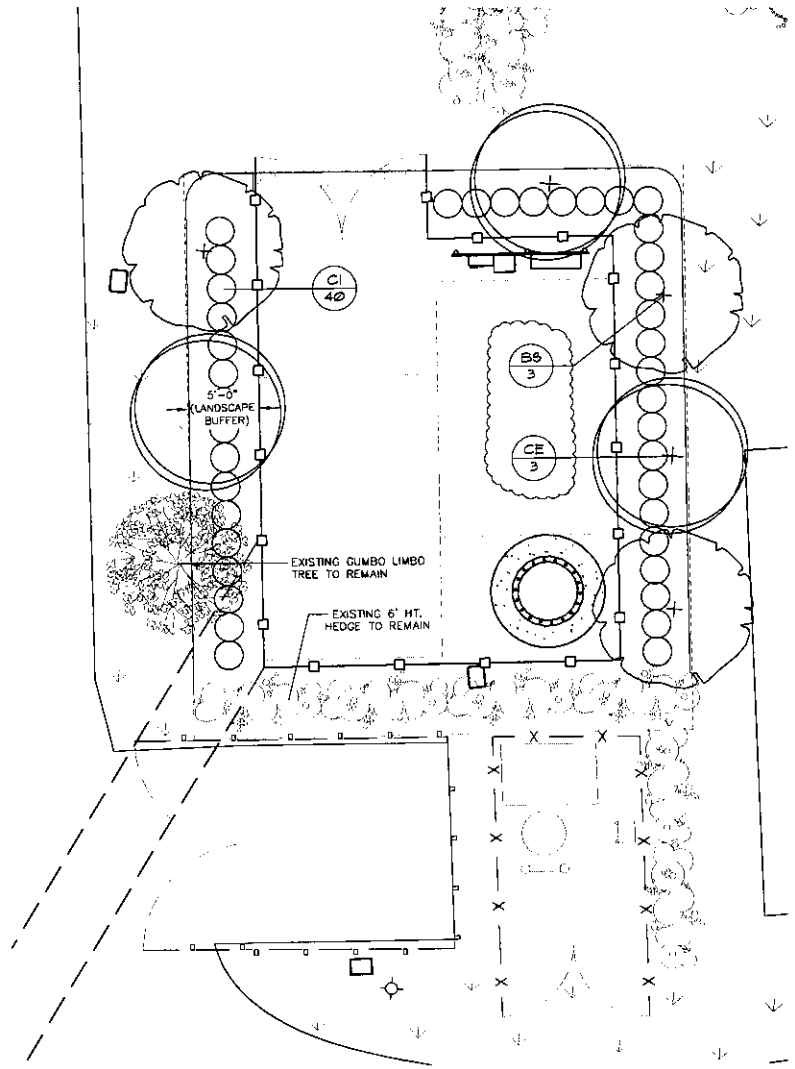
LAKE PARK MARINA

SFL13

105 LAKE SHORE DRIVE LAKE PARK, FL 33403

SHEET NAME
ELECTRICAL DETAILS

SHEET NUMBER
E6



8' 0' 4' 8'

FOR 24"x36" DRAWINGS
GRAPHIC SCALE: 1/4" = 1'-0"
FOR 11"x17" DRAWINGS
GRAPHIC SCALE: 1/8" = 1'-0"

LANDSCAPE MATERIALS LIST

QTY	KEY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	NATIVE
3	BS	Bursera simaruba	Gumbo Limbo	8/8, min. 12' Clear X 5' spr., 3" caliper	Y
3	Cz	Conocarpus erectus 'Sericeus'	Silver Buttonwood	8/8, min. 12' Clear X 5' spr., 3" caliper	Y
40	CI	Chrysobalanus icaco	Cocoplum	min. 7 gallon, 30" Ht. @ 24" o.c.	Y
	SOD	Paspalum notatum	Argentine Bahia Sod	sq.ft.	
	MULCH	Pine Bark mulch	Pine Bark Mulch	Cu.Yd.	

LANDSCAPE REQUIREMENTS

As per Town of Lake Park communication facility landscape code (Section 74-86)

The maximum spacing of planted trees along any perimeter buffer along a public street shall be 20 ft or fraction thereof, on center, with a min. of (2) trees on any one street frontage. Buffers not adjacent to public streets shall contain (1) tree for each 40 ft.

A hedge to screen the area from public view at 2 ft on center and 30" on center

Palms shall have a minimum of 8' grey trunk at planting. All non-specimen palms planted shall be installed in group three

Trees shall have a minimum of 12' ht., 5' spr. @ 3" caliber at time of planting. 75% of all trees shall be native species.

Adjacent to r.o.w.
East - 30' / 20' = 1.5 = (2) trees required; see provided

West - 30' / 20' = 1.5 = (2) trees (1) existing tree to remain and (1) tree provided

Not Adjacent to r.o.w.

North - 15' / 40' = (1) tree required; see provided

South - existing to remain

GENERAL LANDSCAPE NOTES

1. All landscape material shall be fla. no.1 grade or better, as specified in grades and standards for nursery plants, parts I and II, by Division of Plant Industry, Florida Department of Agriculture and Consumer Services, and shall conform to current American Association of Nurserymen Standards for Nursery Stock. Landscape material shall be planted according to Sound Nursery Practices.

2. All shrubs shall be a minimum of 30" high at the time of planting and spaced no greater than 24" on center. Shrubs shall not excessively impact existing tree root systems and shall be field adjusted if necessary.

3. All required palm trees shall be a minimum of 8' grey trunk height at time of planting and all required trees shall be a minimum of 12' ht and 3" caliper at time of planting. Adjust tree locations as necessary to avoid utilities, obstructions, etc. see materials list for exact specifications.

4. All required trees shall be located a minimum of 5 feet from impervious surfaces, all shrubs 2 feet.

5. An automatic underground irrigation system shall be installed to maintain the landscape area in a healthy manner and provide 100% coverage.

6. The contractor shall sod all disturbed areas. All planting shall be mulched to a 3" minimum depth.

7. The contractor shall be responsible for the clean up of premises and removal of all discarded and surplus materials, and rubbish.

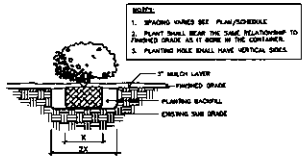
8. Verify the locations of existing trees, lawns, and shrubs. Remove extraneous materials such as rocks, limestone, building materials or unacceptable soils prior to planting sod, trees, and shrubs, where encountered.

9. Contractor shall become acquainted with the related paving, site grading, and all utilities (including water, sewer, and electrical supply) to preclude any inaccuracies/delays and ensure a trouble free installation.

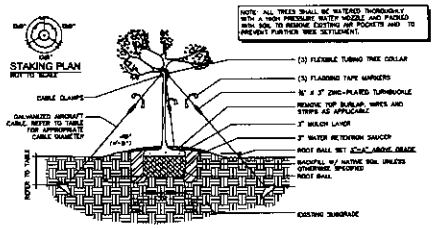
10. The exact location of all existing structures, underground utilities , and plans may not be as indicated on drawings; the contractor shall determine the location of these items and shall conduct his work in a manner to prevent interruption or damage to existing systems which must remain operational. The contractor shall protect existing structures and utility services which must remain operational and shall be responsible for their replacement if damaged by him.

11. Contractor shall call Sunshine State One-Call at least 48 hours prior to digging. (1-800-432-4770).

12. Quantities on plan take precedence over materials list. Quantities on materials list are provided as a courtesy only.



SHRUB/ GROUND COVER
PLANTING DETAIL
NOT TO SCALE



TYPICAL TREE PLANTING AT GRADE
NOT TO SCALE

DUCKBILL EARTH ANCHOR TABLE

TREE CALIPER	MODEL NUMBER	RATED CAPACITY	MINIMUM DEPTH OF INSTALLATION
UP TO 3"	40-DTA	350 LBS. EA.	30"
UP TO 6"	66-DTA	1,100 LBS. EA.	36"
UP TO 11"	88-DTA	3,000 LBS. EA.	42"
NOT RATED	138-DTA	5,000 LBS. EA.	60"

NOTE: RATED FOR WINDS UP TO 50 MPH

REV	DATE	DESCRIPTION
1	01-08-16	PER COMMENTS

PROJECT NO.:	14-1004.01
DRAWN BY:	CHECKED BY:
KC	JER

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3400 LAKESIDE DRIVE
SUITE 535
MIRAMAR, FL 33027
CERTIFICATE OF AUTHORIZATION 29214

RG TOWERS, LLC.
2141 ALTERNATE A1A SOUTH
SUITE 440
JUPITER, FL 33477

JASON E. RINARD, R.L.A.
REG. NO. 6001608
LANDSCAPE ARCHITECT
REGISTERED LANDSCAPE ARCHITECT
JASON E. RINARD
LA 6001608
STATE OF FLORIDA
THIS ITEM IS NOT VALID UNLESS SIGNED, DATED & RAISED SEAL AFFIXED
DATE OF SIGNATURE: 01-14-16

LAKE PARK MARINA

SFL13

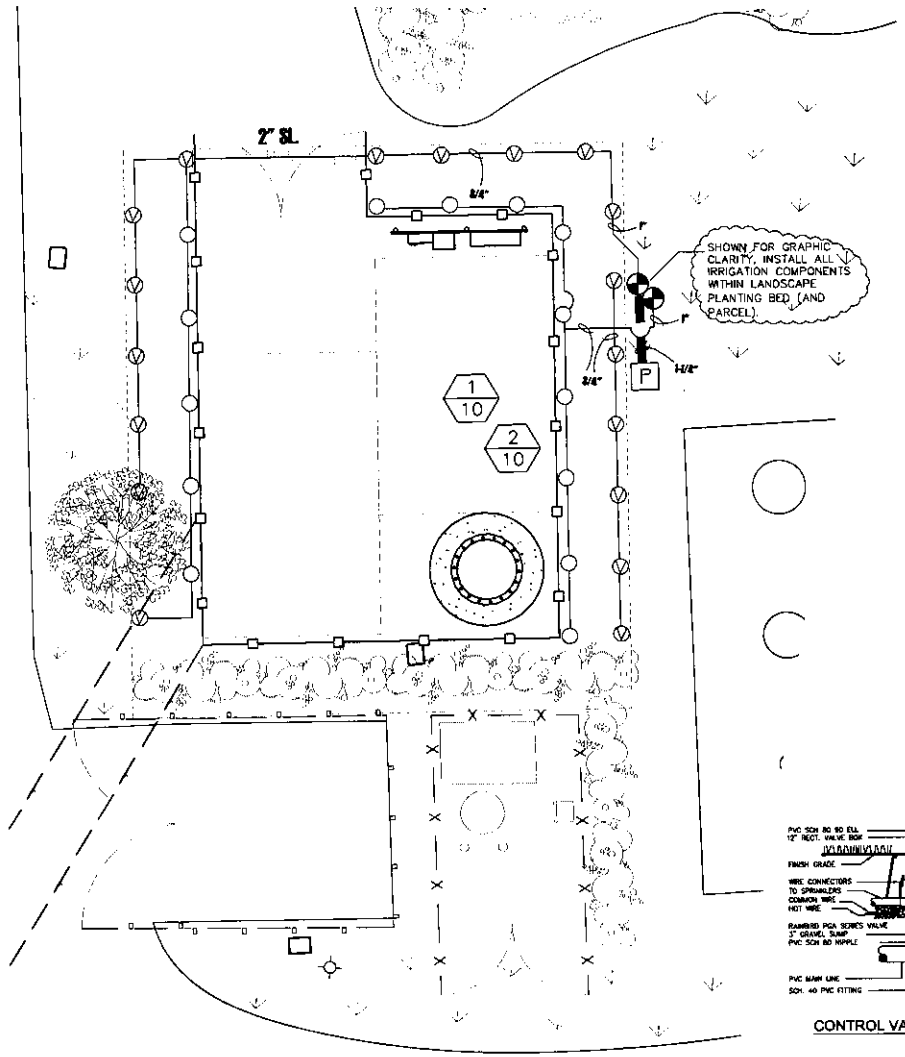
105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
LANDSCAPING PLAN

SHEET NUMBER
L1

CALL 48 HOURS BEFORE YOU DIG
It's the Law!
1-800-432-4770

Hamilton-Kenton & Associates, Inc.
Landscape Architecture



8' 0' 4' 8'

FOR 24"x36" DRAWINGS
GRAPHIC SCALE: 1/4" = 1'-0"
FOR 11"x17" DRAWINGS
GRAPHIC SCALE: 1/8" = 1'-0"

IRRIGATION LEGEND:

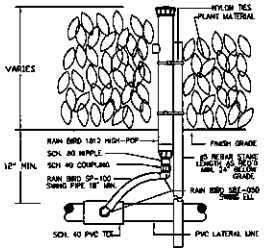
- RAIN BIRD VAN SERIES W/ 6' NOZZLE (ARC AS NEEDED)
- RAIN BIRD VAN SERIES (8) 6' NOZZLE ON 12" FIXED PVC SCH 40 RISER (ARC AS NEEDED)
- RAIN BIRD PGA-100 1" REMOTE CONTROL VALVE
- P — Point of Connection - Proposed system will be connected to existing Irrigation Infrastructure. Exact tie-in point to be determined. (10 gpm @ 50 gpm) (See Irrigation notes for instructions)
- MAIN LINE - SCH 40 PVC (Unless otherwise required by local code) size as indicated
- LATERAL LINE - pvc class 160 (unless otherwise required by local codes - to be sized not to exceed a velocity of 5 fps and max. psi loss in zone lines not to exceed 10% of operating psi - minimum pipe size to be 3/4"
- SLEEVING - PVC SCH 40 (4" unless noted)

1 — STATION NUMBER
12 — GALLONS PER MINUTE

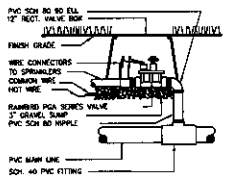
VALVE DESIGNATION GUIDE

IRRIGATION NOTES:

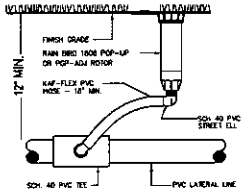
1. Irrigation contractor shall exercise care so as to not damage existing utilities. Irrigation contractor shall verify existing utilities. Irrigation contractor shall be responsible for the immediate repairs of any damage caused by his work.
2. All main line piping shall be buried at a depth to have a minimum cover of 18". All lateral line piping to have a minimum cover of 12".
3. Irrigation contractor to be responsible for all electrical hookups.
4. Supply piping shall be flushed free of all dirt, debris, and chips prior to the installation of the back flow preventor.
5. Sleeves shall be required under all sidewalks and driveways, minimum sleeve size shall be 2".
6. 12" high pop-ups shall be used in all shrubbery areas. Support the riser with a #5 rebar stake and nylon cable ties.
7. All 24 volt wires from the irrigation controller to the remote control valves shall be AWG size 14, type UF direct burial, single strand wire. Wires are to be bundled together then tied to the bottom of the main line pipe suttles at 10' intervals. Wire buried in trenches w/out main line pipe shall be inserted in 1/2" CL 160 pvc pipe and buried with a minimum cover of 18".
8. Refer to the landscape plan when trenching to avoid trees and shrubs.
9. All pvc piping for mainline, sleeves and risers shall be sch. 40, all other piping shall be class 160 pvc for piping = 1" and class 315 pvc for piping < 1". Piping specifications shall comply with local code requirements.
10. All pop-up rotors and sprays shall be installed using an 18" flex pipe connection.
11. Adjust all nozzles to reduce water waste on hard surfaces and walls.
12. Throttle valves on spray zones as required to prevent fogging.
13. Irrigation contractor shall prepare an as-built drawing on reproducible paper showing all installation that deviates from these drawings. The as-built shall locate all main line piping, control wires and valves by showing exact measurements from hard surfaces.
14. All valves, gate valves and quick coupling valves shall be installed in valve boxes. valve boxes shall have a min. 3" bed of pea gravel.
15. Any piping shown outside the property line or running outside a landscaped area is shown there for clarity only. All lines shall be installed on the property or right of ways and inside the landscape areas.
16. All risers shall be placed a min. of 12" from any sidewalk, patio or road.
17. Exact controller location to be coordinated with an owner's representative prior to installation.
18. Properly ground the controller to a 5/8" x 8' copper clad ground rod with awg #6 bare solid copper wire. All splices and connections to the 24 volt control wire shall be made with Ilsco technology IPI wire connector.



