AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, April 15, 2015, 6:30 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**
Bambi McKibbon-Turner	—	**Interim 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

1. **Palm Beach County Sheriff's Office Citizens on Patrol Quarterly Report** — **Tab 1**
2. **Proclamation Recognizing April 24, 2015 as National Arbor Day** — **Tab 2**

D. PUBLIC COMMENT:

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

E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked

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

3. Regular Commission Meeting Minutes of April 1, 2015 **Tab 3**

F. NOMINATION FOR BOARD MEMBERSHIP:

4. Anne Lynch – Nominated for Appointment to the Planning and Zoning Board as an Alternate Member **Tab 4**

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

None

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

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

6. Ordinance No. 05-2015 Amending Chapter 2, Article IV Section 2-111 Entitled Election of Board and Committee Officers. **Tab 6**

I. NEW BUSINESS:

7. Selecting the Venue for Future Sunset Celebration **Tab 7**

8. Lake Park Harbor Marina Landscape Maintenance-Contract Time Extension **Tab 8**

9. Resolution No. 11-04-15 Fiscal Year 2014-2015 Mid-Year Budget Review and Adjustments **Tab 9**

J. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

K. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, May 6, 2015

Presentation

TAB 1

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 15, 2015 **Agenda Item No.** Tab 1

Agenda Title: Palm Beach County Sheriff's Office Citizens on Patrol Quarterly Report

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

Approved by Town Manager _____ **Date:** 4/7/2015
Interim Town Manager

Name/Title

Originating Department: **Town Commission**	**Costs: $ -0-** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **None**
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:

Captain Jeffery Lindskoog of the Palm Beach County Sheriff's Office will be in attendance at this Commission meeting to present his second quarterly update on the Citizens on Patrol Program.

Recommended Motion: There is no recommended motion as this is a presentation/report only.

Proclamations

TAB 2

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 15, 2015 **Agenda Item No.** Tab 2

Agenda Title: Proclamation recognizing April 24, 2015 as National Arbor Day

[X] **SPECIAL PRESENTATION/REPORTS** [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS: RESOLUTION [ ] DISCUSSION FOR FUTURE ACTION
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 4/7/2015

_____
David Hunt/Public Works Director

Originating Department: **Public Works**	**Costs: $ 350.00** **Funding Source: DPW, Grounds Maintenance Div.** **Acct. # 406 - 52000** **[X] Finance** _____	**Attachments:** **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**_____ or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background: Each year, the Town of Lake Park celebrates National Arbor Day by inviting school children from local schools to participate in the Arbor Day Event with poems, songs and drawings honoring trees. This year, the National Arbor Day observance will take place in Blakley Park, at 10:30 a.m. on Friday, April 24, 2015. Several trees planted from prior Arbor Day Celebrations will be revisited to see their growth over time. Also, a new tree will be presented which will be placed at a disclosed location. The Public Works Department will be coordinating the event. The anticipated $150.00 cost will cover refreshments and has been budgeted for this event.

Recommended Motion: I move to proclaim April 24, 2015 as National Arbor Day.

PROCLAMATION
IN HONOR OF NATIONAL ARBOR DAY

WHEREAS; in 1871 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees and this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS; Arbor Day is now observed throughout the nation and the world. Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS; trees are a renewable resource which provides the materials necessary to produce paper, construct our homes, fuel our fires and manufacture countless other wood products, and

WHEREAS; trees increase property values, enhance the economic vitality of business areas and improve the overall aesthetic appeal of our community, and

WHEREAS; trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS; efforts to protect our trees and woodlands by planting trees to promote the well-being of this and future generations should be supported by all persons,

NOW, THEREFORE; on behalf of the Commission of the Town of Lake Park, I, James DuBois, Mayor of the Town of Lake Park, Florida do hereby recognize April 24, 2015 as National Arbor Day.

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 _____ day of April, 2015.*

BY:_____
Mayor James DuBois

ATTEST:

_____
Vivian Mendez, Town Clerk

Consent Agenda

TAB 3

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **April 15, 2015** **Agenda Item No.** Tab 3

Agenda Title: Regular Commission Meeting Minutes of April 1, 2015

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

Approved by Town Manager Interim Town Manager **Date:** 4/8/2015

Vivian Mendez – Town Clerk
Name/Title

Originating Department: **Town Clerk**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Agenda** **meeting minutes** **Exhibits "A – H"**
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 *V.M* **Please initial one.**

Summary Explanation/Background:

Recommended Motion:

To approve the Regular Commission Meeting minutes of April 1, 2015.

AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, April 1, 2015,
Immediately Following the
CRA Board Meeting
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**
Bambi McKibbon-Turner	—	**Interim Town Manager**
Thomas J. Baird, Esq.	—	**Town Attorney**
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A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

1. Proclamation in Appreciation for Joan Knapp – Friends of the Lake Park Public Library **Tab 1**

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 rememher comments are limited to a TOTAL of three minutes.

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

sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

2. Regular Commission Meeting Minutes of March 18, 2015 **Tab 2**
3. Special Call Town Manager Interviews Meeting Minutes of March 21, 2015 **Tab 3**

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

4. Ordinance No. 02-2015 to Abandon a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way **Tab 4**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING 0.49 ACRE OF THE EAST JASMINE DRIVE RIGHT OF WAY LOCATED BETWEEN FEDERAL HIGHWAY AND LAKESHORE DRIVE, AND WHICH IS SHOWN AS AVENUE "J", ACCORDING TO THE PLAT OF KELSEY CITY RECORDED IN PLAT BOOK 8, PAGES 15 AND 35; PROVIDING FOR THE RECORDING OF THIS ORDINANCE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY; PROVIDING FOR SEVERABILTY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Ordinance No. 03-2015 to Rezone 1017 Federal Highway from Commercial-1 (C-1), Respectively, to Planned Unit Development (PUD) **Tab 5**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING THE PROPERTY AT 1017 FEDERAL HIGHWAY AND LEGALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" TO THE PLANNED UNIT DEVELOPMENT DISTRICT PROVIDING FOR THE AMENDMENT OF SECTION 78-32 OF THE TOWN CODE TO INCORPORATE THE TOWN'S OFFICIAL ZONING MAP TO REFLECT THE ASSIGNMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO THE PROPERTY AT 1017 FEDERAL HIGHWAY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

None

H. NEW BUSINESS:

6. Approval of Town Manager Contract and Setting a Start Date **Tab 6**

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, April 15, 2015

Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, April 1, 2015, 6:45 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, April 1, 2015 at 6:45 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Interim Town Manager Bambi Turner, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

SPECIAL PRESENTATIONS/REPORTS

1. Proclamation in Appreciation for Joan Knapp – Friends of the Lake Park Public Library

Mayor DuBois read the proclamation and Library Director Karen Mahnk accepted the proclamation on behalf of Joan Knapp.

PUBLIC COMMENT:

Florence Reed, 501 Lake Shore Drive – reminded the Commission that last year there was an event at Lake Shore Park where the noise levels were relentless and offensive. She asked the Commission if any changes were being made to control noise levels at the parks. Mayor DuBois explained that the Commission has been working with staff and the Palm Beach County Sheriff's Office (PBSO) to develop an Ordinance that would be enforceable.

CONSENT AGENDA:

2. Regular Commission meeting minutes of March 18, 2015.
3. Special Call Town Manager Interview Meeting Minutes of March 21, 2015.

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

Vote on Motion:

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

Motion passed 5-0.

PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:

4. Ordinance No. 02-2015 to Abandon a 0.49-Acre Portion of the East Jasmine Drive Right-of-way.

Mayor DuBois asked if the presentations for Ordinances 02-2015 and Ordinance 03-2015 could be combined. Community Development Director DiTommaso stated that both presentations could be combined and that staff and the applicant were prepared to do so. Mayor DuBois tried to sort out the public comment cards received for each Ordinance, so that each person would speak under the correct Ordinance.

Motion: Commissioner O'Rourke moved to combine the public comments for both Ordinance 02-2015 and Ordinance 03-2015 at one time; 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.

Town Attorney Baird swore in all witnesses.

Attorney Baird explained that the ex-parte communication disclosures must include any verbal, written, texted, site visits, emails, and any other type of communication about the Ordinances and the nature of those communications.

Ex-parte Communication Disclosures:

Commissioner O'Rourke disclosed that he has had multiple email communications with residents and multiple site visits regarding both Ordinances.

Commissioner Rapoza disclosed that she has had multiple emails with residents regarding these Ordinances.

Commissioner Flaherty disclosed that he has had email communication with residents in which he has acknowledged their concerns. He stated that he has no communication with Earl Stewart.

Vice-Mayor Glas-Castro asked Attorney Baird to clarify what information needs to be disclosed. She asked if the information disclosed could be of a general nature. Attorney Baird explained that the nature of the comments should be disclosed, including the substance of the comments, in a summary manner.

Commissioner O'Rourke further disclosed that all the email communication he has received have been in opposition of the abandonment of the street and the zoning changes, including the site plan.

Commissioner Rapoza further disclosed that all the emails she has received regarding these Ordinances have been in opposition of both Ordinances. She stated that she has had casual discussions with Jason Stewart regarding the parking garage site plan. She read an email from Jason Stewart asking for her support regarding these Ordinances and the project. She stated that she had responded to the email that she was in favor of the project prior to viewing the site plan of the proposed building and the abandonment of E. Jasmine Drive.

Commissioner Flaherty further disclosed that the emails he received had been in opposition of the Ordinances and he responded to the emails acknowledging receipt of emails to the residents and that their concerns would not be overlooked.

Vice-Mayor Glas-Castro disclosed that she had received numerous emails opposing the proposed project, questioning the public benefit, and questioning the compatibility of the residential uses to the adjacent properties. She stated that the Planning and Zoning Board had received a petition dated February 10, 2015, which had been provided to the Commission. One resident's concern was that the applicant was looking to rezone from a Commercial (C)-1 District to a Planned Unit Development (PUD) because the project was too large for the property and that it was not consistent with the goals and objectives of the Town's Comprehensive Plan. She explained that she drove by the site this evening and Anne Booth of Urban Design Studios had called her yesterday to ask if she had any comments regarding the proposed projects. She explained that she did not have any comments at that point to discuss with Ms. Booth. She stated that the site plan was emailed to the Commission yesterday and she had not reviewed the plans until later in the evening.

Commissioner O'Rourke further disclosed that he responded to emails inviting residents to attend the Commission meeting.

Mayor DuBois disclosed that he received multiple emails and phone conversations with residents opposing the projects.

Community Development Director Nadia DiTommaso presented Ordinance No. 02-2015 the abandonment of E. Jasmine Drive and Ordinance No. 03-2015 rezoning of 1017 Federal Highway from Commercial -1 (C-1) to Planned Unit Development (PUD) (see Exhibit "A").