12" POP-UP SPRAY



CONTROL VALVE



POP-UP TURF SPRINKLER

REV	DATE	DESCRIPTION
1	01-08-16	revised note

PROJECT NO.: 14-1004.01

DRAWN BY:	CHECKED BY:
KC	JER

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REG. NO. FLORIDA 0001606
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REGISTERED LANDSCAPE ARCHITECT
JASON E. RINARD
LA 0001606
STATE OF FLORIDA
THIS ITEM IS NOT VALID UNLESS SIGNED, DATED & RAISED SEAL AFFIXED

DATE OF SIGNATURE: 01-14-16

LAKE PARK MARINA

SFL13

105 LAKE SHORE DRIVE
LAKE PARK, FL 33403

SHEET NAME
IRRIGATION PLAN

SHEET NUMBER
IR1

CALL 48 HOURS BEFORE YOU DIG
It's the Law! 1-800-432-4770

HARDMAN-KORETON & ASSOCIATES, INC.

Exhibit "C"

Scott Richards

From: Michael Poirier <michael@jcromptonelectric.com>
Sent: Monday, March 21, 2016 4:46 PM
To: 'Scott Richards'
Cc: jon@jcromptonelectric.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?

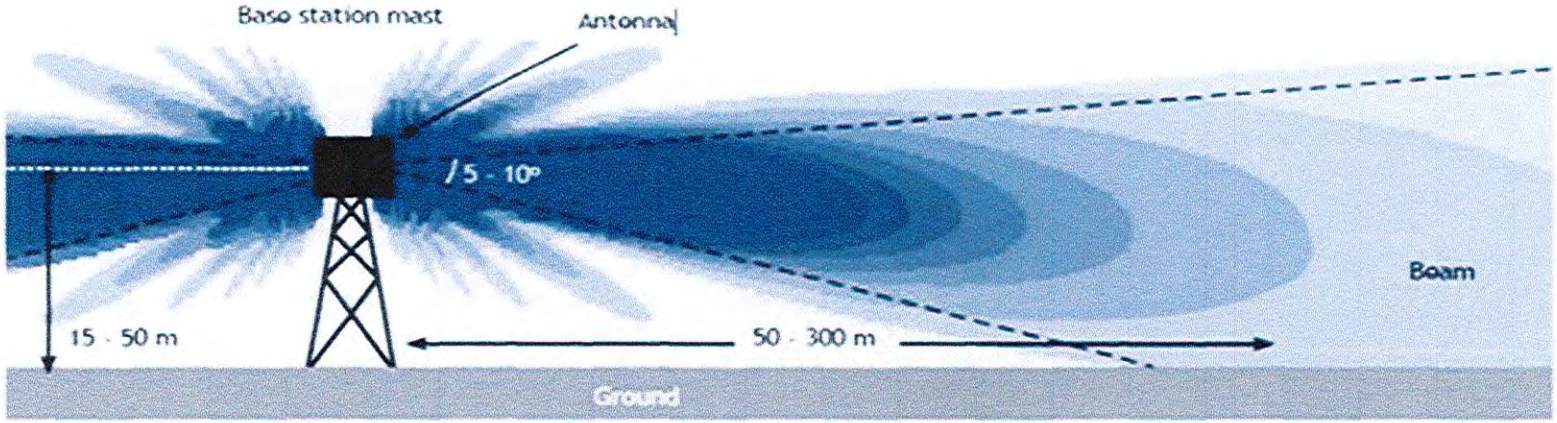
Thanks!

Michael

From: Sc

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 **[x] CONSENT AGENDA**
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-22-16

Name/Title HUMAN RESOURCES DIRECTOR

Originating Department: **Town Manager**	**Costs: $ -0-** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Copy of the February 17, 2016 License Agreement with BRIFT; and, Copy of Amendment to the February 17, 2016 License Agreement with BRIFT**
Advertised: Date: _____ Paper: _____ **[x] 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 JA** or Not applicable in this case ____ **Please initial one.**

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 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 war 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 ~~9.~~ 10 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 ~~10.~~ 11 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 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: _____
Printed Name: James Dubois
Title: Mayor

ATTEST:

_____
Vivian Mendez, Town Clerk

SEAL

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Thomas J. Baird, Town Attorney

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

By: _____
Printed Name: DOUGLAS PELL
Title: CHAIRMAN

p:\docs\28508\00001\doc\1np9729.docx

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

By: _____
Printed Name: _____
Title: Mayor

ATTEST:

_____
Vivian Mendez, Town Clerk

(SEAL)

Approved as to legal form and sufficiency

_____
Town Attorney

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

By: _____
Printed Name: _____
Title: _____

p:\docs\26508\00001\doc\1ox5519.doc

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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[X] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-22-16

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

Originating Department: **FINANCE**	Costs: $75,420 per year Funding Source: To be budgeted beginning Oct-2016 Acct. # Various-22000 [X] Finance ____BKR_____	**Attachments:** **Resolution** 15-04-16 **Attachment 1 – Adoption Agreement** #002
Advertised: Date: _____ Paper: _____ [X] 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_ **Please initial one.**

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 GOVERTMENTAL 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. [X] 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. or b., and c., if applicable).

   a. [ ] December 31
   b. [X] 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. [X] 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 (City) | Florida (State) | 33403 (Zip Code)

3. Telephone Number: (561) 881-3350

4. Employer Identification Number: 59 – 6000355

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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. [X] 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. [X] 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. [X] 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) [X] 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) [X] No
      (ii) [ ] Yes

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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 en 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.)*

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

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[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.

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(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) [X] 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. [X] 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) [X] 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. [X] 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) [X] both accumulated Vacation Pay and accumulated Sick Leave Days

Such contributions shall be made for a Plan Year:

(i) [X] 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.

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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) [X] 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) [X] 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. [X] 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. [X] 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.

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e. [X] 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. [X] 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. [X] 415 safe-harbor compensation.
c. [ ] Code section 3401 wages (wages for Federal income tax withholding).

However, Compensation shall exclude:

(i) [X] 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. [X] 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. [X] 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. [X] Yes

(i) [X] 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. [X] 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) [X] 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):

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(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. [X] 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. [ ] 100% immediate	a. [ ] 100% immediate
b. [ ] _____ - Year Cliff (not to exceed 15 years)	b. [ ] _____ - Year Cliff (not to exceed 15 years)

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c. [X] Graded:

Years of Service (not to exceed 15)	Vesting Percentage
1	0%
2	25%
3	50%
4	75%
5	100%

c. [X] Graded:

Years of Service (not to exceed 15)	Vesting Percentage
1	0%
2	25%
3	50%
4	75%
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. [X] 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. [X] 100% vesting, or
b. [ ] apply vesting schedule

4. Vesting Upon Disability

a. [X] 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. [X] 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. [X] 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. [X] 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. [X] 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. [X] Yes, but only if the distribution does not exceed $1,000.

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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. [X] 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. [X] 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. [X] 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. [X] Yes, but subject to the following restrictions:

   a. [X] No restrictions apply.
   b. [ ] Only if accounts are 100% Vested.

2. [ ] No

3. [ ] Other: _____.

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U. **WRERA (RMD WAIVERS FOR 2009)** (Plan Section 6.16). The provisions of Plan Section 6.16(a) apply (RMDs continue in accordance with the terms of the Plan for Participants or Beneficiaries receiving installment payments unless such Participant or Beneficiary elects otherwise, whereas RMDs are suspended for all other Participants and Beneficiaries) unless otherwise elected below:

1. [ ] The provisions of Plan Section 6.16(b) apply (RMDs continue in accordance with the terms of the Plan for all Participants and Beneficiaries, unless otherwise elected by a Participant or Beneficiary).
2. [ ] The provisions of Plan Section 6.16(c) apply (RMDs continue in accordance with the terms of the Plan for all Participants and Beneficiaries, but only Participants or Beneficiaries receiving installment payments may elect otherwise).
3. [ ] Other: _____.

For purposes of Plan Section 6.16, the Plan will also treat the following as eligible rollover distributions in 2009: (If no election is made, then a direct rollover will be offered only for distributions that would be eligible rollover distributions without regard to Code §401(a)(9)(H)):

4. [ ] 2009 RMDs (as defined in Section 6.16(a) of the Plan) and installment payments that include 2009 RMDs.
5. [ ] 2009 RMDs (as defined in Section 6.16(a) of the Plan) but only if paid with an additional amount that is an eligible rollover distribution without regard to Code §401(a)(9)(H).

V. **DOMESTIC RELATIONS ORDERS** (Plan Section 6.13). Distributions to an "alternate payee" may be made prior to the time when the Participant is entitled to a distribution under the terms of the Plan:

1. [ ] No
2. [X] Yes

W. **TOTAL AND PERMANENT DISABILITY** (Plan Section 1.45). Total and Permanent Disability will be determined based on the definition in Section 1.45 of the Plan unless an alternate definition is elected and described below:

1. [ ] Alternate definition: _____

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RESTRICTIONS ON USE OF ADOPTION AGREEMENT: This Adoption Agreement may be used solely in conjunction with the VALIC Retirement Services Company Retirement Plan for Governmental Employers (the Basic Plan Document). The Adoption Agreement and the Basic Plan Document together constitute the "volume submitter document" that is being adopted by the Employer.

APPROVAL BY VOLUME SUBMITTER PRACTITIONER REQUIRED: This volume submitter specimen document may be adopted only with the approval of the Volume Submitter Practitioner identified in Section A above. However, the adoption of this Plan, its qualification by the IRS, and the related tax consequences are the responsibility of the Employer and its independent tax and legal advisors. The Volume Submitter Practitioner will inform the adopting Employer of any amendments made to the volume submitter document, or of the discontinuance or abandonment of the volume submitter document.

RELIANCE ON VOLUME SUBMITTER PLAN: The adopting Employer may rely on an advisory letter issued to the Volume Submitter Practitioner by the Internal Revenue Service as evidence that the plan is qualified under Code Section 401 only if (1) the Employer's plan is identical to a volume submitter specimen plan with a currently valid favorable advisory letter, (2) the Employer has chosen only options permitted under the Adoption Agreement portion of the specimen document, (3) the Employer has followed the terms of the plan, and (4) all other conditions of section 19 of Revenue Procedure 2011-49 have been satisfied.

The Employer may not rely on an advisory letter in certain circumstances or with respect to certain qualification requirements as described in section 19 of Revenue Procedure 2011-49. For example, the Employer may not rely on an advisory letter with respect to the requirements of Section 415 if the Employer maintains or has ever maintained another plan covering some of the same participants. In those circumstances where an Employer is not permitted to rely on an advisory letter issued to the Volume Submitter Practitioner, either generally or with respect to a particular qualification requirement, the Employer may choose to apply to the Internal Revenue Service for a determination letter.

CAUTION: This volume submitter document has been designed for use solely by Employers that are state or local governmental entities. As such, it is designed solely for "governmental plans" that are exempt from Title I of ERISA and certain provisions of the Internal Revenue Code that otherwise apply to qualified plans. However, there may be restrictions under state or local law on a governmental Employer's right to establish its own qualified plan (or on the types of provisions that may be included in such plan). The Employer should consult with legal counsel to verify that the establishment of this plan (or the specific provisions elected in this Adoption Agreement) are not contrary to existing state law. Neither the Volume Submitter Practitioner nor its employees or representatives are authorized to provide legal or tax advice to the Employer or its employees or representatives. Failure to properly complete this Adoption Agreement may result in disqualification of the plan.

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Signed this _____ day of _____, 20_____.

Name of Employer: Town of Lake Park

Signed: _____

Printed name and title: _____

Name of Trustee*: _____

Signed: _____

Printed name and title: _____

Name of Co-Trustee*: _____

Signed: _____

Printed name and title: _____

Mailing Address of Trustee(s)*:

_____

_____

_____

_____

Approval of Volume Submitter Practitioner: The Employer's adoption of this volume submitter document is approved by the Volume Submitter Practitioner, VALIC Retirement Services Company.

By: _____

Name: _____

Title: _____

Date: _____

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Appendix A

Special Effective Dates

Pursuant to Section 7.01(a) of the Basic Plan Document, the Employer may specify or change the effective date of one or more provisions of the Adoption Agreement by completing this Appendix A. The Employer may wish to specify one or more special effective dates if, for example, (i) certain Plan provisions will not be effective until a later date, or (ii) the Plan is being restated for the Pension Protection Act of 2006 (retroactive to the first day of the current Plan Year), and special effective dates are needed to reflect discretionary amendments to the Plan since the beginning of the Plan Year. However, no special effective date may be earlier than the Effective Date (or the Restated Effective Date, in the case of a restatement) of the Plan, and no special effective date shall result in the delay of a Plan provision beyond the permissible effective date under any applicable law. For periods prior to the special effective date(s) specified below, the Plan terms in effect prior to its restatement under this Adoption Agreement will control for purposes of the designated provisions.

SPECIAL EFFECTIVE DATES. The following special effective dates apply: (select a. or all that apply)

a. [ ] **N/A.** The Employer is not electing any special effective dates.

b. [X] **Eligibility Requirements.** The Eligibility and/or Entry Date provisions in Section F. are effective: October 1, 2016

c. [X] **Contributions and Forfeitures.** The Contribution and/or Forfeiture provisions in Section G. are effective: October 1, 2016

d. [ ] **Compensation.** The Compensation provisions in Section H. are effective: _____

e. [X] **Vesting.** The Vesting provisions in Section J. are effective: October 1, 2016

f. [X] **Other special effective date(s):** The Service Crediting Method provisions in Section E. and the Transfers and Rollovers provisions in Section I. are effective October 1, 2016

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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: _____

Signed: _____

Name/Title: _____

Date: _____

Name(s) of Trustee: _____

Signed: _____

Name/Title: _____

Date: _____

[Note: Each Participating Employer must execute a separate Participation Agreement.]

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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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[X] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-22-16

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

Originating Department: FINANCE	Costs: $ 11,700 per year Funding Source: Budgeted Acct. # 104-22000 [X] Finance ____BKR_____	**Attachments:** **Attachment 1 – Adoption Agreement**
Advertised: Date: _____ Paper: _____ [X] 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_ **Please initial one.**

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 RC

BUILDING PUBLIC SECTOR
RETIREMENT SECURITY

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 Contriburions 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[1] (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 $ _____);

1 *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 rhe contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (bur 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 renth 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 effecrive 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.)

Period of Service Completed	Percent Vested
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

1. 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

2. 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.)***

3. 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.)***

4. 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.)***

5. 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 nor 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

By: _____

Print Name: James DuBois

Title: Mayor

Attest: _____

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

Print Name: _____

Title: _____

Attest: _____

BUILDING PUBLIC SECTOR
RETIREMENT SECURITY

ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
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 541Northlake Boulevard

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[X] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-24-16

_____
David Hunt / Public Works Director

Originating Department: **Public Works**	**Costs: N.T.E. $18,050.00** **Funding Source: Stormwater Utility Fund** **Acct. # 402-3100** **[X] Finance** BKR	**Attachments:** **- Resolution No. 16-04-16** **- Craven Thompson & Assoc.'s Proposal**
Advertised: Date: _____ Paper: _____ **[X] 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** JTH **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:

CRAVEN THOMPSON
& ASSOCIATES INC.
Engineers
Planners
Surveyors
Landscape Architects

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".