Commissioner O'Rourke asked for clarification as to when the public would have an opportunity to speak. Mayor DuBois stated that the Commission still needs to hear the applicant's presentation before public comment. Attorney Baird explained that since the Commission had agreed to combine both presentations, they could proceed. He stated that the Town Code has outlined a process with a staff presentation, followed by the applicant's presentation, Commission questions to staff and the applicant, followed by public comment. Mayor DuBois suggested that staff continue their presentation.

Chris Barry, Land Planner with Urban Design Kilday Studios presented the project (see Exhibit "B").

Commissioner O'Rourke stated he had a concern that the Town Code was not followed as it pertains to notice being provided to occupants of the properties within 250 feet of the site. He stated that in Section 72-5 (5) of the Town Code it states that "the names and addresses of owners or businesses or occupants of real property bounding and abutting the street, alley, or easements sought to be abandoned, and the property owners located within 250 feet thereof". He stated that there was a property within the 250 feet that was not notified. Community Development Director DiTommaso stated that the applicant provided labels and a list of property owners within 300 square feet of the property and staff prepared certified mail to those property owners based on the labels provided by the applicant. Commissioner O'Rourke asked if the list provided to staff contained the names of the occupants of the properties within 250 feet as the Town Code requires. Community Development Director DiTommaso stated staff does not typically include the list with the names and addresses of the property owners in the packet provided to the Commission. Commissioner O'Rourke asked if occupants of those properties were notified. Community Development Director DiTommaso stated that the list provided by the applicant was of property owners. Commissioner O'Rourke asked if the applicant went out to the occupants to notify them that this project was occurring. Community Development Director DiTommaso stated that she was not provided a list of occupants.

Commissioner O'Rourke stated that in Town Code Section 72-4 (b) "The Town Commission may approve an abandonment application if the applicant demonstrates, by clear and convincing evidence, that a right-of-way is no longer required for a public use and convenience. Any proposed abandonment of a public right-of-way shall demonstrate that such action furthers the health, safety and welfare of the Town's residents". He stated that a traffic study from 2003 was submitted as part of the application. Community Development Director stated that the new traffic study references the previous traffic study conducted in 2003 (see Exhibit "C").

Mayor DuBois asked if the documents were signed and sealed by the engineer. Community Development Director DiTommaso stated "yes". Commissioner O'Rourke asked questions of staff regarding the traffic study that staff was unable to answer. Mr. Barry offered to have additional analysis and traffic studies conducted.

Commissioner O'Rourke stated that in Section 72-7 (b), of the Town Code, it refers to the evaluation of the appraised value of the property. Community Development Director DiTommaso stated that a Florida Licensed Property Appraiser conducted the appraisal. Commissioner O'Rourke stated that two of the four properties appraised were not comparable with E. Jasmine Drive. Community Development Director DiTommaso stated that she did not invite the property appraiser to the meeting to answer questions regarding the methodology of the appraisals done. She suggested that the appraiser be invited to the next meeting to answer questions of the Commission. Attorney Baird stated that if the Commission feels that it would need those professionals in attendance to answer questions regarding their reports, then the Commission could continue the hearings to another date. He reminded the Commission that Ms. DiTommaso did not

write the traffic study reports or the property appraisal reports and therefore all she can do was confirm what was written in those reports. Mayor DuBois asked that all the professionals be invited to the next meeting to answer questions of the Commission.

Vice-Mayor Glas-Castro referenced page two of the staff report (see Exhibit "C"), which includes an affirmative statement that says "it has been determined that the right-of-way is no longer required for public use and convenience", but staff does not explain how that determination was made. Community Development Director DiTommaso stated that the traffic study was used to determine that there would not be a negative impact on E. Jasmine Drive. Vice-Mayor Glas-Castro stated that the staff report indicates that large commercial carriers would not be allowed to use Lake Shore Drive for exiting the dealership, even though there was an access point on Lake Shore Drive. How would the Town be assured that the access point would not be utilized? Community Development Director DiTommaso stated that conditions of approval could be included in the project to assure that the access point would not be utilized. She stated that the Planning and Zoning Board requested that signs be posted prohibiting exiting onto Lake Shore Drive. Vice-Mayor Glas-Castro expressed concern that the signs would not be enough to deter drivers from exiting onto Lake Shore Drive. She stated that in the staff report it states that the abandonment request was consistent with the Town's Comprehensive Plan, but it does not elaborate how it is consistent with the Town's Comprehensive Plan.

Commissioner Rapoza expressed concern with trucks on Lake Shore Drive, upgrading the drainage system on Lake Shore Drive, and the appraiser for the property was too low. She agreed that the consultants that conducted the appraisal and the traffic study should be at the next meeting to answer questions.

Commissioner Flaherty stated had many of his questions were answered during the applicant's presentation.

Mayor DuBois stated that according to the traffic study 500 trips turned onto E. Jasmine Drive and 200 trips onto E. Ilex Drive. He asked if most of the trips onto E. Jasmine Drive were trips going into the Earl Stewart property. Mr. Barry stated that additional analysis were needed to make that determination since the study was conducted in 2004. Mayor DuBois asked if the appraisals done of similar properties encumber. He clarified his question by stating that E. Jasmine Drive was a public right-of-way and has a number of utility easements associated with it, did those encumbers go to the value properties relative to the other higher value properties.

The Commission began their questions regarding the re-zoning of 1017 Federal Highway. See staff report as Exhibit "D".

Commissioner O'Rourke asked if phase three of the development (also known as the parking garage) would have an impact on the properties on Lake Shore Drive. Community Development Director DiTommaso stated that it would have a visual impact than what was currently on the site. Commissioner O'Rourke stated that staff's presentation includes recommendations to improve the esthetics of the area by including buffers. Community Development Director DiTommaso stated that it would improve the temporary use of the property by developing the site with a permanent structure. She

stated that the project includes landscaping buffers to further minimize the impacts on the south side of the project and staff does believe it would be an improvement to the site. Commissioner O'Rourke asked if staff considered the wall that would be built across from the condominiums. Community Development Director DiTommaso stated that the guidelines in the Town Code were all considered and anything further than those guidelines would be the desire of the Commission and discussed at a meeting. Commissioner O'Rourke commended the Planning and Zoning Board for suggesting that the project be a four-story building versus a five-story building. Community Development Director DiTommaso stated that luckily there was a public process where other considerations could be suggested. Commissioner O'Rourke asked if an abandonment progresses would require a PUD zoning change for that section of the property as well. Community Development Director DiTommaso stated that if the overall application was approved then a right-of-way could be abandoned and not incorporated into a PUD. She stated that in this case because the applicant was proposing the expansion of the PUD boundaries to incorporate the E. Jasmine Drive right-of-way, then yes a zoning change for that section of the property would be required. She clarified by saying that if the abandonment was approved it would need to go through the re-zoning and Future Land Use Map amendment process.

Commissioner O'Rourke questioned the public benefit to the residents in the area of the development.

Vice-Mayor Glas-Castro referenced conflicts regarding rezoning to a PUD of 1017 Federal Highway and E. Jasmine Drive between the staff report that was in the agenda packet and the staff report presented this evening. She stated that during tonight's presentation Ms. DiTommaso referred to just the parcel and that the abandonment of the street would be subject to separate rezoning. Community Development Director DiTommaso clarified that the abandonment would first need to be approved through the Ordinance process for the change of the rezoning and land use designations, which was why the application was considered for the 1017 Federal Highway property.

Attorney Baird understood that the right-of-way property and the south parcel would both be added to the PUD. He asked staff why were they both not in the rezoning Ordinance. Community Development Director DiTommaso stated that they were originally, but changed during the review process because the abandonment was not approved yet. Attorney Baird stated that he was not sure how adoption of the PUD could move forward when both of those parcels are not part of the PUD. He questioned how the site plan was contingent on both of those properties being used for development and how could the site plan be approved when the main property has been left out. Community Development Director DiTommaso explained that it would be a condition of approval of the abandonment and site plan.

Vice-Mayor Glas-Castro stated that the Ordinance was written as a simple rezoning from a C-1 to a PUD, which could also be the same as C-1 to C-2. She stated that what it does not take into account is what is required of a PUD as required in Section 78-77. She explained that the PUD should be considered as a package development with a site plan. She expressed concern moving forward legally with the way the project was being presented.

Mayor DuBois expressed concern with the zoning change without considering the site plan.

Vice-Mayor Glas-Castro stated that she reviewed the site plan to try to understand the phasing and could not understand the waivers that were being requested. She expressed concern with what was required in Section 78-77 of the Town Code and did not feel comfortable taking action this evening.

Mayor DuBois recapped the discussion regarding the consolidation of the abandonment into the rezoning and then the consolidation of the site plan into the zoning. Vice-Mayor Glas-Castro stated that both are legal issues that are important.

Commissioner Flaherty asked if the applicant had a "plan B". Mr. Barry stated that at this point they do not have a "plan B".

Mayor DuBois asked what was the current height in the C-1 district. Community Development Director DiTommaso stated that the Town Code sets the maximum height at 30 feet. Mayor DuBois asked if the applicant was proposing a three or four story building. Community Development Director DiTommaso stated that the applicant was proposing a four story building. Mayor DuBois asked if the Commission did not approve the road abandonment and the Commission did not approve the rezoning from C-1 to a PUD, then the applicant could propose the same development without the phasing of the projects. Mr. Barry stated "correct". Mayor DuBois asked what was the total square footage of the project. Community Development Director DiTommaso stated that it was approximately 32,000 square feet per story or approximately 74,000 square feet. Mr. Barry explained that typically garage areas are not calculated in the total gross floor area because it was open space. Mayor DuBois clarified that the building between E. Ilex Drive and E. Jasmine Drive were not included in the gross square footage. He further explained that since the garage is not "under air" it was not included in the total development. Mr. Barry replied, "correct". Mayor DuBois stated that it would be a total of 200,000 square foot project. He stated that the "by-right" development of that property, even without the unification of the PUD would be double what the applicant was proposing.

Public Comments Opened:

1. Judith Thomas - 204 E. Jasmine Drive, expressed concern with the graphics provided by staff, the explanation of what was included in each phase, and the timelines. She expressed concern with the public benefit, the appraisal, and several other components' of the project.

2. Jay Krowl – 913 Lake Shore Drive, expressed concern that the residents of Marina Key were not notified of the development project. She expressed opposition to the project.

3. Michael DeSouza, 301 Lake Shore Drive, was opposed to the project.

4. Ben Valle, 1045 Lake Shore Drive, express concern with the tractor-trailers and the noise they generate.

5. Jerry Rapoza, 801 Lake Shore Drive, did not oppose the development.

6. Diane Bernhard, 301 Lake Shore Drive, read a memo sent by the Town Attorney to the Community Development Director regarding the abandonment of E. Jasmine Drive and the public benefit. She suggested leasing E. Jasmine Drive to the applicant instead of the Town abandoning the street.