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*

I.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

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.

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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[x] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-30-16

_____
Name/Title

Originating Department: **Town Manager**	**Costs: $ 55,000.00** Funding Source: 2017 Fiscal Budget Acct. # 800-64100 [X] Finance BKR	**Attachments:** **Resolution for Assistance 2016 Under the Florida Inland Navigation District (FIND) Waterways Assistance Program; and, Copy of FIND Application**
Advertised: Date: _____ Paper: _____ **[x] 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** **BMT** **Please initial one.**

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 .

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.

Form No. 90-21 (Effective date 12-17-90, Rev. 10-14-92)

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

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.

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
PALM BEACH COUNTY

MICHAEL O'STEEN
DUVAL COUNTY

JERRY H. SANSOM
BREVARD COUNTY

LYNN A. WILLIAMS
NASSAU COUNTY

MARK T. CROSLEY
EXECUTIVE DIRECTOR

JANET ZIMMERMAN
ASSISTANT EXECUTIVE DIRECTOR

ADMINISTRATIVE OFFICE ON THE INTRACOASTAL WATERWAY IN PALM BEACH COUNTY
1314 MARCINSKI ROAD, JUPITER, FLORIDA 33477-9427 TELEPHONE 561-627-3386 FAX No. 561-624-6480
www.aicw.org

FY 2016

WATERWAYS ASSISTANCE

PROGRAM

APPLICATION PACKAGE

Part 1: Attachments A through D

TABLE OF CONTENTS

FY 2016
WATERWAYS ASSISTANCE PROGRAM APPLICATION

Part 1.

ATTACHMENT A PROGRAM SCHEDULE

ATTACHMENT B COMMISSIONERS LISTING

ATTACHMENT C PROJECT PRIORITY LIST

ATTACHMENT D PROGRAM RULES

Part 2.

ATTACHMENT E 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

NASSAU COUNTY Mr. Lynn Williams 1899 S. Fletcher Ave Fernandina Beach, FL 32034-2329 Ph# (904) 491-0059 lynwil3@gmail.com	**DUVAL COUNTY** Mr. Michael O'Steen c/o Parc Group 4314 Pablo Oaks Court Jacksonville, FL 32224 Office Ph# (904) 992-9750 Michael@parcgroup.net
ST. JOHNS COUNTY Mr. Carl Blow 100 Santa Monica Avenue St. Augustine, FL 32080-5417 Ph# (904) 710-2655 john.carl.blow@gmail.com	**FLAGLER COUNTY** Mr. Jon Netts 17 Flintstone Court Palm Coast, FL 32137-8307 Ph# (386) 445-2121 jnetts@palmcoastgov.com
VOLUSIA COUNTY Mrs. Susanne McCabe 6080 Shallow Brook Court Port Orange, FL 32128-7147 Ph # (386) 295-9965 sdm@mccabelawyers.com	**BREVARD COUNTY** Mr. Jerry H. Sansom P.O. Box 98 Cocoa, FL 32923-0098 Ph# (321) 777-8130 jerryhsansom@aol.com
INDIAN RIVER COUNTY Mr. Paul Dritenbas 4885 13th Place Vero Beach, FL 32966-2671 Ph# (772) 569-4320 aiapdrit@comcast.net	**ST. LUCIE COUNTY** Mr. Don Donaldson 138 Commonwealth Court Fort Pierce, FL 34949 Ph# (772) 260-1969 ddonald5@bellsouth.net
MARTIN COUNTY Mr. Donald J. Cuozzo Cuozzo Design Group 289 SW Harbor View Drive Palm City, FL 34990-4329 Ph # (772) 485-1600 dcuozzo@cdgplan.com	**PALM BEACH COUNTY** Mr. Charles Isiminger c/o Isiminger & Stubbs Engineering, Inc. 649 U.S. Highway 1, Suite 9 North Palm Beach, FL 33408-4616 Ph# (561) 881-0003 cisiminger@coastal-engineers.com
BROWARD COUNTY Mr. Tyler Chappell The Chappell Group – Vice President 714 East McNab Road Pompano Beach, FL 33060-9430 Ph # (954) 782-1908 ext. 300 tyler@thechappellgroup.com	**MIAMI-DADE COUNTY** Mr. Spencer Crowley, III c/o Akerman LLP One Southeast Third Ave., 25th Floor Miami, FL 33131-1700 Ph# (305) 982-5549 spencer.crowley@akerman.com

ATTACHMENT C
2016 ASSISTANCE PROGRAM PROJECT PRIORITY LIST

PRIORITY PROJECT CATEGORY	MAX POINTS AVAILABLE (Question #1)	*Highest Potential Score*
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.

(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 maintance.

(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 2nd week of January each year, and District funding is available AFTER October 1st of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 1ST of April; Property Control – 27th of May, Permits – 2nd 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 1st 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 ½ 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 1st. In this case, District funding will be limited as follows: Only 50% of the $100,000 project cost prior to October 1st is eligible as project expenses (i.e. $50,000). Then only ½ 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)

Project Title:	Lake Park Harbor Marina Docking Facility Retrofit Phase I
Applicant:	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.

<u>All information is required to be on 8 1/2" x 11" paper</u> so they may be included in agenda books bound by staff.

		YES	NO
1.	District Commissioner Review (prior to March 4th) (*NOTE*: **<u>For District Commissioner initials ONLY!)</u>** **(District Commissioner must initial the yes line on this checklist for the application to be deemed complete)**	X	
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) **(Form must be completed and signed)**	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) **(No signatures required)**	X	
6.	Project Cost Estimate – E-5 (Form No. 90-25, 1 page) **(Must be on District form)**	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) **(Resolution must be in District format and include items 1-6)**		X

ATTACHMENT E-1 (Continued)

APPLICATION CHECKLIST

(To be completed by the Applicant)

		YES	NO
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)**	X	
10.	County/City Location Map	X	
11.	Project Boundary Map	X	
12.	Clear & Detailed Site Development Plan Map	X	
13.	Copies of all Required Permits (Required of development projects only)		X

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

FIND OFFICE USE ONLY

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: _____

Form No. 90-26 - New 9/2/92, Revised 07-30-02.

ATTACHMENT E-2

WATERWAYS ASSISTANCE PROGRAM FY 2016
PROJECT APPLICATION
APPLICANT INFORMATION – PROJECT SUMMARY

APPLICANT INFORMATION			
Applicant:	Town of Lake Park		
Department:	Marine		
Project Title:	Lake Park Harbor Marina Docking Facility Retrofit Phase I		
Project Director:	John D'Agostino	**Title:**	Town Manager
Project Liaison: *(if different from Project Director)*		**Title:**	
Mailing Address:	535 Park Avenue		
City:	Lake Park, Florida	**Zip Code:**	33404
Email Address:	jd'agostino@lakeparkflorida.gov	**Phone #:**	561-881-3304
Project Address:	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

Applicant:	Town of Lake Park		Project Title:	Lake Park Harbor Marina Docking Facility	
Total Project Cost: $	110,000	**FIND Funding Requested: $**	55,000	**% of Total Cost:**	50
Amount and Source of Applicant's Matching Funds:	$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.

Project Title:	Lake Park Harbor Marina Docking Facility Retrofit Phase I
Applicant:	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)

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)

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?

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 are 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 boundarys 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)

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.)

ATTACHMENT E-4B
ENVIRONMENTAL EDUCATION PROJECTS

WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN ENVIRONMENTAL EDUCATION PROJECT

---

7) THOROUGHNESS:

a) Who is the primary target audience or user group for the project and how were they identified?

b) How have the needs of the target audience been evaluated and met?

c) How many people will the program serve on an annual basis? What will be the measurable results?

(For reviewer only)
(1-5 points)

8) DELIVERABLES:

a) **Describe the materials and project deliverables to be produced by this project.**

b) **Is there a clear and effective plan of dissemination of the materials produced through the project? Please describe.**

(For reviewer only)
(1-2 points)

9) EXPERIENCE & QUALIFICATIONS:

a) **Please briefly describe the qualifications of the program administrator(s), including prior experience, and areas of expertise.**

b) **What previous projects of this nature have been completed by the program manager?**

(For reviewer only)
(1-2 points)

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

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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)

---

8) EXPERIENCE & QUALIFICATIONS:

a) **List the personnel tasked with the implementation of this project, their qualifications, previous training and experience.**

b) **Have the personnel participated in or received state marine law enforcement training?**

(For reviewer only)
(1-2 points)

9) DELIVERABLES:

a) **Describe the anticipated, long-term measurable results of implementing this project.**

b) **What is the range or area of coverage for this project? Please provide a map of the coverage area.**

c) **Does the project fulfill a particular community need?**

For reviewer only)
(1-4 points)

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-4D
INLET MANAGEMENT and PUBLIC NAVIGATION PROJECTS

WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN INLET MANAGEMENT or PUBLIC NAVIGATION PROJECT

---

7) WATERWAY RELATIONSHIP:

a) **How does the project directly benefit the Atlantic Intracoastal Waterway (AICW)?**

b) **Identify any long-term sedimentation problems and briefly discuss any methods or activities that will address these issues.**

c) **Will the project inhibit sediment inflow into, or reduce the dredging frequency of the AICW?**

(For reviewer only)
(1-5 points)

8) PUBLIC ACCESS:

a) **Will the project enhance public access to or from the waterways? Describe in brief detail.**

b) **List the upstream publicly accessessible facilities with improved access as a result of this project.**

(For reviewer only)
(1 -3 points)

9) BENEFICIAL PROJECT ELEMENTS:

a) **Are there additional economic benefits to be realized by implementing this project?**

b) **Briefly spell out any water quality, environmental or habitat benefits to be realized by this project.**

(For reviewer only)
(1 -2 points)

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)

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)

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.

---

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)

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)

Project Title:	Lake Park Harbor Marina Docking Facility Retrofit Phase I
Applicant:	Town of Lake Park

Project Elements *(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)*	**Quantity or Total Estimated Cost** (Number and/or Footage etc.)	**Applicant's Cost**	**FIND Cost**
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
*** TOTALS =	$110,000	$55,000	$55,000

****TOTALS =**	**$**	**$** 0	**$**

ATTACHMENT E-6
WATERWAYS ASSISTANCE PROGRAM 2016

PROJECT TIMELINE

Project Title:	Lake Park Harbor Marina Docking Facility Retrofit Phase I
Applicant:	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 1st
(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

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 (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.

Form No. 90-21 (Effective date 12-17-90, Rev. 10-14-92)

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

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 Dorathea, 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'

PALM BEACH COUNTY PROPERTY APPRAISER

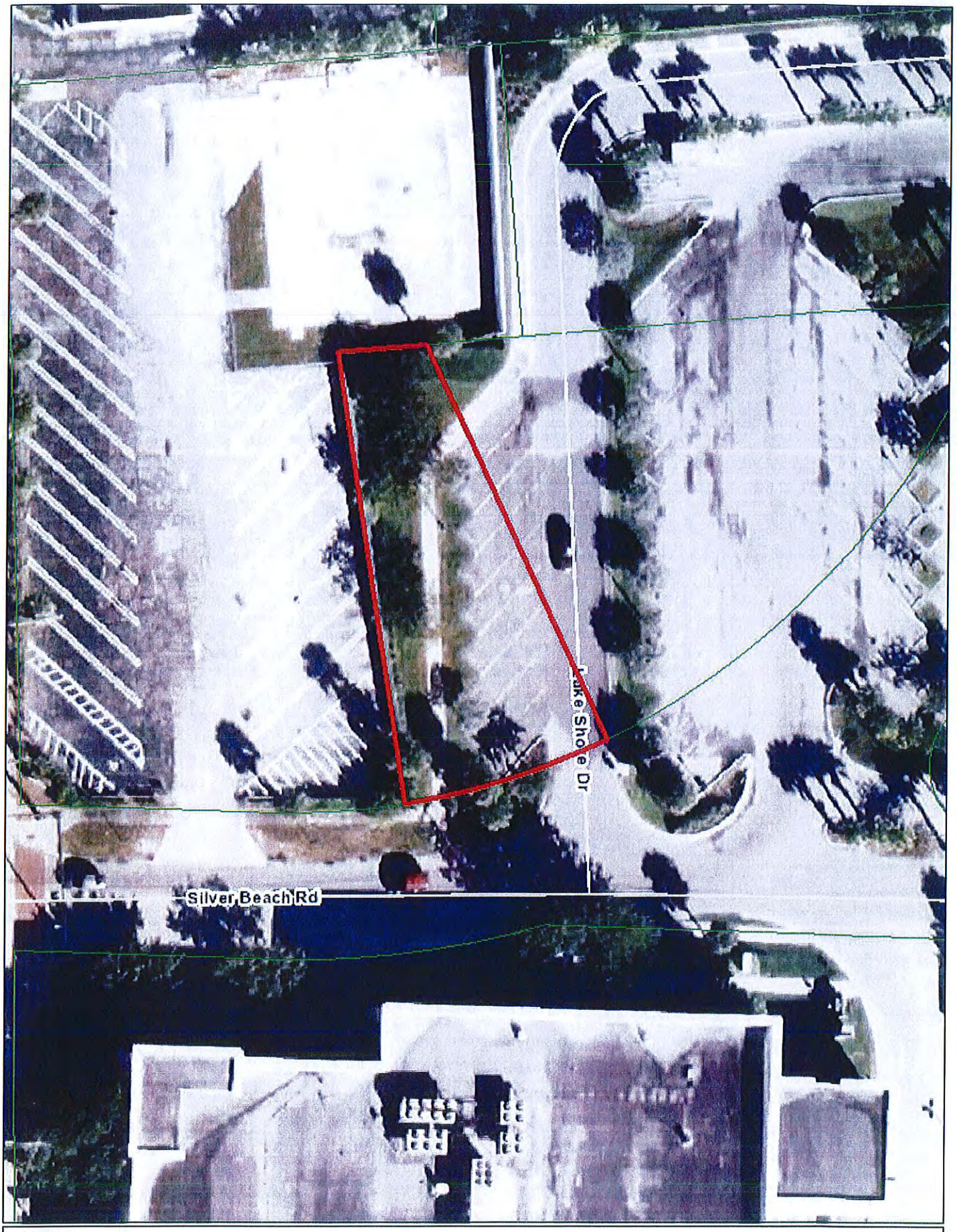
N
W E
S

36434221000040010

1:2,257

0 0.0125 0.025 0.05 mi

0 0.02 0.04 0.08 km



PALM BEACH COUNTY PROPERTY APPRAISER

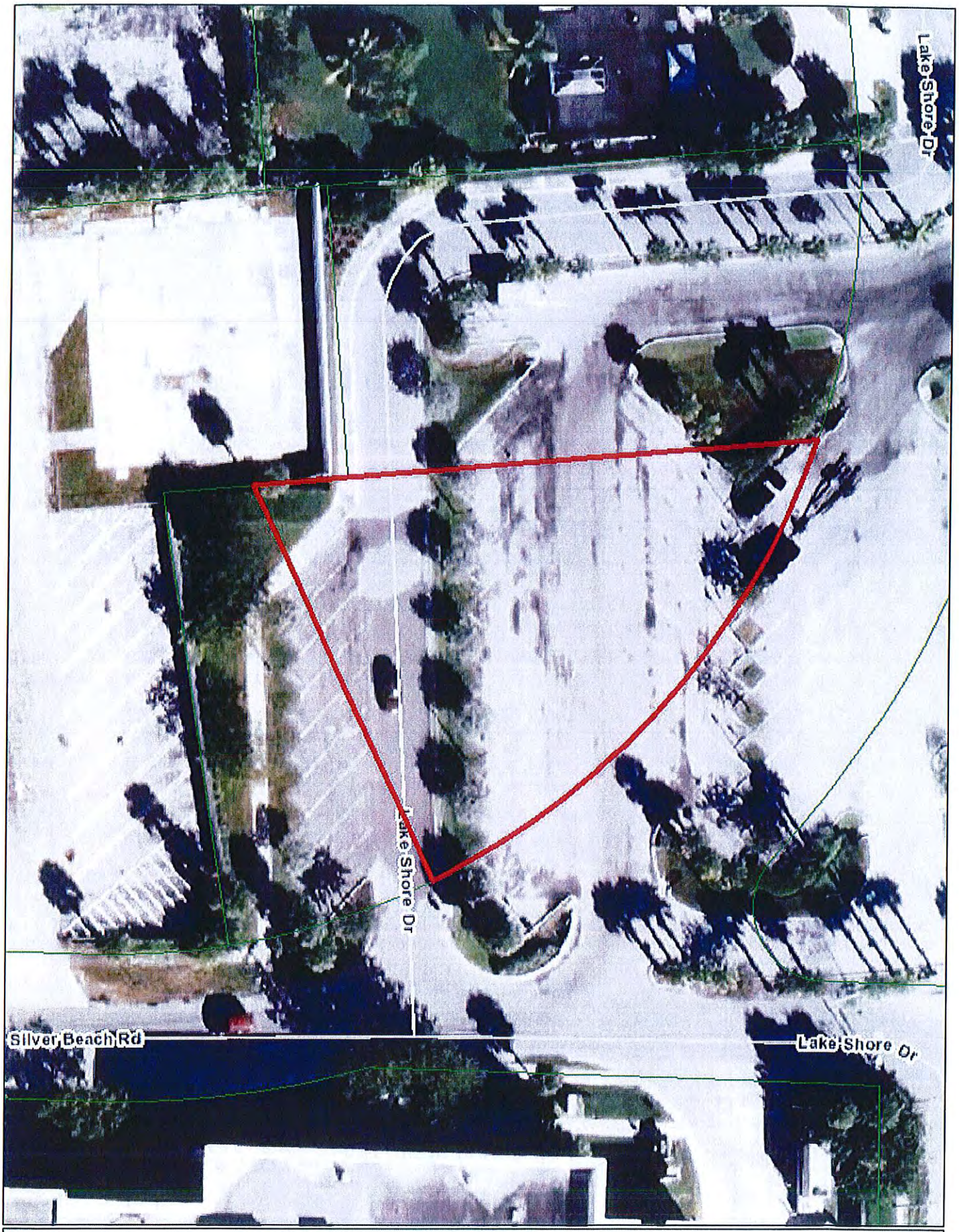
N
W E
S

36434220011140250

1:576

0 0.0035 0.007 0.014 mi

0 0.005 0.01 0.02 km



PALM BEACH COUNTY PROPERTY APPRAISER

N
W E
S

36434220011140260

1:576

0 0.0035 0.007 0.014 mi

0 0.005 0.01 0.02 km

PALM BEACH COUNTY PROPERTY APPRAISER

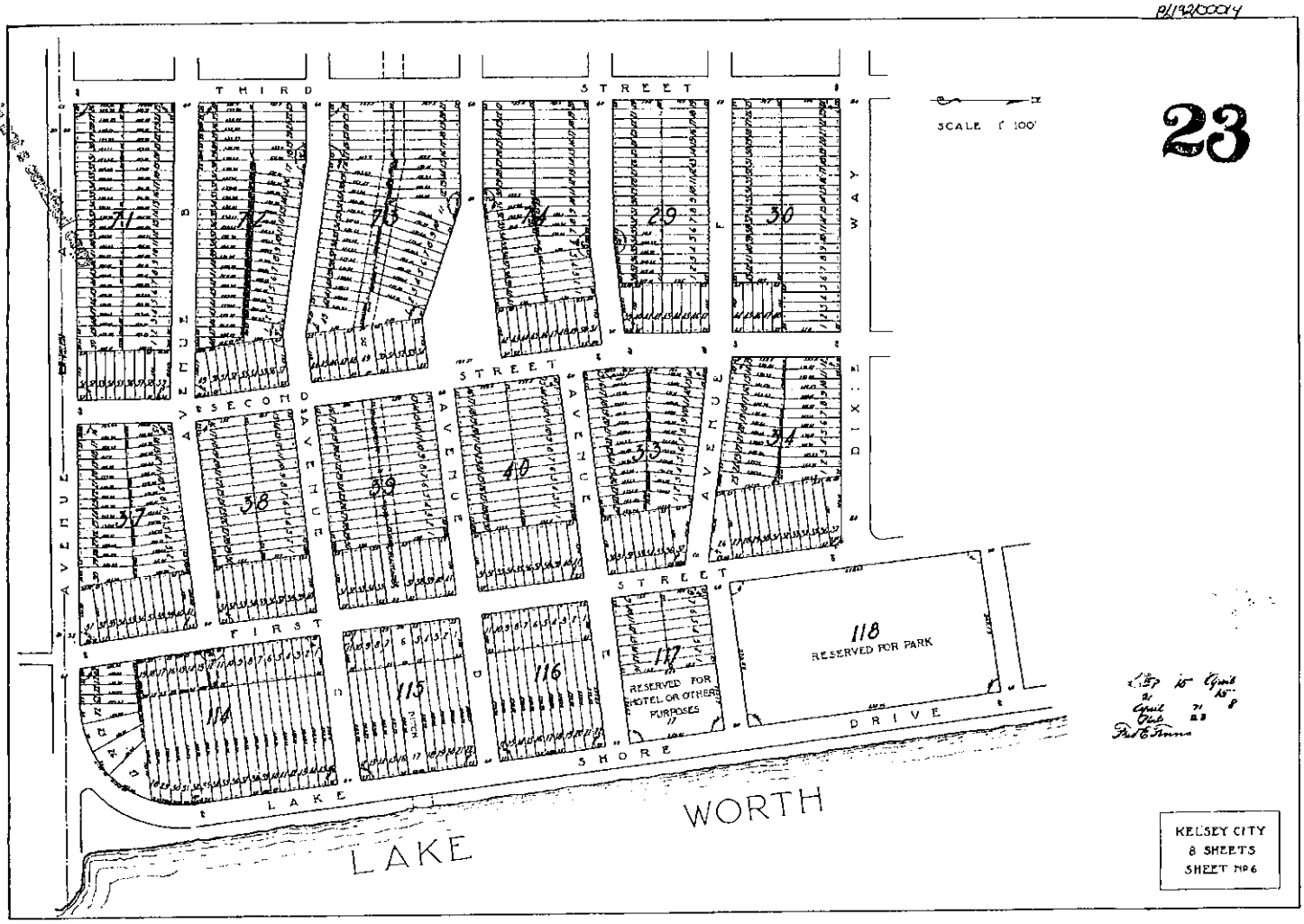
N W E S

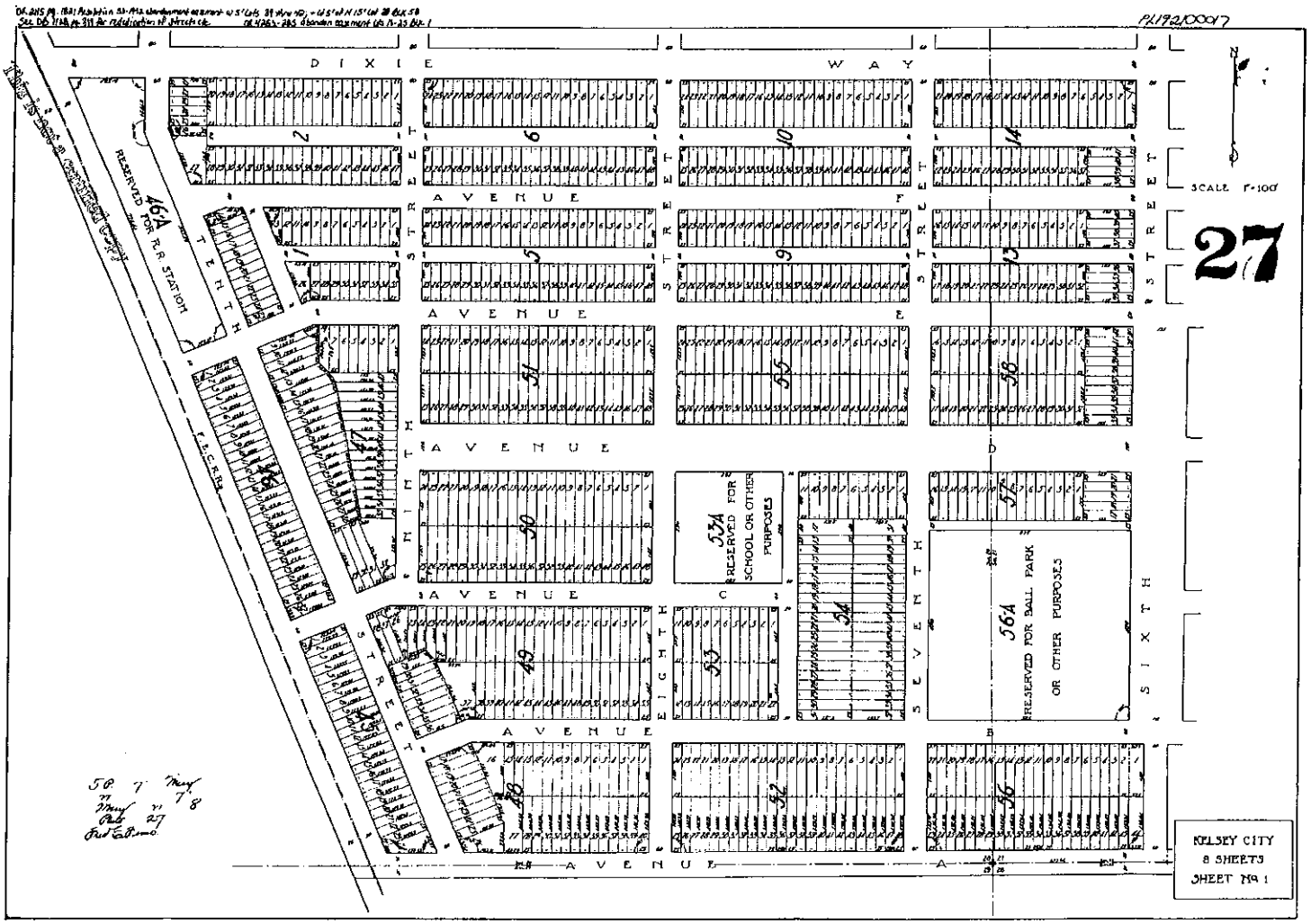
364342001114028 1

1:576

0 0.0035 0.007 0.014 mi

0 0.005 0.01 0.02 km


23
THIRD STREET
SECOND STREET
FIRST STREET
LAKE SHORE DRIVE
DIXIE WAY
AVENUE B
AVENUE F
AVENUE
SCALE 1" 100'
71
72
73
74
29
30
37
38
39
40
33
34
114
115
116
117
118
RESERVED FOR PARK
RESERVED FOR HOTEL OR OTHER PURPOSES
LAKE WORTH
KELSEY CITY
8 SHEETS
SHEET No 6


DIXIE WAY
TENTH STREET
ELEVENTH STREET
NINTH STREET
EIGHTH STREET
SEVENTH STREET
SIXTH STREET
AVENUE A
AVENUE B
AVENUE C
AVENUE E
AVENUE F
46A RESERVED FOR R.R. STATION
53A RESERVED FOR SCHOOL OR OTHER PURPOSES
56A RESERVED FOR BALL PARK OR OTHER PURPOSES
SCALE 1"=100'
27
KELSEY CITY
8 SHEETS
SHEET No 1

CONRAD J. DESANTIS
Business & Real Estate
Also Admitted in Pennsylvania

TIMOTHY W. GASKILL
Business, Probate
Family Litigation

DONALD R. SMITH
Personal Injury & Wrongful Death
Commercial Litigation

CURTIS L. SHENKMAN
Board Certified
Real Estate Attorney

DGSS
ATTORNEYS AT LAW

DESANTIS, GASKILL, SMITH & SHENKMAN, P.A.
ATTORNEYS & COUNSELORS AT LAW
ESTABLISHED 1973
11891 U.S. HIGHWAY ONE, SUITE100
NORTH PALM BEACH, FLORIDA 33408
TELEPHONE (561) 622-2700 FACSIMILE (561) 622-2841
www.LawPalmBeach.com

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CIVIL TRIAL, PROBATE AND FAMILY LAW
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MICHELLE D. KOCIK
MINDY VASSER
PERSONAL INJURY
ROBIN B. MODLIN, CP
TERRI L. VLASSICK
REAL ESTATE
ANGEL AUGUST
MIKKI MARKO
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