7. Robert Shelton, 501 Lake Shore Drive, expressed concern with construction for the next six year on Lake Shore Drive, the taxes generated, and suggested the Town purchase property instead of giving it away.

8. John Hash, 1115 Lake Shore Drive, expressed concern with the future land use of the property in that area.

9. Janet Hash, 1115 Lake Shore Drive, expressed concern with the car wash proposed in the development, the trash compactor, storm drains, and public benefit.

10. Can Nguyen, 1155 Lake Shore Drive, expressed concern with the construction noise over the next several years, and the property values.

11. Cat Nguyen, 1155 Lake Shore Drive, expressed concern that the occupant list was not included in the application and the balancing of the Town's Comprehensive Plan and the residents affected by the development. His comments are included as Exhibit "E".

12. Tugen Le, 115 Lake Shore Drive, expressed concern with the landscaping and the project being an eye sore, the traffic study, and maintaining, what she considered this to be, the "land of gold".

13. Angela Kauffman, 1105 Lake Shore Drive, expressed concern with the property values, the constructions, increase noise, pollutions, and the nature resources. She would like to see a "plan B".

14. Sam Baghdady, 12 E. Ilex Drive, provided his concerns in writing and a petition (see Exhibit "F").

15. Joann Webb, E. Ilex Drive, opposed the project.

16. Penny Broda, provided her concerns in writing (see Exhibit "G").

17. Richard Swenson, 10 E. Ilex Drive, expressed concern with the noise, light, and privacy of the development.

18. Philip Bathon, 916 Lake Shore Drive, expressed concern with the expansion of the third phase.

19. Diane Munroe, 722 Hawthorne Drive, asked for clarification regarding the March 2, 2015 Planning and Zoning Board meeting vote on the project. Community Development Director DiTommaso explained that the Planning and Zoning Board made a recommendation to the Town Commission at their March 2, 2015 meeting. Ms. Munroe expressed concern with the rezoning Ordinance, the structure being too large, the increase of traffic, and many other general concerns with the project.

Public Comment Closed:

Vice-Mayor Glas-Castro asked Mr. Barry how long would the vegetation take to mature. Mr. Barry stated that the growth was depicted in the presentation as three year.

Commissioner O'Rourke expressed concern that staff did not take into consideration the effect on property values.

Mayor DuBois expressed concern with how the commercial development works into the residential development around Lake Shore Drive and E. Ilex Drive. He stated that this project has taken so long to develop that everyone has become accustomed to seeing the open space. Mr. Barry stated that there were many concerned raised this evening. He stated that they would need to prepare for a future meeting where additional details are presented.

Motion: Commissioner O'Rourke moved to continue Ordinance No. 02-2015 to the May 20, 2015 Commission meeting; 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.

5. Ordinance No. 03-2015 to Rezone 1017 Federal Highway from Commercial-1 (C-1), Respectively, to Planned Unit Development (PUD)

Motion: Commissioner O'Rourke moved to continue Ordinance No. 03-2015 to the May 20, 2015 Commission meeting; 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.

Mr. Barry clarified that the Town hired the appraiser that was used for the project, but Earl Stewart paid for it. Mayor DuBois suggested getting another appraiser and have the company clarify if the comparable were encumbered in the same way that this property currently is encumbered. Mr. Barry explained that he saw the right-of-way appraiser as separate than the evaluation of the surrounding property impact.

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

NEW BUSINESS:
6. Approval of Town Manager Contract and Setting a Start Date.

Town Attorney Baird presented the item (see Exhibit "H"). The Commission discussed their concerns with the proposed contract and made the following modifications:

- The Town would not paid for the Town Manager's spouse's health coverage. The spouse's health coverage could be covered under the Town's Employee Family plan should the Town Manager choose to add the spouse to the coverage.

- The Town shall pay the moving expenses of the Town Manager on a reimbursement basis not to exceed $5,000. The Town Manager shall provide receipts for any expenses seeking reimbursement. The Commission would not pay of the first and last month's rent.

- The Commission approved a $500 a month vehicle stipend.

Public Comment Opened:
None
Public Comment Closed:

Motion: Commissioner O'Rourke moved to offer the Town Manager a contract with the additions and deletions discussed; Commissioner Rapoza seconded the motion.

Mayor DuBois stated that he did not feel that the proposed agreement was unreasonable.

Commissioner O'Rourke stated that he would have agreed to paying the first and last month's rent.

Vice-Mayor Glas-Castro stated that the Town does not have the budget to provide the big benefits of a big city.

Commissioner O'Rourke amended his motion to include the first and last month's rent. The motion failed due to lack of a second.

Motion: Commissioner O'Rourke moved to offer the Town Manager a contract with the additions and deletions discussed; 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.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird had no comments.

Interim Town Manager Turner announced that the annual Easter Egg Hunt would take place on Saturday, April 4, 2015 from 9:00 a.m. until 11:00 a.m. in Kelsey Park for children 2 years old through 10 years old.

Commissioner Rapoza asked if the Commission would consider hosting a Palm Beach County League of Cities meeting at the community center on Singer Island. Vice-Mayor Glas-Castro explained that when hosting the meeting it should take place within the Town. She stated that the Mirror Ballroom was not large enough to host a League event. Mayor DuBois stated that several years ago, staff did an analysis of the cost of hosting the event. The event is too costly and the Town would need sponsors to pay for the luncheon. Commissioner Rapoza announced that she would not be attending the April 15, 2015 Commission meeting.

Commissioner Flaherty had no comments.

Commissioner O'Rourke thanked everyone for attending the meeting and expressing their opinions on the future of the Town.

Vice-Mayor Glas-Castro stated that on April 15, 2015 there is a Visioning Workshop scheduled. She asked if the workshop should be delayed until the Town Manager was on board. The Commission came to consensus to delay the Visioning Workshop. She stated that at the last Palm Beach County League of Cities General meeting the Mayor was acknowledged for his efforts with the Sober House legislative issue. She stated that at the League meeting they announced that the Palm Beach County Supervisor of Elections (SOE) was causing the qualifying period to be moved up because the State of Florida would be holding its Presidential Preference Primary (PPP) on a different date in March. She deferred to the Town Clerk for additional clarification. Town Clerk Mendez explained that as a result of the Governing signing into legislation that the PPP would be held on the third Tuesday in March, each municipality was strongly encouraged by the SOE to change their municipal election to coincide with the PPP. She explained that the PPP was being conducted on March 15, 2016, which is the third Tuesday in March (the

municipal elections are held on the second Tuesday in March). She explained that the SOE has announced that the equipment could not be updated quickly enough to support two elections in such a short period of time. She explained that an Ordinance would be brought forward at either the April 15th or May 6th Commission meeting changing the qualifying period for the municipal elections that take place on the same year as the PPP. Vice-Mayor Glas-Castro stated that a memorandum was distributed during the League meeting explaining what municipalities would need to do in order to support that legislative change. Town Clerk Mendez explained that the March 2016 municipal election qualifying period would be from Tuesday, November 24, 2015 through Tuesday, December 8, 2015.

Mayor DuBois stated that he is not sure why the Palm Beach County League of Cities has credited him for the Sober Home issues when former Mayors and Commissioners began the process. He thanked the public for attending and conducting themselves so respectfully during of the process.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 10:45 p.m.

_____

Mayor James DuBois

_____

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this _____ of _____, 2015

See Exhibit "A"

EAST JASMINE DRIVE ABANDONMENT APPLICATION

Requested by: Earl Stewart Toyota, LLC and Commercial Investments, LLC

Staff Presentation

TOWN COMMISSION

Wednesday, April 1, 2015

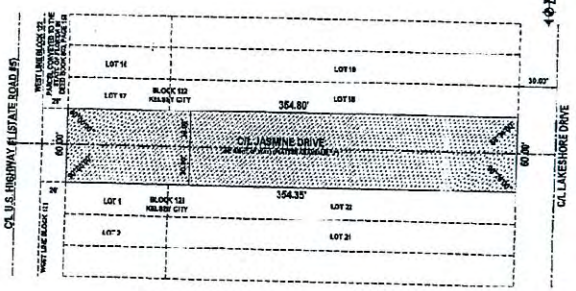
REQUEST

LEGAL DESCRIPTION (Proposed Jasmine Drive Abandonment)

A portion of the existing right of way known as Jasmine Drive and shown as Avenue "J", KELSEY CITY, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, at Plat Book 8, Pages 15 and 35, and more particularly described as follows:

Bounded on the South by the North line of Block 121, said KELSEY CITY; Bounded on the North by the South line of Block 122, said KELSEY CITY; Bounded on the East by the West right of way line of Lake Shore Drive (a 60 foot right of way), said Kelsey City; Bounded on the West by the East right of way line of U.S. Highway # 1 (State Road # 5) as conveyed to the State of Florida in Deed Book 803, Page 158, Public Records of Palm Beach County.

CONTAINING IN ALL, 21,275 SQ. FT. AND/OR 0.49 ACRES.



1215 Federal Highway

East Jasmine Drive

1017 Federal Highway

CODE REQUIREMENTS FOR ABANDONMENT APPLICATIONS

- Review by the Town Engineer; Public Works Director; Town Attorney; and Community Development Director
- Receipt of no objection letters from the various utility companies
- Posting of notification signs around the property
- Appraisal from a Florida Licensed real estate appraiser and payment
- Determination by the Town Commission as to whether the abandonment will deprive any adjacent businesses or individuals of a reasonable means of ingress or egress; whether the abandonment will reduce adjacent property values; and whether receiving compensation and abandoning the ROW is to the best interest of the community as a whole

STAFF DETERMINATION

Will not negatively impact the community as a whole for the following reasons:

- Traffic analysis results
- Upgrade the site and provide buffering
- Increase in tax revenue
- Confirmation from all utility companies

STAFF RECOMMENDATION

APPROVAL with conditions 1 through 7:

(1) At the time the Applicant pays the appraised value of the Property to the Town, the Applicant shall remove the traffic signs along East Jasmine and Lakeshore Drive, and provide these signs to the Town of Lake Park's Public Works Department.

(2) The Applicant shall pay to the Town the appraised value of the Property within 90 days of the effective date of this ordinance. In the event that payment is not received from the Applicant within 90 days of the effective date of this ordinance, the abandonment shall become null and void.

(3) The Applicant shall be solely responsible for the cost of the reconstruction of the east and west sides of the Property adjacent to Lakeshore Drive and North Federal Highway.

(4) The drainage design for the Property shall be consistent with the future reconstruction plans for Lakeshore Drive and shall receive the appropriate permit from the Florida Department of Transportation. The Applicant shall submit a copy of the permit to the Community Development Department.

(5) The Abandonment approval is contingent upon the approval of a site plan for the expansion of the site. The Applicant is also responsible for the rezoning and land use map amendment for the right-of-way once it has been abandoned.

(6) AT&T requires a utility easement in lieu of the R/W occupancy to maintain the facilities as well as 2-4" PVC conduits crossing the property within the utility easement. These conduits would allow AT&T to place cables through the property without interfering with the business and the Applicant is solely responsible for this requirement.

(7) The Applicant is solely responsible for the removal of the FPL street lights, poles, and cables as part of abandoning the Right-of-Way. The Town understands there will be a charge for the removal of these facilities, and arrangements have already been made with Earl Stewart for payment of the removal.

THANK YOU

QUESTIONS/COMMENTS

APPLICANT PRESENTATION TO FOLLOW

See Exhibit "A"

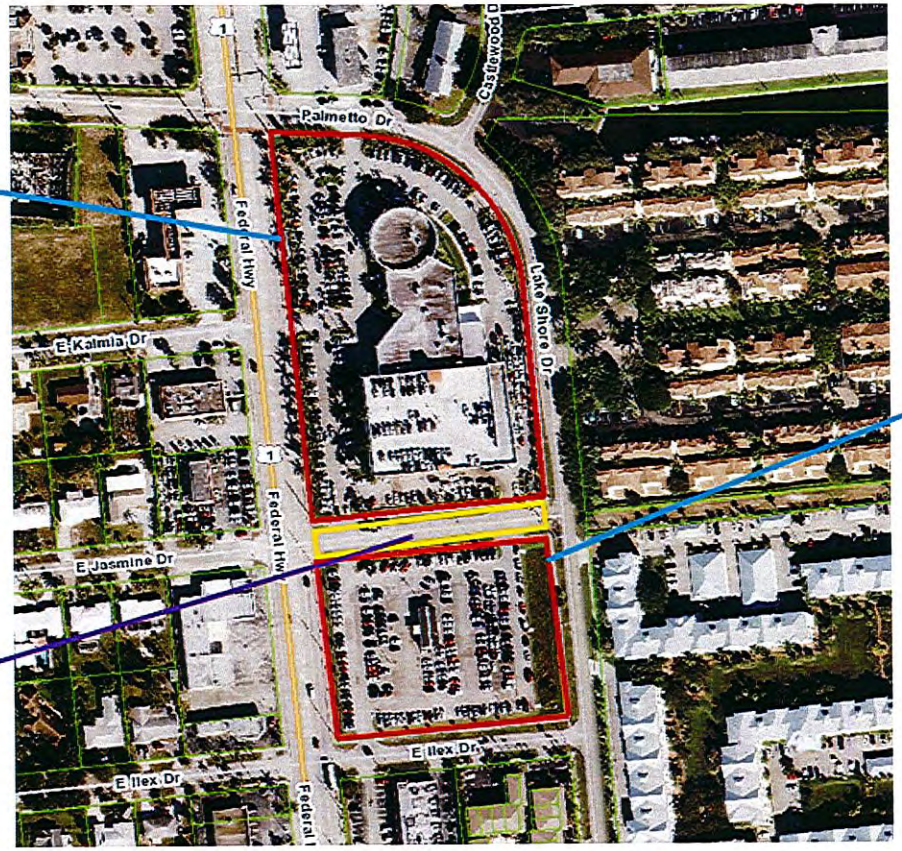
REZONING APPLICATION
1017 FEDERAL HIGHWAY

Staff Presentation

TOWN COMMISSION

Wednesday, April 1, 2015

GENERAL LOCATION



REQUEST

- Applicant: Urban Design Kilday Studios
- Owner: Commercial Investments LLC
- Proposal: Dealership Expansion (*requires separate site plan/special exception use approval*) – requires an amendment to the existing PUD boundaries = Rezoning of 1017 Federal Highway

The East Jasmine Drive right-of-way is being considered separately for abandonment. If approved by the Town Commission, a future land use map amendment and rezoning of this area will be brought forward as separate agenda items.

OVERALL SITE HISTORY
(1215 Federal Hwy)

- Was constructed in the mid to late 1970's on 4.47 acres
- Original development of the Site included a 14,200 S.F. Park Center hardware store
- Planned Unit Development (PUD) was approved in 2003 and approved by RES 14-05-03
- PUD regulations included:
  - (1) a display parking setback of 15 feet instead of 25 feet;
  - (2) to allow for the spacing of shade trees along Federal Highway to be 30 feet instead of 20 feet;
  - (3) the elimination of wheel stops;
  - (4) no planters on the roof of the garage;
  - (5) to allow a 40-foot freestanding monument sign to replace the then conforming 15-foot freestanding monument sign. The code currently allows a maximum 10-foot height for monument signs; therefore, the application proposes to remove this second existing monument sign and replace it with a 10-foot compliant sign by July 5, 2016 which is prior to the Phase 1 construction completion as proposed and consistent with the Town's compliance schedule for nonconforming signage.

OVERALL SITE HISTORY
(1017 Federal Hwy)

- 1969: 111-unit hotel (Journey's Inn); 2,150 S.F. restaurant known as the El Colonial

- 2004: application to expand dealership and abandon East Jasmine right-of-way. Abandonment approved by Resolution 43-07-04, but expansion never occurred therefore abandonment approval became null and void

- 2010: Owner requested permission to demolish structures; pave/landscape lot; and temporarily utilize for storage with office trailer (temporary uses are ongoing with a January 2016 expiration pursuant to Resolution 03-01-15 approved by the Town Commission)

EXISTING CONDITIONS

EXISTING CONDITIONS

EXISTING CONDITIONS

EXISTING CONDITIONS

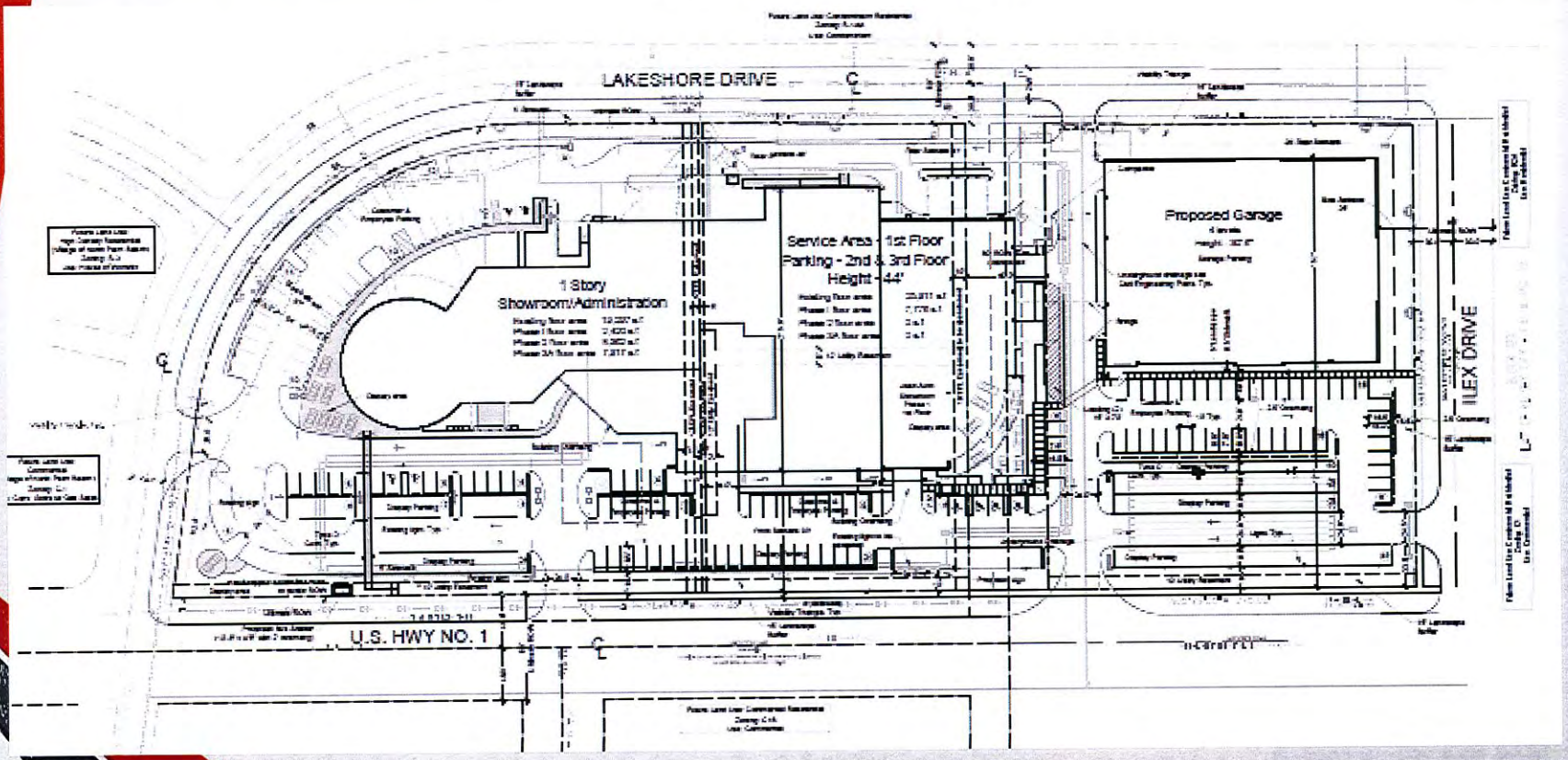
EXISTING CONDITIONS

EXISTING CONDITIONS

EXISTING CONDITIONS

PROPOSED SITE PLAN

(will be considered separately at the April 15, 2015 meeting)



REVIEW CRITERIA

Consistency with Town Zoning Code:

As part of the proposed development for the site, the Applicant has applied to rezone the parcel immediately south of the right of way, having an address of 1017 Federal Highway. The rezoning is necessary in order to incorporate this property into the PUD zoning district designation which has already been assigned to the Earl Stewart Toyota property located at 1215 Federal Highway. Additionally, this rezoning includes a separate Master Site Plan application whereby the Applicant proposes a 3-Phase development plan which is a requirement of the PUD and will be considered as a separate agenda item for approval.

Consistency with the Town's Comprehensive Plan:

1017 Federal Highway has a future land use designation of "Commercial/Residential" which allows for commercial-only PUD developments without a residential component. The proposed expansion of the vehicle sales dealership with a **PUD designation** is consistent with this future land use designation.

RECOMMENDATION

PLANNING & ZONING BOARD considered this application at their February 2, 2015 and March 2, 2015 meetings and recommended APPROVAL (4-1) to the Town Commission on March 2, 2015.

Staff Recommendation: APPROVAL of the proposed ORD on 1st reading.