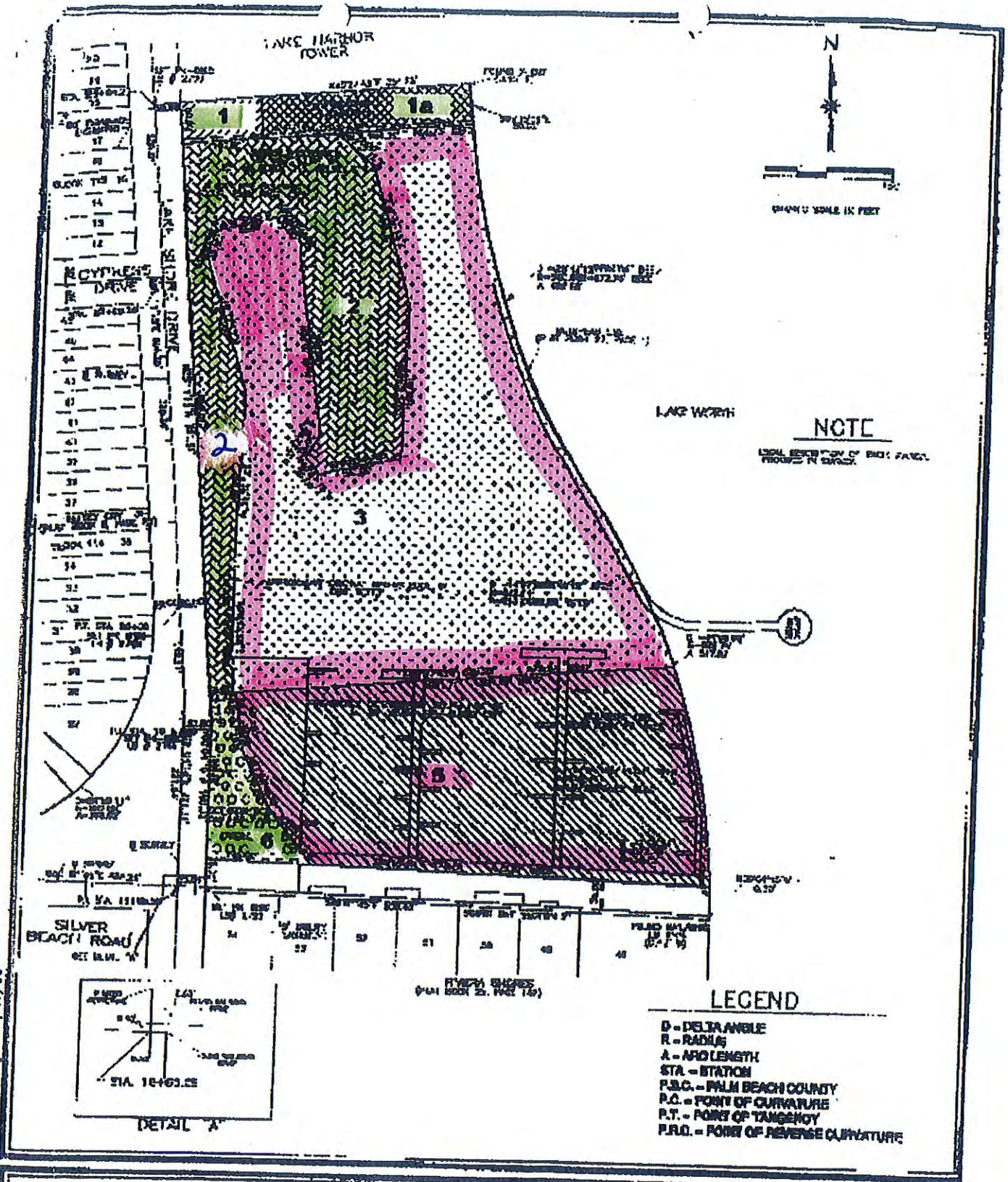
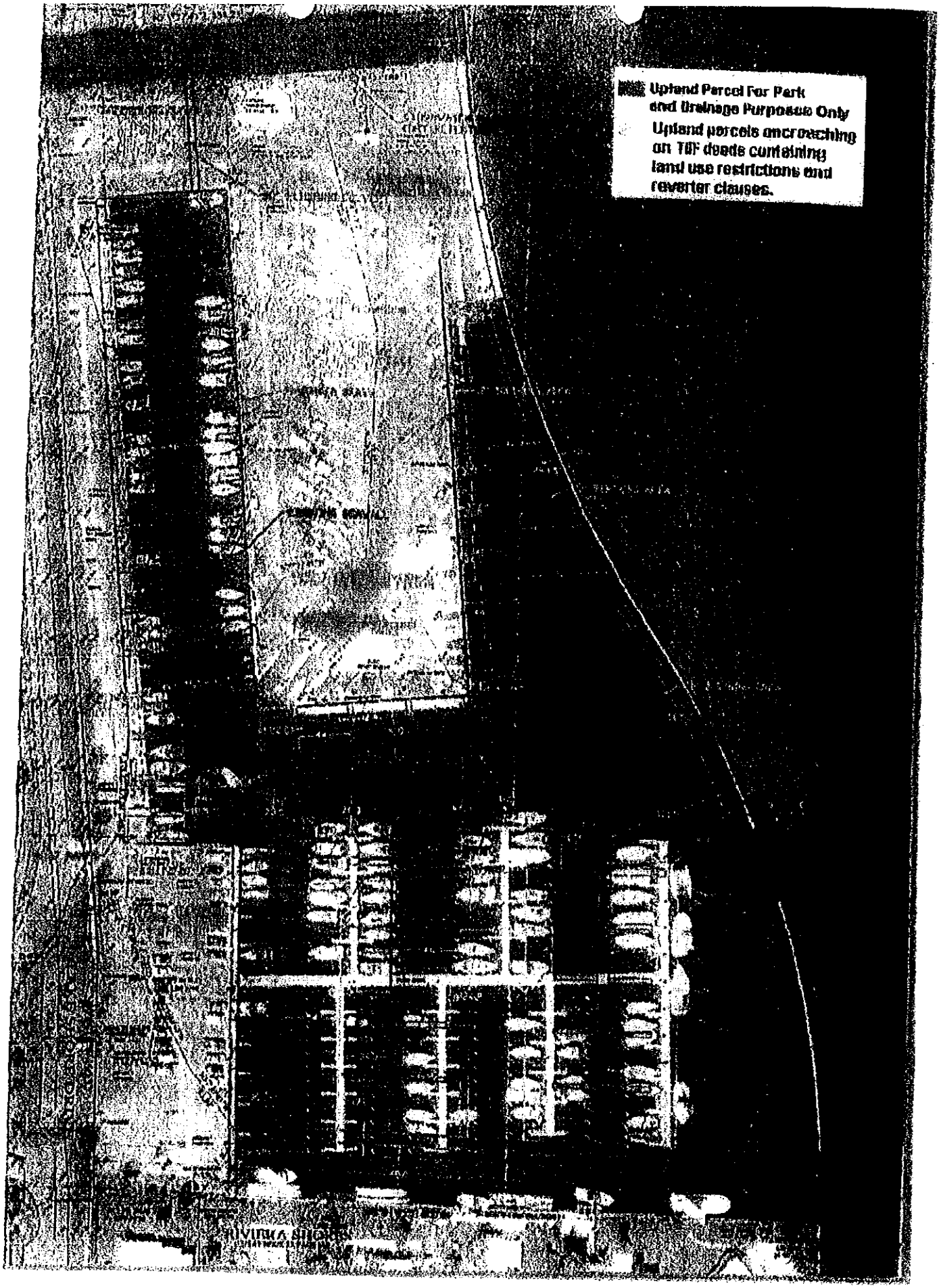
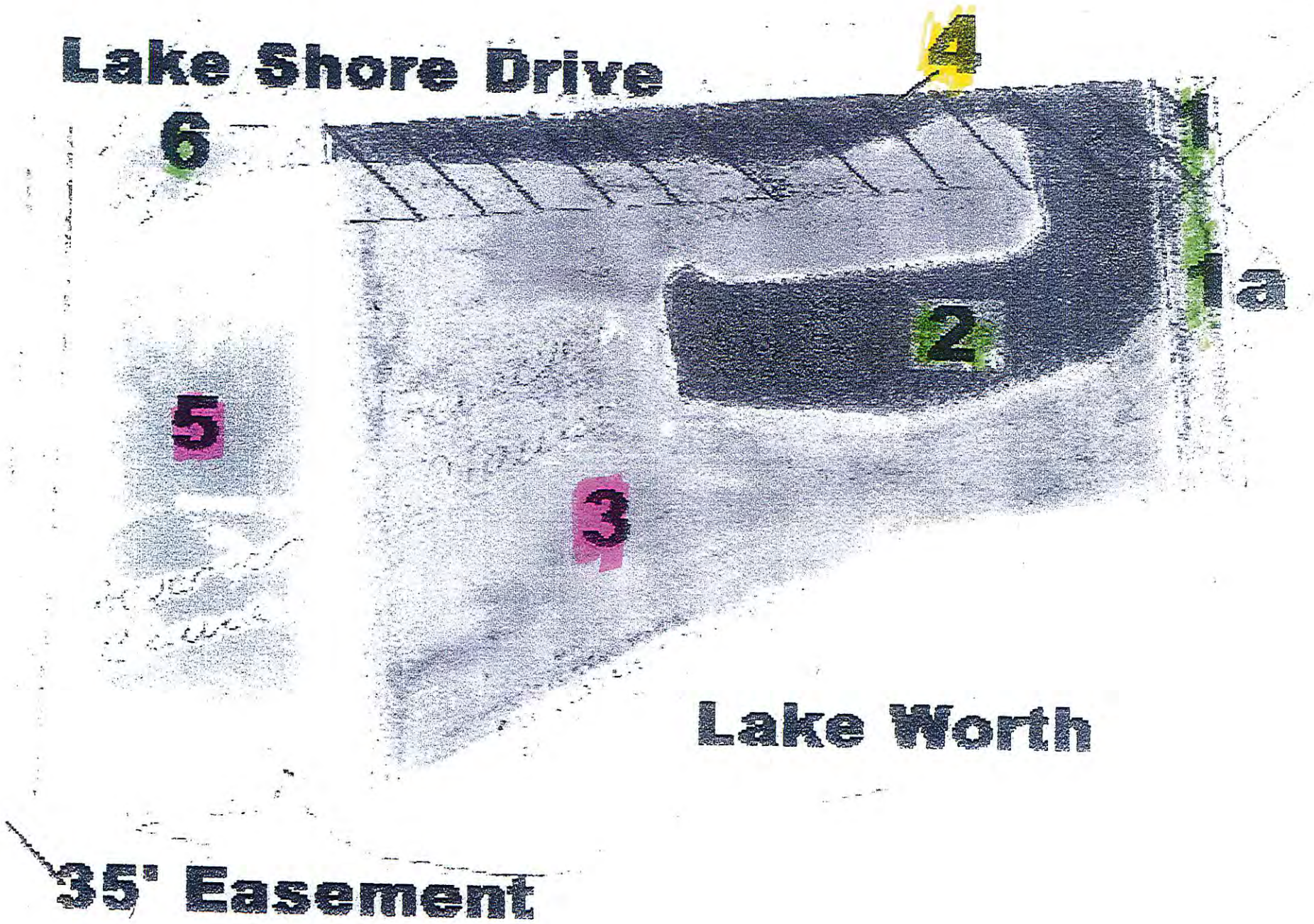
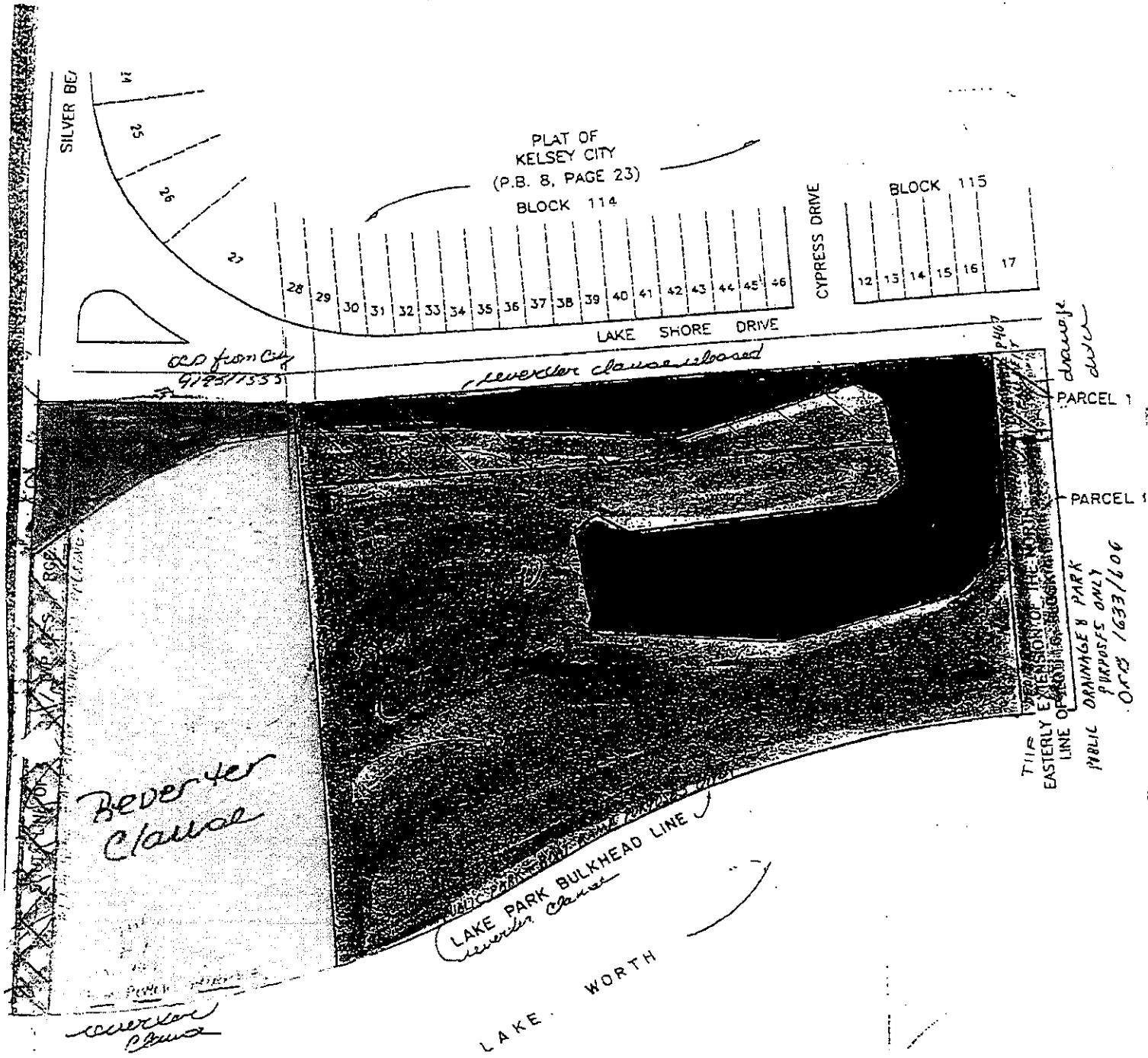


Figure 17
LOCATION OF SUBMERGED LANDS PARCELS
LAKE PARK MARINA

888 Figure17.dwg 09/23/99


Upland Parcel For Park and Drainage Purposes Only
Upland parcels encroaching on TIF deeds containing land use restrictions and reverter clauses.


Lake Shore Drive
4
6
1a
2
5
3
Lake Worth
35' Easement



PURPLE = PARCEL I (EASEMENT FOR CONSTRUCTING AND MAINTAINING DRAINAGE DITCH) NO REVERTER

PURPLE = PARCEL IA (DEDICATION FOR PUBLIC DRAINAGE AND PARK PURPOSES - NO REVERTER)

PARCEL 2 (DEED TIIF TO TLP - NO RESTRICTIONS)- NO REVERTER

PINK = PARCEL 3 (DEED TIIF - TLP FOR PUBLIC PARK AND BOAT RAMP PURPOSES) REVERTER CLAUSE

BLUE LINES = PARCEL 4 (Deed TESDEN TO TLP)- REVERTER CLAUSE RELEASED IN ORB 2143/1720

YELLOW = PARCEL 5 (DEED TIIF TO TLP - FOR PUBLIC PURPOSES)- REVERTER CLAUSE

PARCEL 6 (DEED SCHMIDT TO TLP (UPLAND PARCEL)- NO REVERTER CLAUSE

GREEN LINES = 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);

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.

PARCEL 1

BOOK 632 PAGE 467

D E E D

THIS INDENTURE, Made this 24th day of April, A. D. 1939 between TESDEN, 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,

W I T N E S S E T H, 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, 4, 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 69

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;

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.

TESDEN, INC. (SEAL)

By _____
President

ATTEST:

_____
Assistant Secretary

Signed, sealed and delivered
in our presence:

_____

_____

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY, That on this 24th day of April, A. D. 1939, before me personally appeared WALTER W. FOSKETT and WILLIAM A. COBB, JR., President and Assistant Secretary respectively of TESDEM, 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.

Claramae Allen
Notary Public

My Commission expires: May 14, 1940

This instrument was filed for Record at 10:00 A.M. this 1 day of July 1941, and Recorded in Deed Book 632 at page 467. Record verified. J. ALEX ARNETTE, Clerk Circuit Court, Palm Beach County, Florida.
By [illegible], Deputy Clerk

PARCEL 1A

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND
OF THE STATE OF FLORIDA

DEDICATION

1257 NO. 24709 (2054-50)

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.

Governor

Secretary of State

Attorney General

Comptroller

Treasurer

Superintendent of Public Instruction

Commissioner of Agriculture

(SEAL)
Trustees 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

Jan 9 4 55 PM '68

OR 1633 PAGE 606

PARCEL 2

OFFICIAL RECORDS 688 PAGE 507

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.

STATE of FLORIDA DOCUMENTARY STAMP TAX 020 PALM BEACH COUNTY

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, quitclaimed 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,

BROADWAY WEBER & BROWNE

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.

Governor (SEAL)

...Fund

Comptroller (SEAL)

Treasurer (SEAL)

Attorney General (SEAL)

...or Agriculture

Commissioner of Agriculture (SEAL)

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

PARCEL 3

694 PAGE 327

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA

OCT 30 9 05 AM '61

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:

STATE of FLORIDA DOCUMENTARY STAMP TAX 020 PALM BEACH COUNTY

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

3.05
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B. N. & 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 bigh 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,

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.