*****2nd reading of the Ordinance is required and will be considered on the same agenda as the Site Plan/Special Exception Use Resolution, scheduled for April 15, 2015*****

THANK YOU

QUESTIONS/COMMENTS

APPLICANT PRESENTATION TO FOLLOW

See Exhibit "B"

EARL STEWART TOYOTA OF LAKE PARK

Lake Park Town Commission

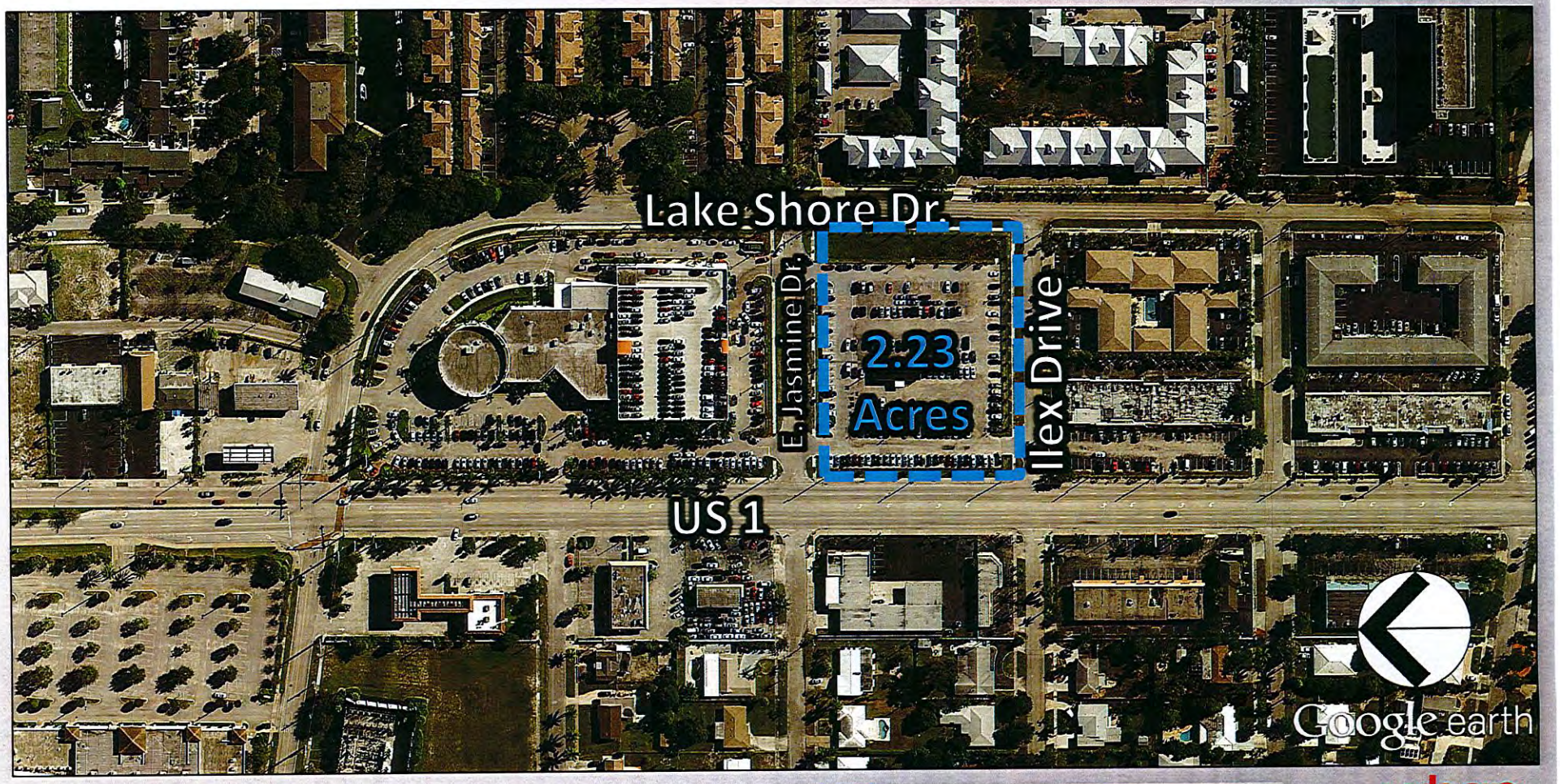
April 1, 2015

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Temporary Use



Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Temporary Use

- January 21, 2015
  - Commission approved extension of temporary use until:
    - 30 days from issuance of CO for Phase 1
    - But no later than January 31, 2016

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Requests

- For Consideration This Evening:
  - 1st Reading of Abandonment of East Jasmine Drive
  - 1st Reading of Zoning Map Amendment to PUD for 1017 Federal Highway
- For Consideration on April 15, 2015:
  - 2nd Reading of Abandonment of East Jasmine Drive
  - 2nd Reading of Zoning Map Amendment to PUD for 1017 Federal Highway
  - Amendment to Earl Stewart Toyota PUD Boundary
  - Special Exception to allow Vehicle Sales

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Site

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Acreage Breakdown

Earl Stewart Toyota

GLIDDEN SPINA + PARTNERS

urban design kilday STUDIOS

Right-of-Way Abandonment

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Right-of-Way Abandonment

- Previously abandoned on August 4, 2004 (Resolution No. 43-07-04)
- Meets required standards
- From Staff Report:
  - No longer required for the public use and convenience
  - Consistent with Town's Comprehensive Plan
  - Increase in tax revenue
- Applicant will pay appraised value ($300,000) within 90 days

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Re-Distribution of Trips

- Average Daily Trips
  - East Jasmine Drive = 540 ADT's
  - Ilex Drive (current) = 225 ADT's
  - Ilex Drive (proposed) = 540 + 225 = 765 ADT's
- Adopted LOS D for Ilex Drive = 12,300 ADT's

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Zoning Map Amendment

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Benefits of PUD

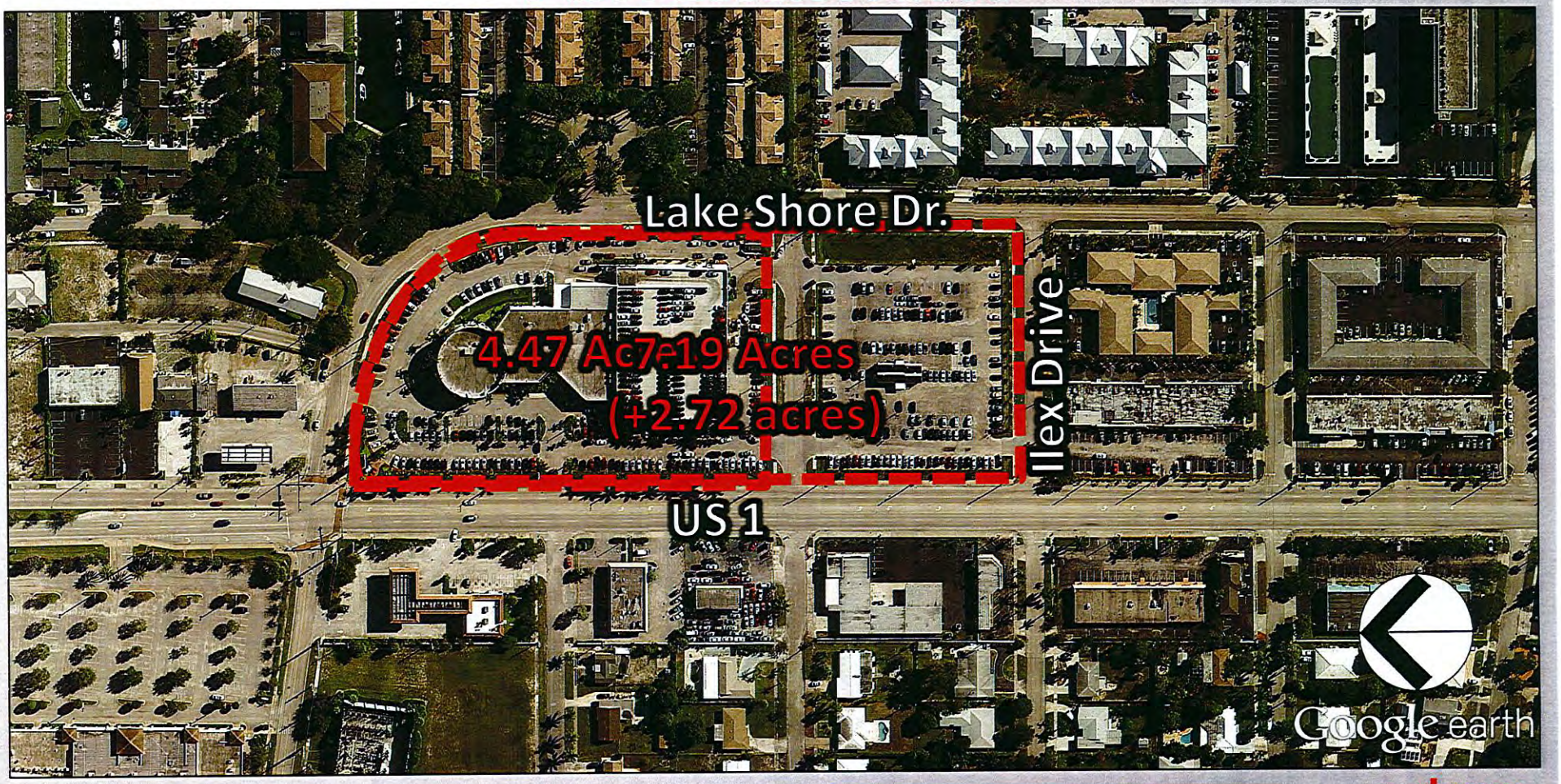
- Allow Town greater control on overall development
- Allow a unified development

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Special Exception & PUD Amendment



Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Phases I & II

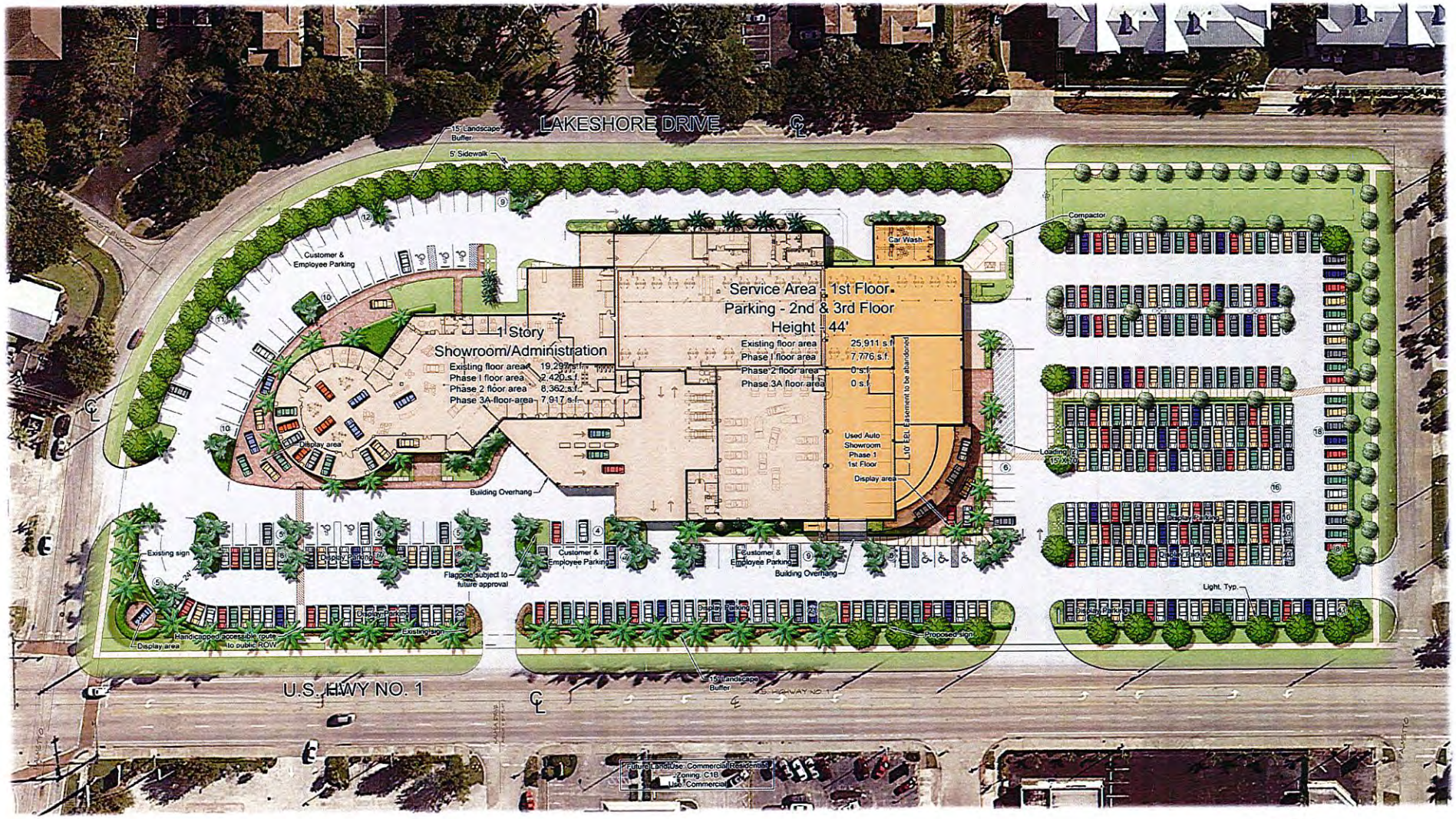
- **Total Square Footage:** 63,766 s.f.
  - **Existing:** 45,208 s.f.
  - **Phase I:** 10,196 s.f.
  - **Phase II:** 8,362 s.f.
- **Elements**
  - **Enclosing and expanding service bays**
  - **Enclosing auto repair**
  - **Creating indoor bays for storage of damaged cars prior to auto body repair**
  - **Additional parking**
  - **Consolidation of used car operations**

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Proposed Development – Phases I & II



urban design kilday STUDIOS

GLIDDENSPINA

Master Site Plan

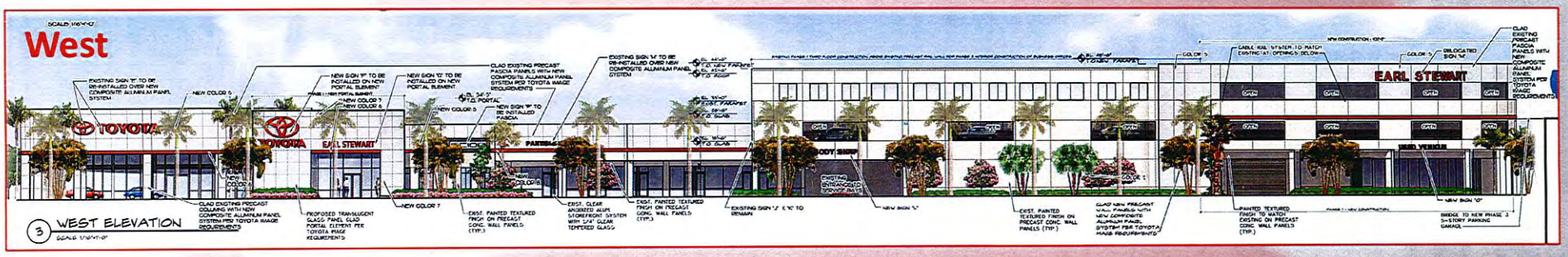
Scale: 1" = 30'

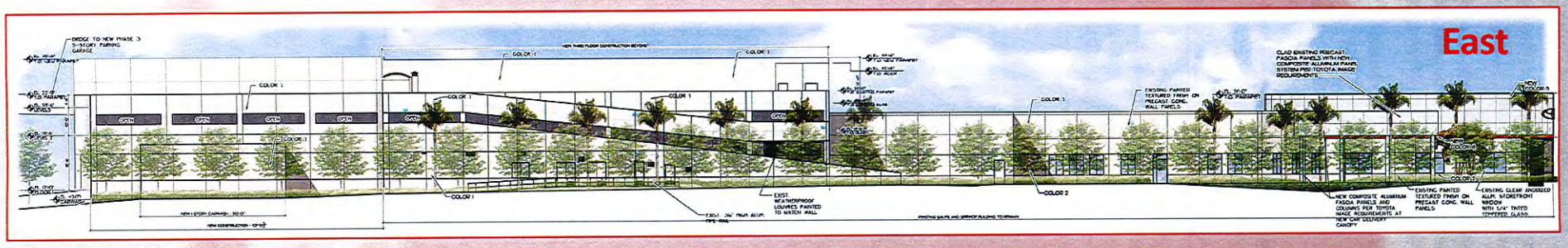
N

EARL STEWART TOYOTA

LAKE PARK, FLORIDA

West & East Elevations





Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

View Looking Northeast from US 1

GLIDDENSPINA + PARTNERS

VIEW LOOKING NORTHEAST FROM US HWY 1

EARL STEWART TOYOTA
LAKE PARK, FLORIDA

View Looking Southeast from US 1

GLIDDENSPINA + PARTNERS

VIEW LOOKING SOUTHEAST FROM US HWY 1

EARL STEWART TOYOTA
LAKE PARK, FLORIDA

Phase III

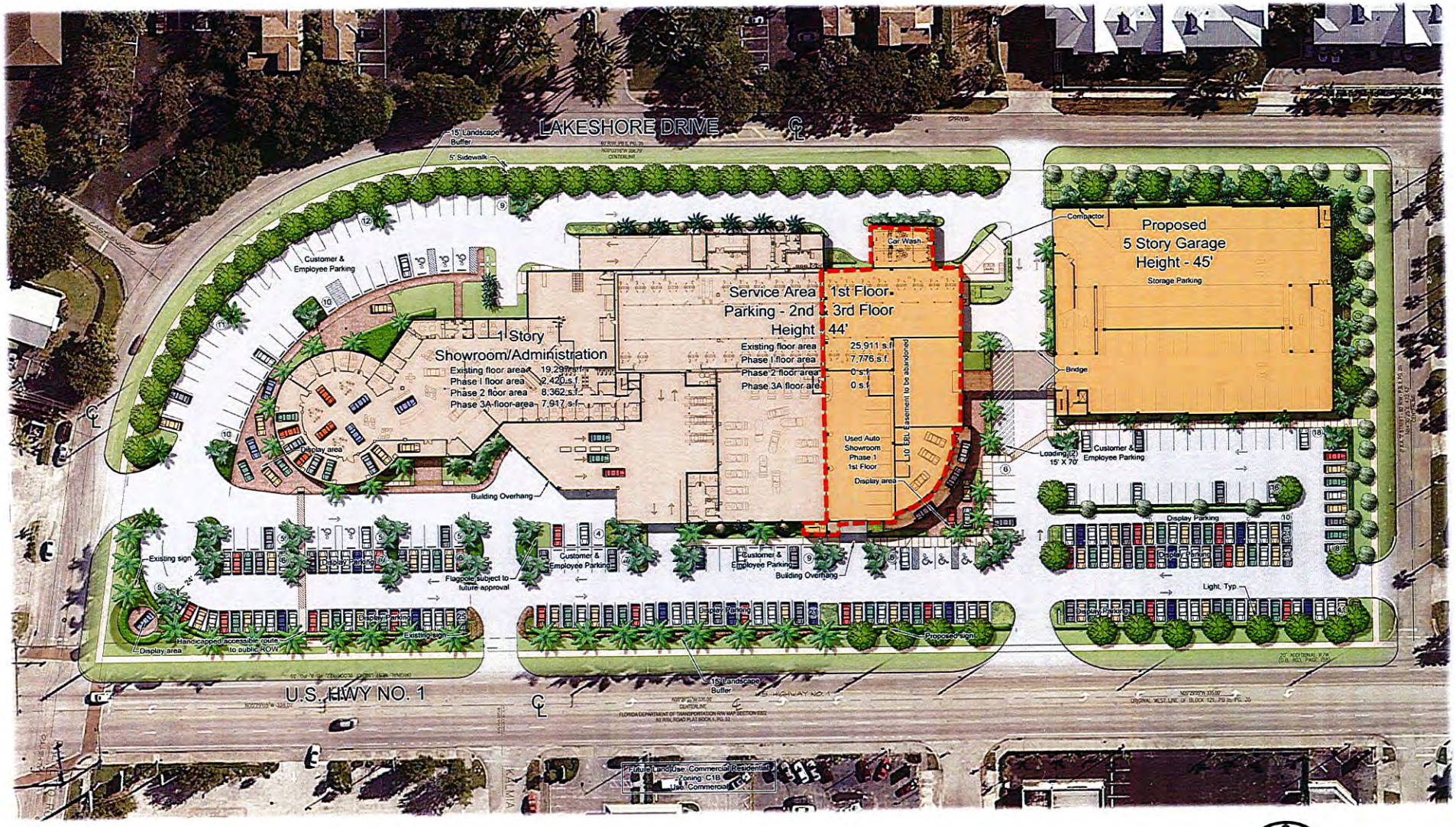
- **Total Square Footage:** 71,683 s.f.
  - **Existing & Previous Phases:** 63,766 s.f.
  - **Phase III:** 7,917 s.f.
- **Elements**
  - **Adding structured parking**
  - **Providing additional landscape buffers**

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Proposed Development – Phase III



urban design kilday STUDIOS

GLIDDEN SPINA + PARTNERS

Master Site Plan

Scale: 1" = 30'