(SEAL)

Fund

(SEAL)

of Agriculture

(SEAL)

Governor

(SEAL)

Treasurer

(SEAL)

Attorney General

(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

BEST COPY

PARCEL 4

DEED

THIS INDENTURE, Made this first day of June, A. D. 1940, between TERDEN, 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 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.

Together with all riparian or littoral rights thereunto appertaining.

TO HAVE AND TO HOLD the same unto the said party of the second part in fee determinable for so long as said land and appurtenances thereto shall be used and maintained by said party

BEST COPY

of the second part 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 revert 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.

TESTER, INC.

By [signature]
As President

Attest:

[signature]
Assistant Secretary

Signed, Seal and Delivered
in our presence:

[signature]

[signature]

BEST COPY

DEED 682 PAGE 466

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY, That on this [illegible] day of June A. D. 1940, before me personally appeared WALTER W. FOSKETT and WILLIAM A. COBB, JR., President and Assistant Secretary, respectively, of TESDEM, 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 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.

Notary Public

My Commission Expires: [illegible]

This instrument was filed for Record at [illegible] this [illegible] day of [illegible] 1940, and Recorded in [illegible] Book 682, at page [illegible] Record verified. J. ALEX ARNETTE, Clerk Circuit Court, Palm Beach County, Florida,
By [illegible] Deputy Clerk

PARCEL 4

QUIT-CLAIM DEED FROM CORPORATION 37795 DREW'S FORM R. E. 41 Manufactured and for sale by The H. & W. B. Drew Company Jacksonville, Florida

This Quit-Claim Deed, *Executed this* 4 *day of* April , *A. D.* 19 73, *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:*

(Wherever 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.)

'73 APR 10 PM 2:43

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 in 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 John D. MacArthur
President

Signed, sealed and delivered in the presence of:

Ellen W. Peterson

Ellen 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. 19 73

INSTRUMENT PREPARED BY:
Ronald Sales, Lawyer
249 Royal Palm Way
Palm Beach, Florida

Ellen B. Blakely
Notary Public, State of Florida at Large
My commission expires: 7-16-73

NOTARY PUBLIC, STATE of FLORIDA at LARGE
MY COMMISSION EXPIRES JULY 16, 1973
BONDED THROUGH FRED W. DIETZ AGENCY

RECORDED 2143 PAGE 1720

4.60 1.35 VDC

Gildan & Thomas, Gildan, Hutton & P.A. P.O. Office Blvd. WPB

PALM BEACH COUNTY 12538

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE $ 00.30 APR 10 '73 P.B. 10824

PALM BEACH COUNTY 12687

FLORIDA DEPT. OF REVENUE APR 10 '73 P.B. 10824 DOCUMENTARY SURTAX $ 00.55

This is not a certified copy

DREW'S FORM R. E. 42

Quit-Claim Deed

FROM CORPORATION

To

(8-72) The H. & W. B. Drew Company, Jacksonville, Florida, 74072-14

Recorded in O R Book 2
Record verified
Palm Beach County, Fla.
John B. Dunkle
Clerk Circuit Court

OFFICIAL RECORD 2143 PAGE 1721

PARCEL 5

OFFICIAL RECORD 1239 PAGE 59 JUL 26 11 20 AM '65

3455

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND
OF THE STATE OF FLORIDA

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 88° 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 28, Block 114, Plat of Kelsey City, according to the plat thereof

STATE OF FLORIDA DOCUMENTARY STAMP TAX JUL 26 '65 D3-0 CONTROLLER

PALM BEACH COUNTY

Mason & Kilden Harvey Bldg. W.P.B.

355
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3.85

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 revest 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.

Governor

Comptroller

Treasurer

(SEAL)
Trustees I. I. Fund

Attorney General

Commissioner of Agriculture

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

O.R. 1154 PAGE 25

PARCEL 6

Parcel 6 no reverse

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

FEB 1965

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
Bessie Harrison

Max F. Schmidt (SEAL)
Max Schmidt

Theresa H. Schmidt (SEAL)
Theresa H. Schmidt

Walter K. Schmidt (SEAL)
Walter K. Schmidt

Dorathea E. Schmidt (SEAL)
Dorathea 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 Dorathea E. Schmidt, his wife

to me well known and known to me to be the individual described in and who executed the foregoing deed, and acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed. Witness my hand and official seal this January 28, 1965

My Commission Expires: 5/19/68

Bessie Harrison
Notary 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
tabbies
"B"

EASEMENT

768

EASEMENT GRANT

FILED

1965 FEB 4 PM 3 20

1154 PAGE 30

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 42 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. [illegible]

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed by its Mayor and attested by its Town Clerk, and the corporate seal to be affixed hereto the day and year aforesaid.

EXHIBIT

"C"

Signed, sealed and delivered in the presence of:

[signature]

[signature]

TOWN OF LAKE PARK, FLORIDA (SEAL)

By: [signature]
William Brant, Mayor

ATTEST:

[signature]
Thelma Compton, Town Clerk

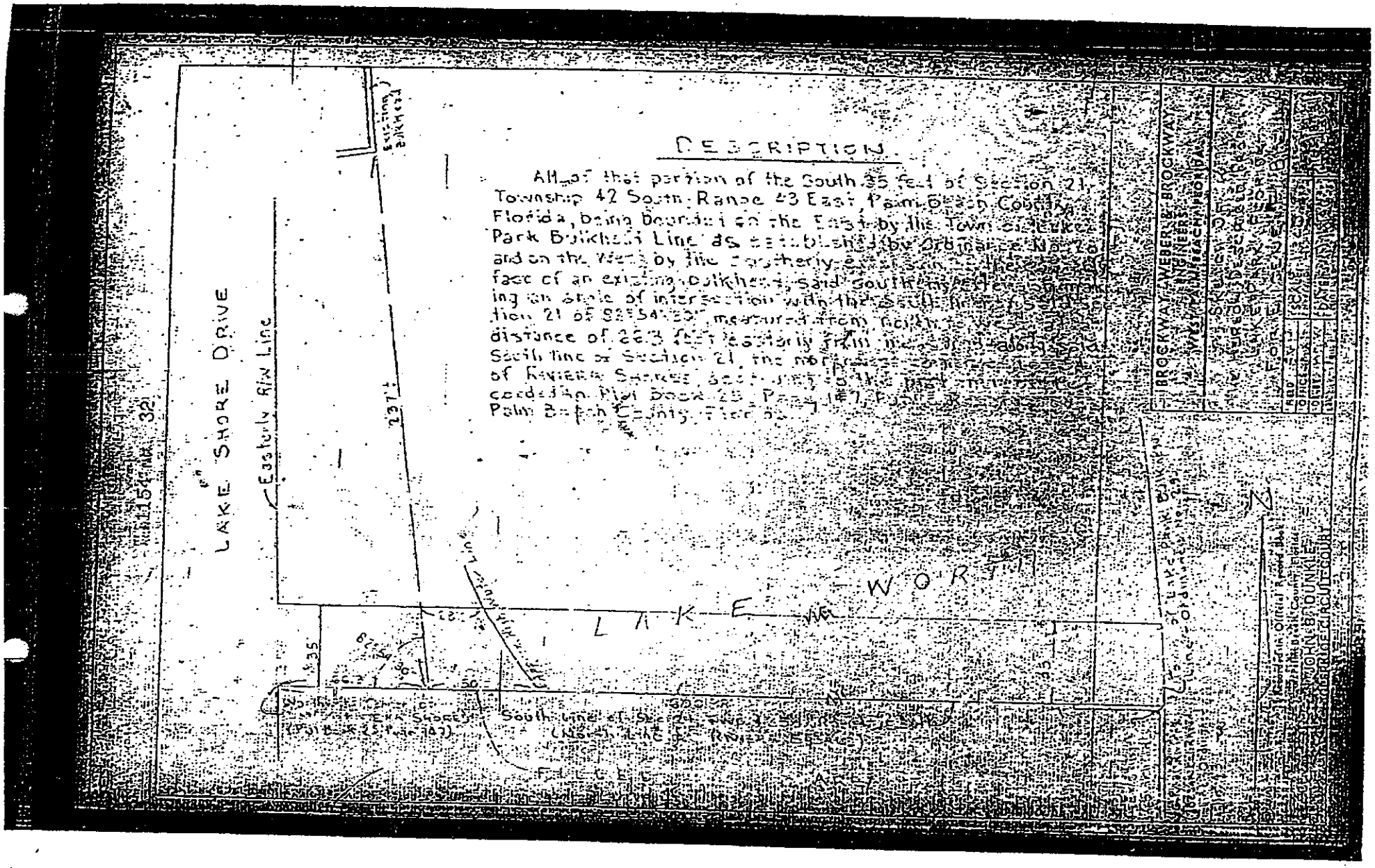
STATE OF FLORIDA)
COUNTY OF PALM BEACH)

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 28 day of January 1965.

[signature]
Notary Public

My commission expires: 1-21-68


DESCRIPTION
All of that portion of the South 35 feet of Section 21, Township 42 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. 26 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, a distance of 26.3 feet easterly from [illegible] South line of Section 21, the northwest [illegible] of Riviera Shores, [illegible] the plat [illegible] corded in Plat Book 25, Page 147, Public Records, Palm Beach County, Florida.
LAKE SHORE DRIVE
Easterly R/W Line
Existing Bulkhead
237'±
35'
LAKE WORTH
South line of Section 21, Twp. 42 S., Range 43 E.
(North line of Riviera Shores)
BROCKWAY, WEBER & BROCKWAY
ENGINEERS
WEST PALM BEACH, FLORIDA
SKETCH OF
HEREOF DESCRIBED
LAKE PARK, FLORIDA
FOR EXCEPTION
JOHN B. DUNKLE
CLERK OF CIRCUIT COURT

PARCEL 6

County Deed
F.S. 125-411

ORIGINAL

APR-03-1996 1:19PM 96-111131
ORB 9195 Pg 1555

RETURN TO: ROSS C. HERING
PROPERTY & REAL ESTATE MANAGEMENT
3323 BELVEDERE ROAD, BUILDING 503
WEST PALM BEACH, FLORIDA 33406

Folio: 56-43-42-21-00-804-0010

R96-331-D

COUNTY DEED

THIS DEED, made this __ day of MAR 19 1996, 19__, by PALM BEACH COUNTY, a political subdivision of the State of Florida, party of the first part, and TOWN OF LAKE PARK, a municipal corporation, whose post office address is 535 Park Avenue, Lake Park, Florida, 33403, County of Palm Beach, State of Florida, party of the second part.

W I T N E S S E T H: That the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the party of the second part, receipt whereof if hereby acknowledged, has granted, bargained and sold to the party of the second part, his/her heirs and assigns forever, the following described land 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.

The purpose of this quit-claim deed is to (i) relinquish any and all rights, title, claims or interest of Grantor in the above described property arising as a result of that certain Final Judgement recorded in Official Record Book 1902, page 1322, public records of Palm Beach County, Florida, and (ii) convey all the Grantor's right, title and interest in the above described property to the Grantee.

Folio: 36-43-42-21-00-004-0070

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

By: April C. Smith
Deputy Clerk

PALM BEACH COUNTY, BY ITS BOARD OF COUNTY COMMISSIONERS

MAR 19 1996

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Paul F. Inserra
Asst. County Attorney

R96-331-D

dead.LP

Return to: Town of Lake Park
Town Clerk
535 Park Avenue
Lake Park, FL 33403
561-848-3544

PARCEL 7

This Instrument Prepared By:
Tom Butler
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

Jul-24-2000 11:28am 00-275707
ORB 11909 Pg 636

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGN SUBMERGED LANDS EASEMENT

NO. 30195
BOT FILE NO. 500219836

THIS EASEMENT is hereby granted by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Grantor.

WITNESSETH. That for the faithful and timely performance of and compliance with the terms and conditions stated herein, the Grantor does hereby grant to the Town of Lake Park, a Florida municipal corporation, hereinafter referred to as the Grantee, a nonexclusive easement on, under and across the sovereign lands, if any, contained in the following legal description:

A parcel of submerged land in Section 21, Township 42 South, Range 43 East, in Lake Worth, Palm Beach County, as is more particularly described and shown on Attachment A, dated October 8, 1999.

TO HAVE THE USE OF the hereinabove described premises for a period of 30 years from May 4, 2000, the effective date of this easement. The terms and conditions of and for which this easement is granted are as follows:

1. USE OF PROPERTY: The above described parcel of land shall be used solely for construction of a breakwater and Grantee shall not engage in any activity except as described in the Department of Environmental Protection Standard General Permit No. 50-0140569-001, dated May 2, 2000, incorporated herein and made a part of this easement by reference.

2. WARRANTY OF TITLE/GUARANTEE OF SUITABILITY OF USE OF LAND: Grantor neither warrants title to the lands described herein nor guarantees the suitability of any of the lands for any particular use.

3. RIGHTS GRANTED: The rights hereby granted shall be subject to any and all prior rights of the United States and any and all prior grants by the Grantor in and to the submerged lands situated within the limits of this easement.

4. DAMAGE TO EASEMENT PROPERTY AND INTERFERENCE WITH PUBLIC AND PRIVATE RIGHTS: Grantee shall not damage the easement lands or unduly interfere with public or private rights therein.

5. GRANTOR'S RIGHT TO GRANT COMPATIBLE USES OF THE EASEMENT PROPERTY: This easement is nonexclusive, and the Grantor, or its duly authorized agent, shall retain the right to enter the property or to engage in management activities not inconsistent with the use herein provided for and shall retain the right to grant compatible uses of the property to third parties during the term of this easement.

6. RIGHT TO INSPECT: Grantor, or its duly authorized agent, shall have the right at any time to inspect the works and operations of the Grantee in any matter pertaining to this easement.

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 to 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 18-14, 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. Swarno
Original Signature

Arlene D. Swarno
Typed/Printed Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

(SEAL)

BY Mary C. Murphy
FOR Melissa L. Meeker, 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 Palm Beach County

The foregoing instrument was acknowledged before me this 11th day of July, 2000 by
* ~~Melissa L. Meeker, 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:

Sally L. Hall
DEP Attorney

Maria D. Serreno-Suarez
Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires

MARIA D. SERRENO-SUAREZ
MY COMMISSION # CC 911110
EXPIRES: March 3, 2002
1-800-3-NOTARY Fla. Notary Service & Bonding Co.

Commission/Serial No.