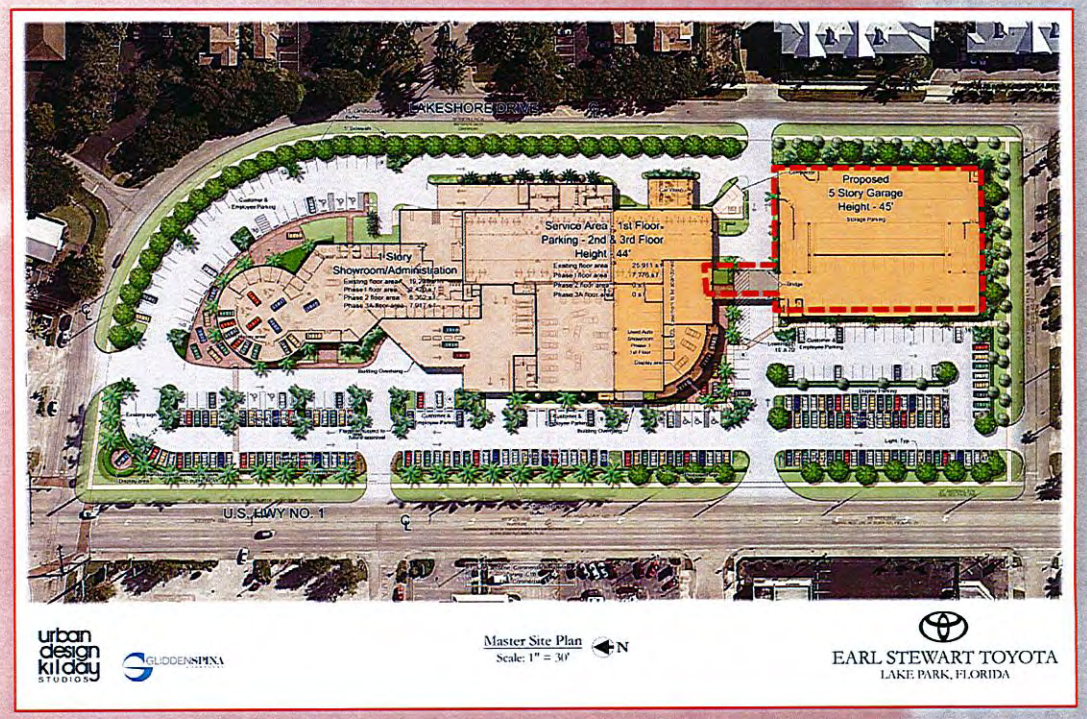
N

EARL STEWART TOYOTA

LAKE PARK, FLORIDA

Garage Location

- Presence on US 1
- Screening
- Visibility
- Safety

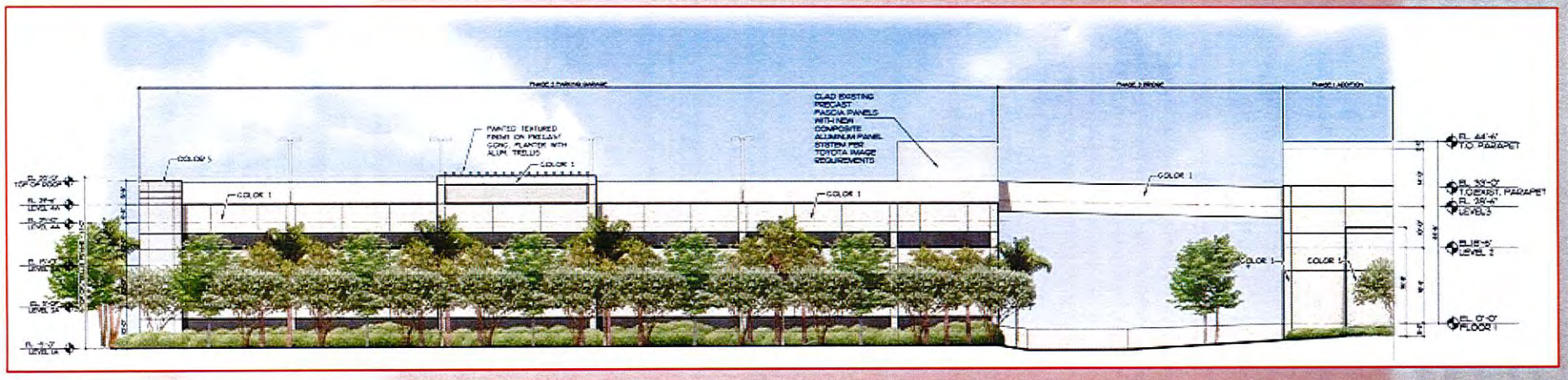


Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Parking Garage – East Elevation



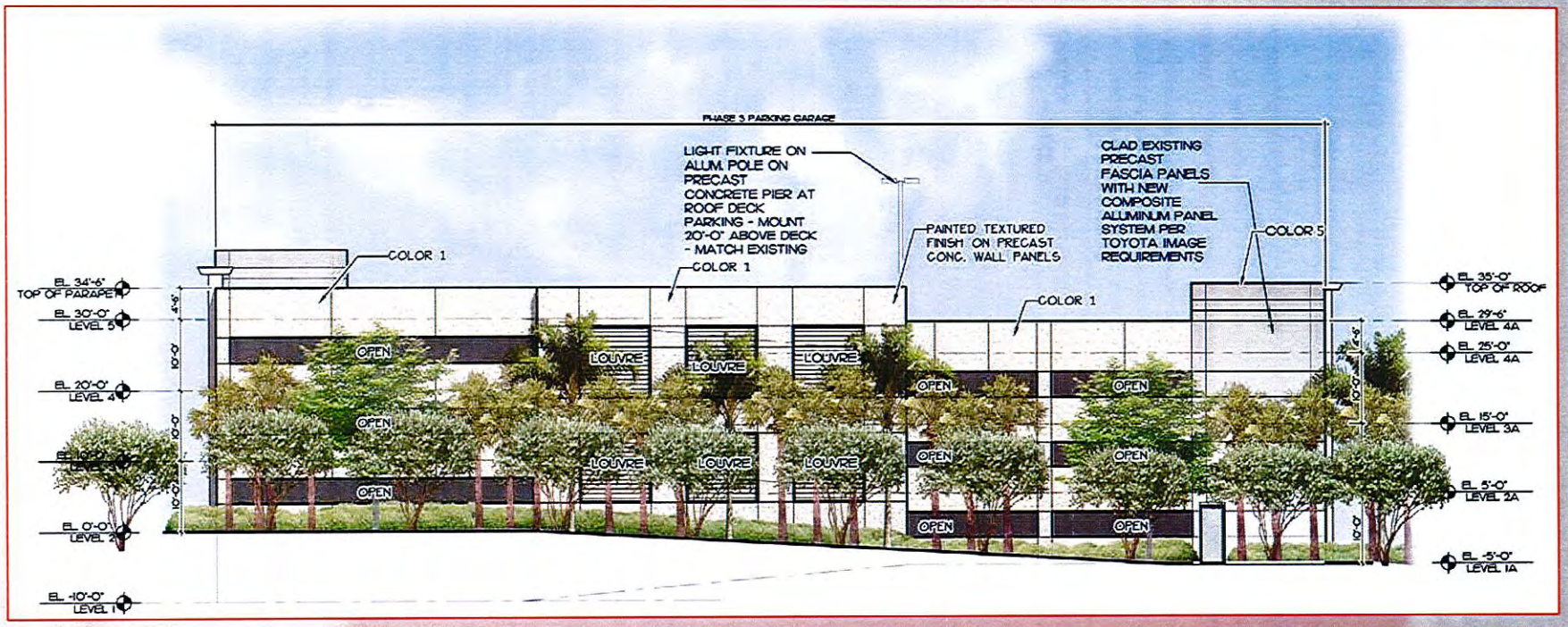
- 5 feet lower in elevation than west elevation
- Architectural elements to break up façade
- Trellis structure to provide architectural detailing
- Landscaping proposed around base of garage

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Parking Garage – South Elevation



- Landscaping proposed around base of garage

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Comments From 2/2/15 PZAB Meeting

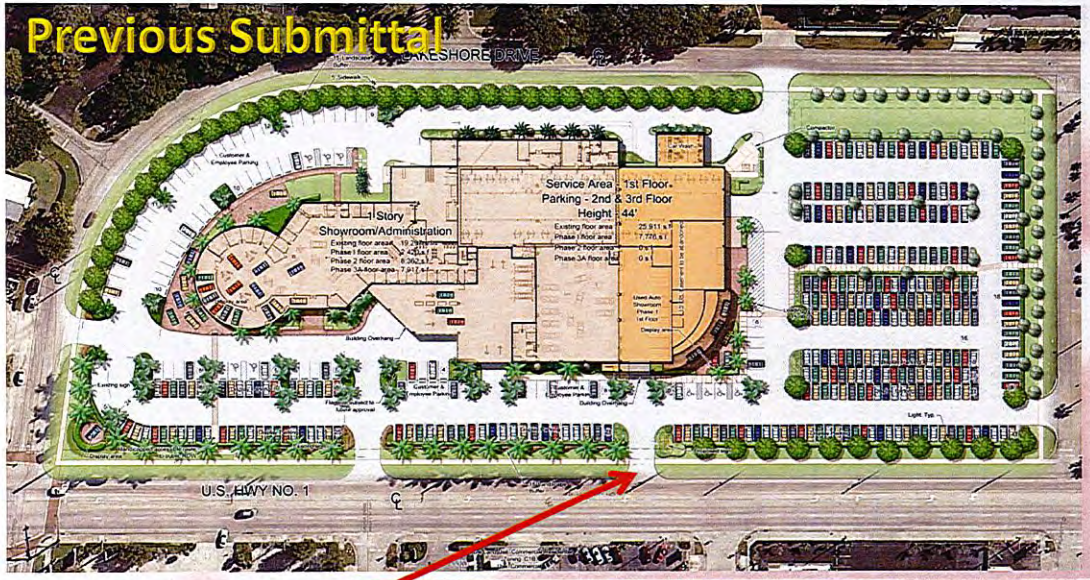
- Height of Parking Garage
- Location of Parking Garage
- Access and truck circulation from E. Ilex
- Delivery times
- Public Benefit