WITNESSES:

Mary Wolcott
Original Signature

Mary Wolcott
Typed/Printed Name of Witness

B.L. Goralski
Original Signature

BL. Goralski
Typed/Printed Name of Witness

Town of Lake Park, a Florida municipal corporation (SEAL)

BY William H. Wagner
Original Signature of Executing Authority

William H. Wagner
Typed/Printed Name of Executing Authority

Mayor
Title of Executing Authority

"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

Commission/Serial No. CC911110

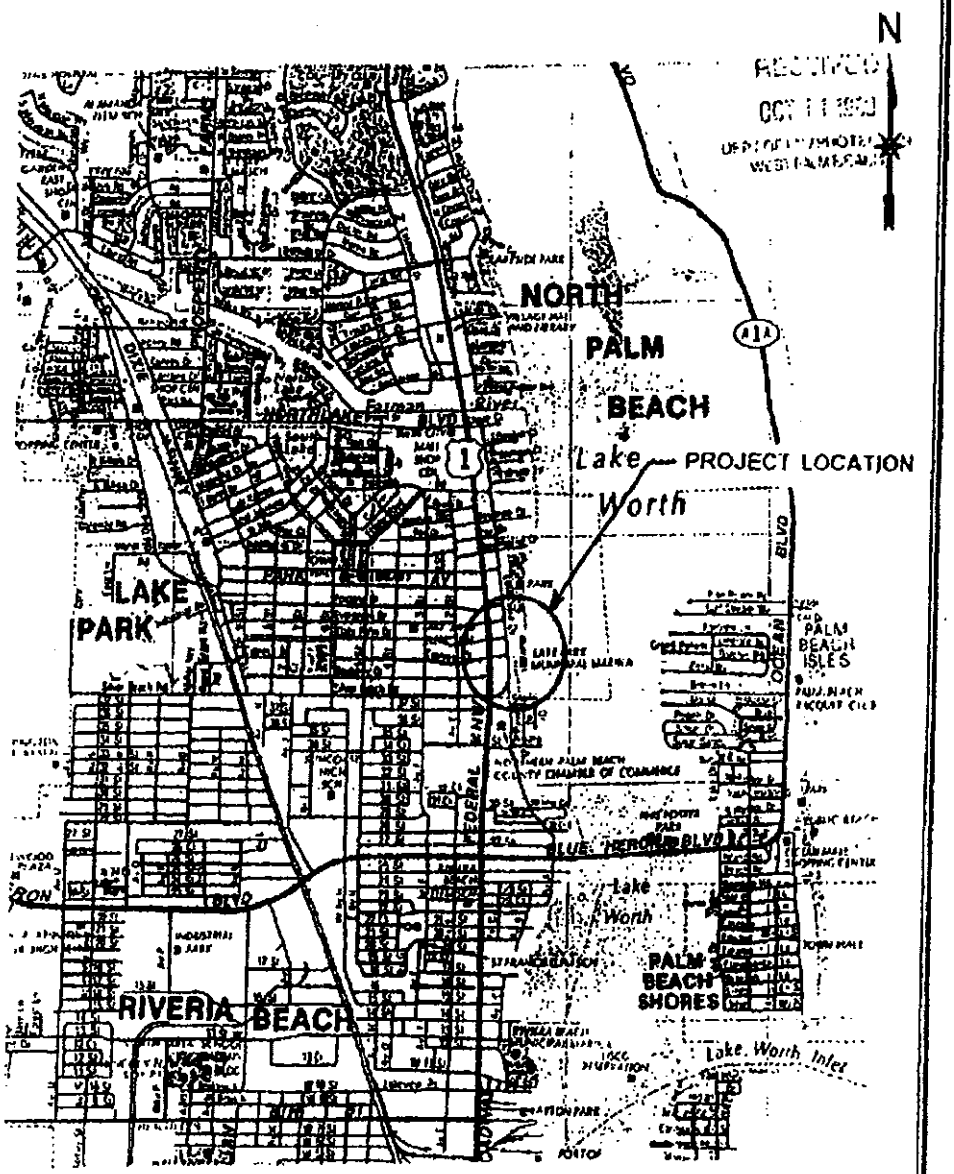
Sally G. Hall
Notary Public, State of Florida

Sally G. Hall
Printed, Typed or Stamped Name

Page 4 of 7 Pages
Easement No. 30193

SALLY G. HALL
MY COMMISSION # CC 911110
EXPIRES June 16, 2004
Bonded Thru Notary Public Underwriters

RECEIVED
JUL 11 2000
DEPT OF ENV PROTECTION
WEST PALM BEACH

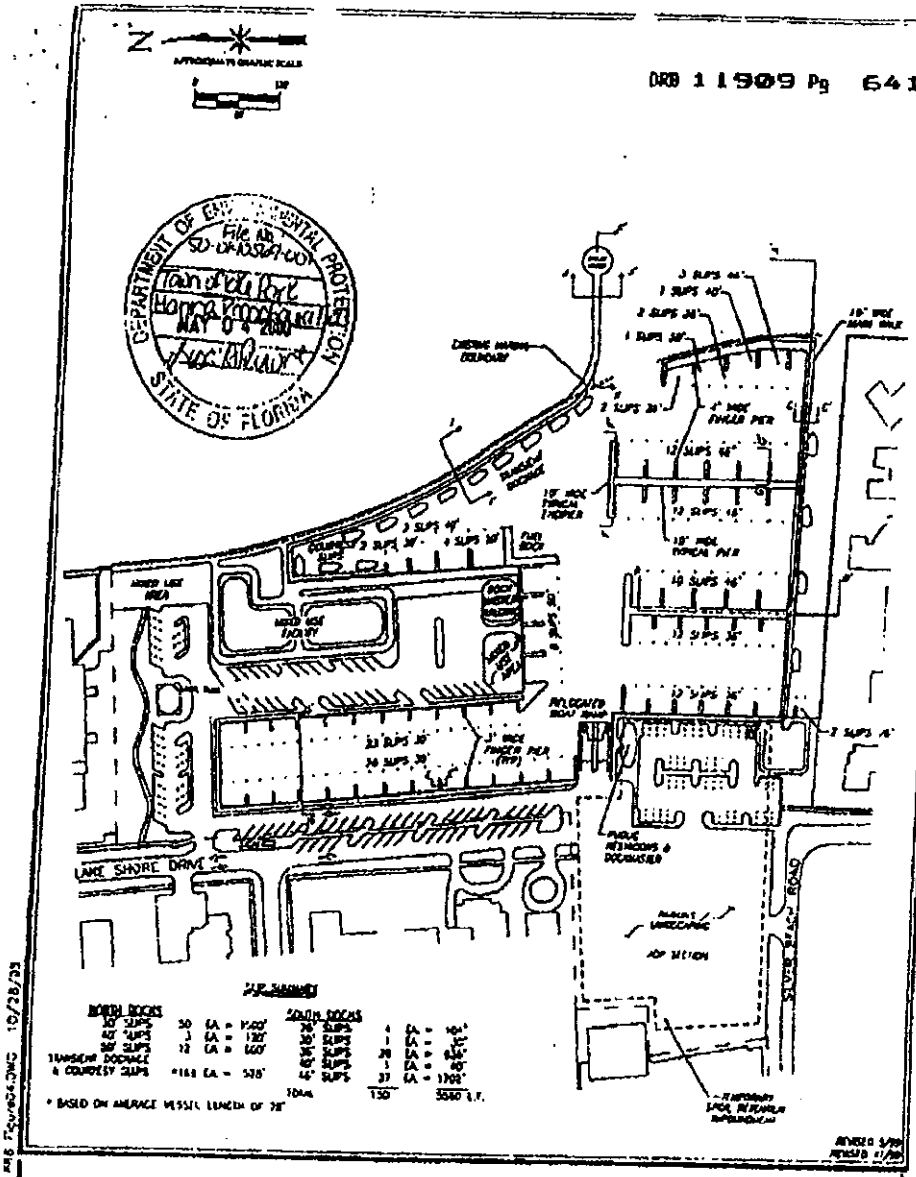


888-VICINITY.DWG 04/17/98

Figure 1
VICINITY MAP
LAKE PARK MARINA

ATM
APPLIED TECHNOLOGY & MANAGEMENT, INC

RECEIVED
JUL 11 2000
DEPT OF ENV PROTECTION
WEST PALM BEACH



DEPARTMENT OF ENVIRONMENTAL PROTECTION
File No. 50-0410569-001
Town of Lake Park
Marina Knoopfmacher
MAY 04 2000
STATE OF FLORIDA

LAKE PARK MARINA
SUBMERGED LAND PUBLIC EASEMENT

RECEIVED
OCT 11 2000
DEPT OF ENVIRONMENTAL PROTECTION
WESTERN DESIGN

LEGAL DESCRIPTION

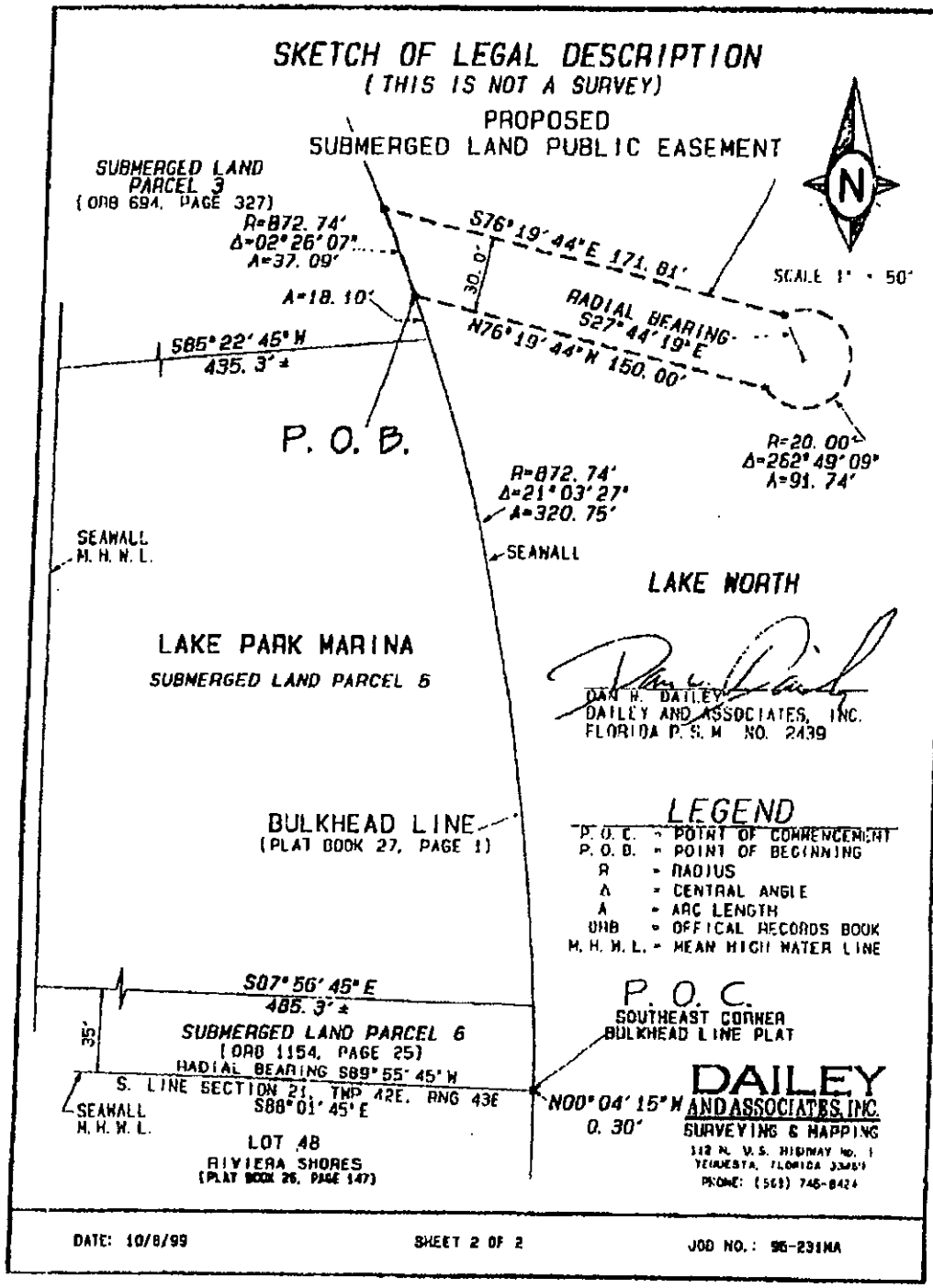
A PARCEL OF LAND LYING IN LAKE NORTH (WATER BODY), SECTION 21, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE TOWN OF LAKE PARK BULKHEAD LINE PLAT, AS RECORDED IN PLAT BOOK 27, PAGE 1, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, SAID POINT BEING AT THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 872.74 FEET AND WHOSE RADIUS POINT BEARS S89°55'45"W. (ALL BEARINGS ARE RELATIVE THERETO). THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°03'27", 320.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2°26'07", 37.09 FEET; THENCE S76°19'44"E, 171.81 FEET TO THE INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 20.00 FEET AND WHOSE RADIUS POINT BEARS S27°44'19"E; THENCE CLOCKWISE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 262°49'09", 91.74 FEET; THENCE N76°19'44"W, 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5938 SQUARE FEET, MORE OR LESS.

RECEIVED
JUL 11 2000
DEPT OF ENV PROTECTION

SKETCH OF LEGAL DESCRIPTION
(THIS IS NOT A SURVEY)



DAN H. DAILEY
DAILEY AND ASSOCIATES, INC.
FLORIDA P.S.M. NO. 2439

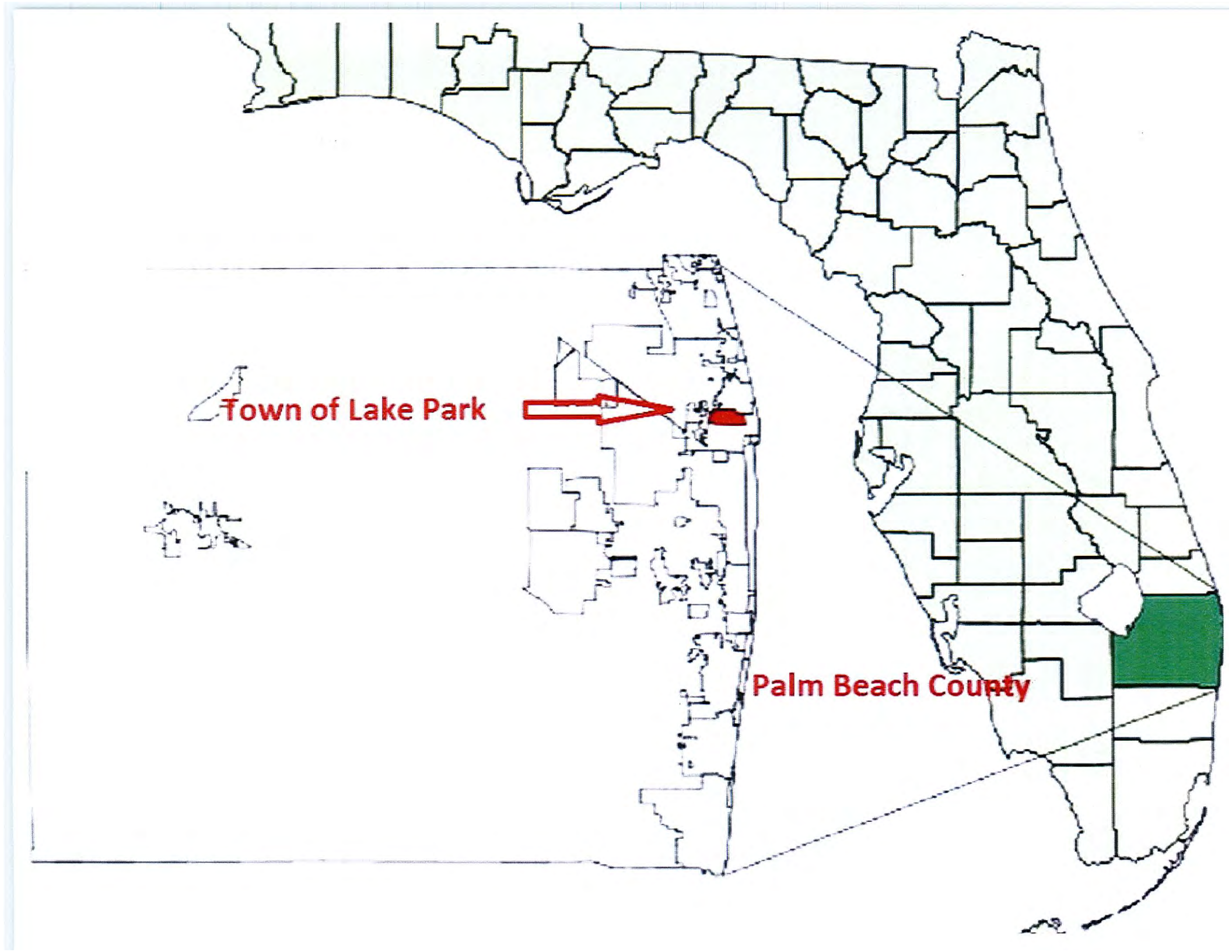
LEGEND

P.O.C.	= POINT OF COMMENCEMENT
P.O.B.	= POINT OF BEGINNING
R	= RADIUS
Δ	= CENTRAL ANGLE
A	= ARC LENGTH
ORB	= OFFICAL RECORDS BOOK
M.H.W.L.	= MEAN HIGH WATER LINE

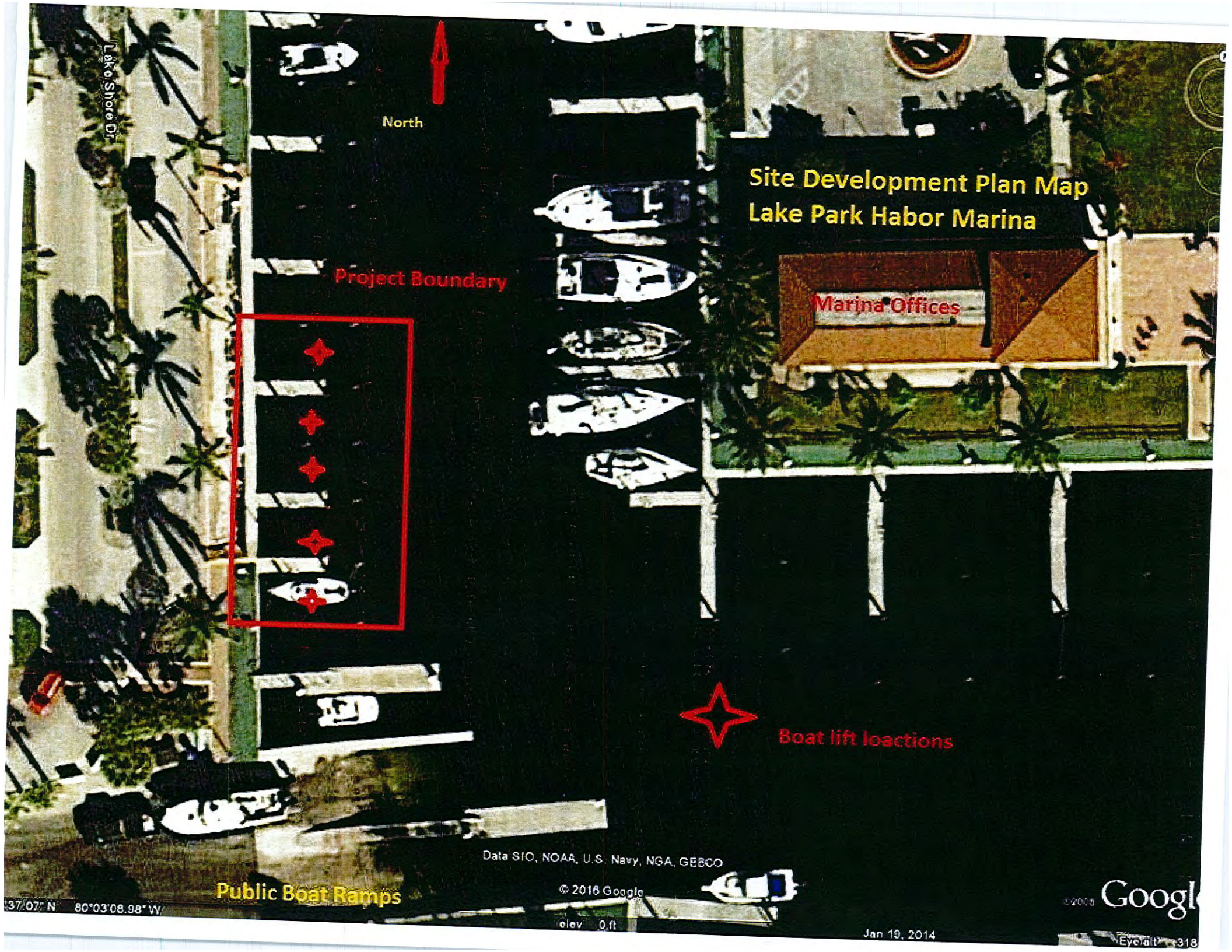
DAILEY AND ASSOCIATES INC.
SURVEYING & MAPPING
112 N. U.S. HIGHWAY No. 1
TEQUESTA, FLORIDA 33469
PHONE: (561) 746-8424

DATE: 10/8/99 | SHEET 2 OF 2 | JOB NO.: 98-231MA

RECEIVED
JUL 11 2000
DEPT OF ENV PROTECTION
WEST PALM BEACH


Town of Lake Park
Palm Beach County

North
LAKE PARK HARBOR MARINA
105 Lake Shore Drive
Lake Park, FL 33304
PROJECT SITE
MAP &
BOUNDARY
To ICW
Date Palm Dr
Cypress Dr
A1A
2nd St
Bayberry Dr
Silver Beach Rd
Broadway
Avenue E
W 37th St
Palm Dr
Shore Dr
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
© 2013 Google
Jan 19, 2014
Eye alt


Lake Shore Dr
North
Site Development Plan Map
Lake Park Habor Marina
Project Boundary
Marina Offices
Boat lift loactions
Public Boat Ramps
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
© 2016 Google
37.07" N 80°03'08.88" W
elev 0 ft
Jan 19, 2014
Eye alt 318

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
[X] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-30-16

John O. D'Agostino, Town Manager
Name/Title

Originating Department: **Town Manager**	Costs: -0- Funding Source: General Fund Acct. # [ ] Finance _____	**Attachments:** • **CDBG Grant Application.**
Advertised: Date: _____ Paper: _____ [X] 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 **Please initial one.**

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.

Department of Economic Sustainability

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

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.

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.

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 msklar@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.

Proposed Activity Components	Unit of Measurement	Accomplishments
Example: Installation of sidewalks	*Example: Linear Feet*	*Example: 300 Linear Feet*

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

	YES	NO	N/A
a) Is the proposed activity currently in compliance with zoning and land use designations?			

If not or N/A, please explain:

b) Activities involving property acquisition, rehabilitation, and/or new construction please complete:

	YES	NO	
i. Has an appraisal been conducted? *If "yes"*, insert value and attach report:			
$			
ii. Is the property vacant land? *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?			
If "yes", indicate previous use:			
If "no", indicate current use:			
ii. Year structure was built:			
iii. Describe the composition and condition of the structure:			

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.**			
ii. Are there any liens on the property?			
iii. Is public water/sewer available?			
iv. Has an environmental review been completed?			

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:

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

	YES	NO	N/A
3. Will the activity cause the temporary or permanent displacement of persons or businesses?			

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.

	YES	NO	N/A
4. Are fees charged, or projected to be charged for the use of the facility?			

If "*yes*", describe the fee schedule, including $ costs to users:

	YES	NO	N/A
5. Is the facility leased, or anticipated to be leased, to users other than the municipality?			

If "*yes*", identify the proposed user(s) and describe the anticipated use(s):

	YES	NO	N/A
6. Are assessment fees going to be charged to residents to recover costs of the CDBG-assisted improvements?			

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.

Document	Attachment Number
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.

TAB 11

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 6, 2016 **Agenda Item No.** Tab 11

Agenda Title: Selection of Nominees for the Northern Palm Beach County Chamber of Commerce 2016 Leadership Awards

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[x] NEW BUSINESS
[ ] OTHER: _____

Approved by Interim Town Manager _____ **Date:** 3-30-16

Tamla McKibbon-Turner
Name/Title HUMAN RESOURCES DIRECTOR

Originating Department: **Vice Mayor Kimberly Glas-Castro**	**Costs: $ -0-** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Copies of the Northern Palm Beach County Chamber of Commerce Online Award Application Forms**
Advertised: Date: _____ Paper: _____ **[x] 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: BMT** **Please initial one.**

Summary Explanation/Background:

The Northern Palm Beach Chamber of Commerce is soliciting nominations for recipients of the 2016 Leadership Awards. Award recipients will be honored at the Northern Palm Beach County Chamber of Commerce Leadership Awards Dinner which will take place at the PGA National Resort and Spa on Thursday, June 2, 2016.

Nominations are being solicited for the following awards:

- 2016 Business of the Year
- 2016 Community Leader of the Year
- 2016 Small Business of the Year
- 2016 Nonprofit of the Year
- 2016 Young Professional of the Year

Attached are copies of the online application forms which list the criteria for each award.

The purpose of this agenda item is to identify nominees for the above awards.

The deadline for submittal of completed application forms to the Chamber is 4:00 p.m. on Friday, April 8, 2016.

Recommended Motion: I move to nominate the following for the 2016 Leadership Awards as specified below:

_____ for the 2016 Business of the Year Award

_____ for the 2016 Community Leader of the Year Award

_____ for the 2016 Small Business of the Year Award

_____ for the 2016 Nonprofit of the Year Award

_____ for the 2016 Young Professional of the Year Award

Northern
PALM BEACH COUNTY
CHAMBER OF COMMERCE

2016 Business of the Year Award Application

The Northern Palm Beach County Chamber of Commerce will honor one company as the 2016 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 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 more than 25 employees
- Is a for-profit business headquartered in Palm Beach County, Florida

A company 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 *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):

Northern
PALM BEACH COUNTY
CHAMBER OF COMMERCE

2016 Community Leader of the Year Award Application

The Northern Palm Beach County Chamber of Commerce will honor one company as the 2016 Community Leader 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 Community Leader of The Year award 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.

An individual 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 *no later than Friday, April 8, 2016 at 4:00 p.m.*

NOMINEE INFORMATION:

Name: _____ Company: _____

Phone: _____ Email: _____

NOMINATED BY *(if applicable):*

Name: _____ Company: _____

Phone: _____ Email: _____

Please describe in 500 words or less why your nominee should be considered as a recipient for this award. Please address their leadership qualities and include the civic organizations in which they are a part. Additional sheets and a resume may be included.

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 *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):

Northern
PALM BEACH COUNTY
CHAMBER OF COMMERCE

2016 Nonprofit of the Year Award Application

The Northern Palm Beach County Chamber of Commerce will honor one company as the 2016 Nonprofit 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 Nonprofit of The Year award is given 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.

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 Organization for a minimum of three full years (36 months prior to April 8, 2016)
- Is a Nonprofit Organization headquartered in Palm Beach County, Florida

An organization 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 *no later than Friday, April 8, 2016 at 4:00 p.m.*

Organization Name: _____

Director/President/CEO: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Website: _____

Organizations mission statement:

Describe organization's approach to the mission (200 words or less):

Provide examples of organization's efforts toward improving the community in Northern Palm Beach County (200 words or less):

What sets the the organization apart from others? Describe how the organization has been an innovator of products, services, practices, employee benefits, management style, etc. (200 words or less):

Describe a challenge and/or opportunity the organization has effectively managed in the past 12 months (e.g. creatively solved a problem, successfully managed a crisis, capitalized on a new organization opportunity, etc.) (200 words or less):

Northern
PALM BEACH COUNTY
CHAMBER OF COMMERCE

2016 Young Professional of the Year Award Application

The Northern Palm Beach County Chamber of Commerce will honor one company as the 2016 Young Professional 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 Young Professional of the Year award is a Young Professional (under 40 years of age) that demonstrates leadership that benefits the Northern Palm Beach County community by creating or contributing significantly to the success of one or more local organizations. The Young Professional of the Year demonstrates a commitment to the Northern Palm Beach County community by inspiring community-wide support through influential positions and roles served in their profession and community, and reflects a high level of character, integrity and personal/professional values.

An individual 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 *no later than Friday, April 8, 2016 at 4:00 p.m.*

NOMINEE INFORMATION:

Name: _____ Company: _____

Phone: _____ Email: _____

NOMINATED BY *(if applicable):*

Name: _____ Company: _____

Phone: _____ Email: _____

Please describe in 500 words or less why your nominee should be considered as a recipient for this award. Please address their leadership qualities and include the civic organizations in which they are a part. Additional sheets and a resume may be included.

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 [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[x] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 3-11-16

Name/Title
Human Resources Director

Originating Department: **Human Resources**	**Costs: $ -0-** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Town Manager Annual Evaluation Form; Town Manager Job Description; and Copies of the Completed Six Month Evaluation Forms;**
Advertised: Date: _____ Paper: _____ **[x] 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: BMT** or Not applicable in this case ____ **Please initial one.**

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:

_____
_____
_____
_____

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:

_____

_____

_____

_____

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:

_____

_____

_____

_____

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:

_____
_____
_____
_____

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:

_____
_____
_____
_____

ADDITIONAL SUMMARY COMMENTS:

_____
_____
_____

OVERALL RATING:

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

_____ _____

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 pursuant to Resolution 14-06-12.

7. Recommends to the Town Commission a standard schedule of pay for all Town positions, including minimum and maximum rates of pay.

8. Organizes, reorganizes, consolidates, combines or abolishes positions, offices, department divisions or departments of the Town only with the approval of the Town Commission.

9. Recommends in consultation with the Town Attorney appropriate action with respect to negotiation, approval and/or rejection of labor agreements with public employee organizations acting on policy directives provided by the Commission in proper sessions.

10. Recommends to the Town Commission the adoption of such Ordinances and policies as may be necessary or expedient for the health, safety or welfare of the community, or for the improvement of administrative services.

11. Attends meetings of the Town Commission, Town committees and boards, and other Town meetings, as the Town Manager deems necessary, or as directed by the Town Commission. At such meetings, the Town Manager shall have the right to take part in the discussion, but without a vote.

12. Serves as purchasing agent for the Town, responsible for overseeing the purchase of equipment and supplies pursuant to Town policy.

13. Provides staff support services for the Mayor and Commission members which shall be limited to those necessary in support of Town activities.

14. In consultation with the Town Attorney, enforces the Town's laws and Ordinances.

15. Investigates the affairs of the Town, or complaints regarding any department or division; investigates all complaints in relation to matters concerning administration; investigates complaints regarding service maintained by public utilities; and, sees that all terms and conditions imposed in favor of the Town in any franchise, contract or agreement are faithfully observed.

16. Devotes all working time to the discharge of official duties.

REQUIREMENTS:

A. Education and Experience:

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

B. Knowledge, Skills and Abilities:

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

PHYSICAL REQUIREMENTS:

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

ENVIRONMENTAL REQUIRMENTS:

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

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

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

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: ...

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.

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.

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:

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:

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.

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
4 - Very Effective
3 - Effective
2 - Marginally Effective
1 - Ineffective

jdb, mslf

EVALUATOR'S SIGNATURE

10-12-15

DATE

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.

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: .....

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 looked 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:

_____

_____

_____

_____

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:

_____

_____

_____

_____

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
4 - Very Effective
3 - Effective
2 - Marginally Effective
1 - Ineffective

[signature] 10-12-15
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.

~~Kathleen Rapoza~~
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.
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.

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
5 developments
5 Encourages a positive attitude regarding the Town
5 Receptive to constructive criticism and advice
5 Manages stress effectively

COMMENTS:

He demonstrates dicipline, control and a thought process on behalf of town employees. He understands business awreness, government and future growth

4. RELATIONS WITH THE TOWN COMMISSION

5 Works with the Commission to establish annual goals and objectives
5 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 Rapoza 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

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.
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2	Marginally Effective	Often fails to meet standards of work performance.
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RECEIVED

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.

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.

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.

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:

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 media i.e. Newsletter.~~ during comments at our monthly meetings. ETF

COMMENTS:
N/A: Not sure of abilities in these areas.

ADDITIONAL SUMMARY COMMENTS:
It has been a great pleasure having our current TM on staff and working in our Town.

OVERALL RATING:

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

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.
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2	Marginally Effective	Often fails to meet standards of work performance.
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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.
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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
N/A 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'Agostino 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