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

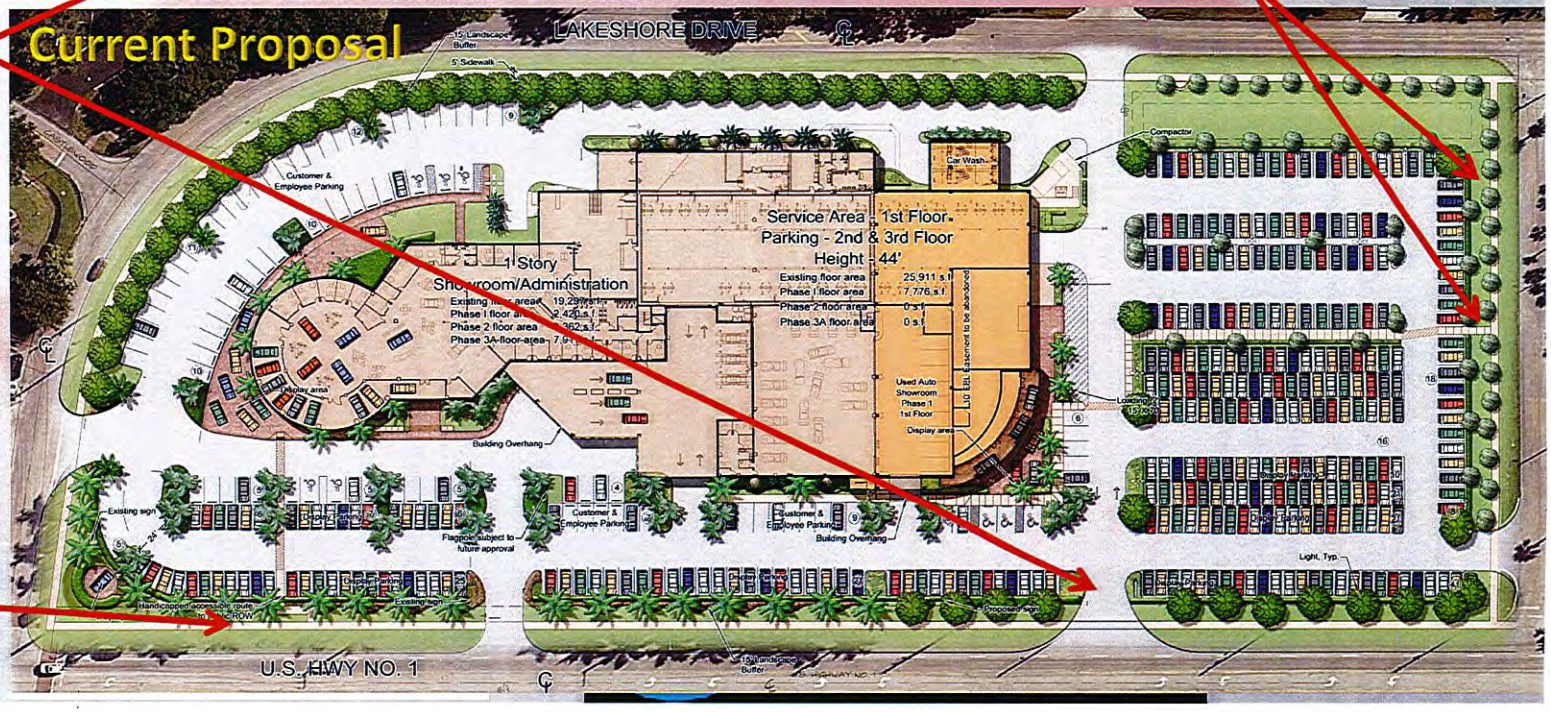
urban design kilday STUDIOS

Proposed Development – Phases I & II



Additional Park Seating

Relocated Entrance

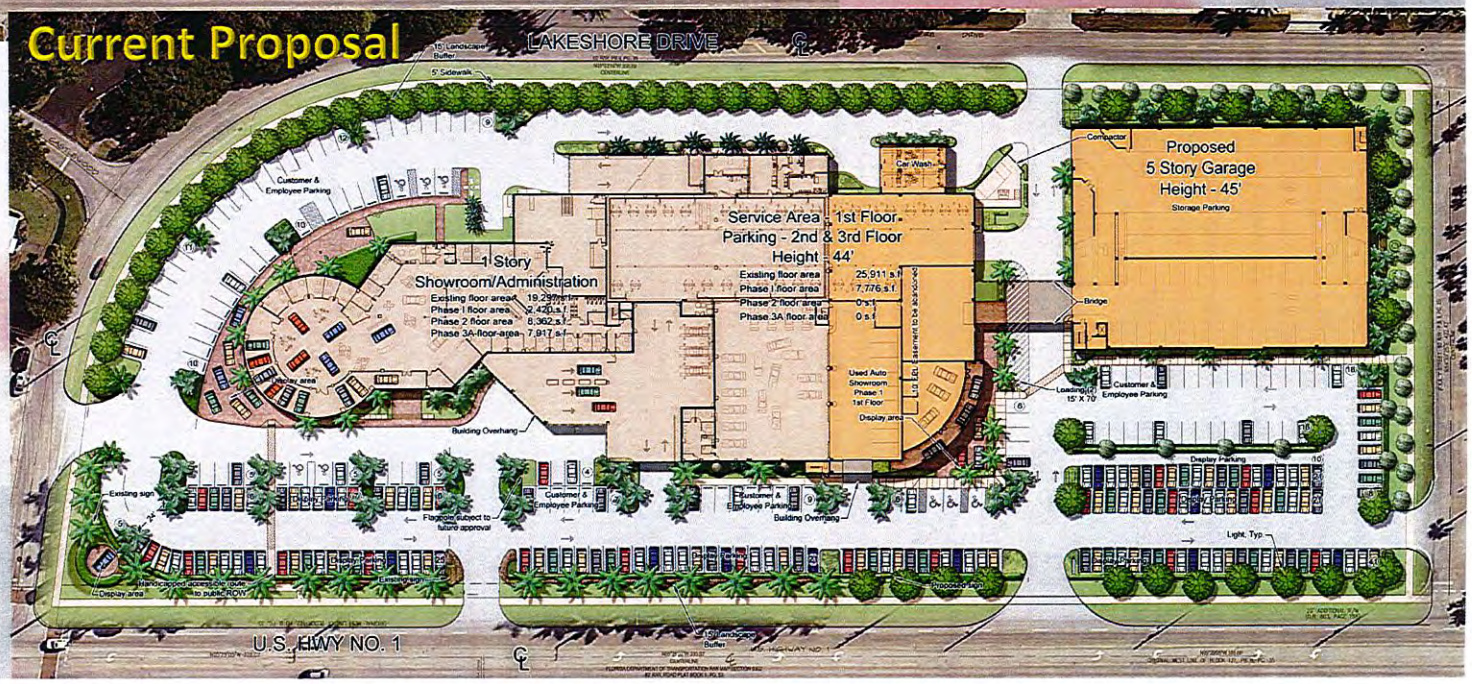


Addition of Bus Shelter

Proposed Development – Phase III

25' Buffers – Improved Screening

Separation from active uses



View Looking Southwest from Lakeshore

GLIDDENSPINA
PARTNERS

REAR VIEW

EARL STEWART TOYOTA
LAKE PARK, FLORIDA

View Looking Southwest from Lakeshore

GLIDDENSPINA + PARTNERS

REAR VIEW

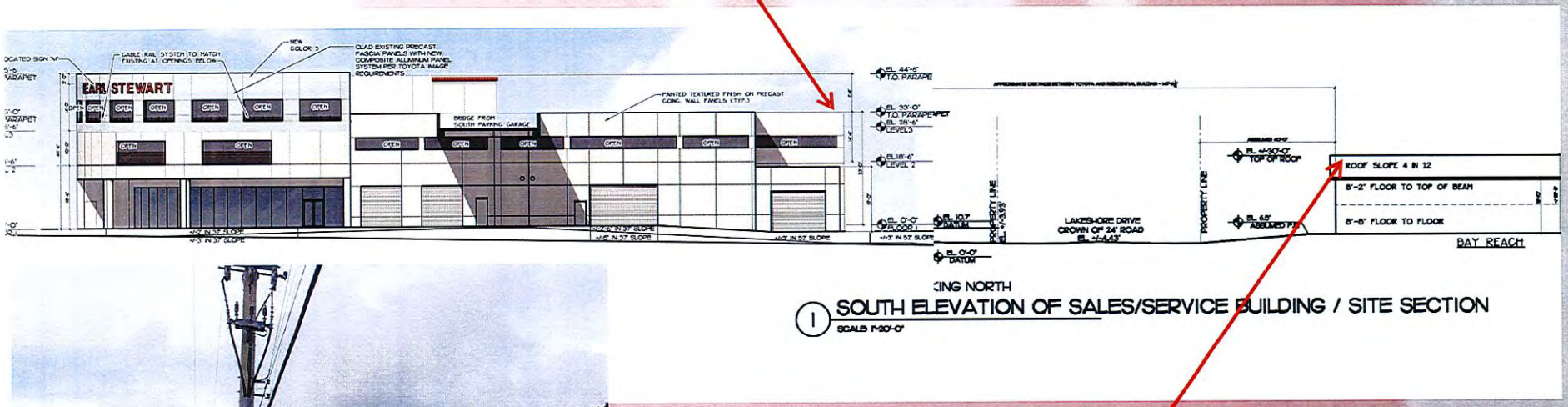
EARL STEWART TOYOTA
LAKE PARK, FLORIDA

View Looking Southwest from Lakeshore

10' Height reduction

View Looking North on Lakeshore

10' Height reduction – 33'

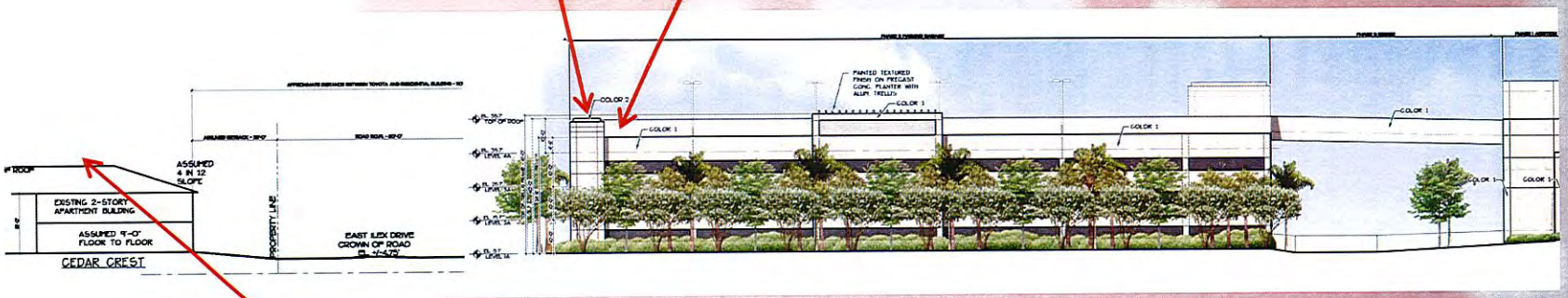


Bay Reach – 30'+/-

View Looking West from Lakeshore

35' to Top of Tower

29'-6" to Top of Wall

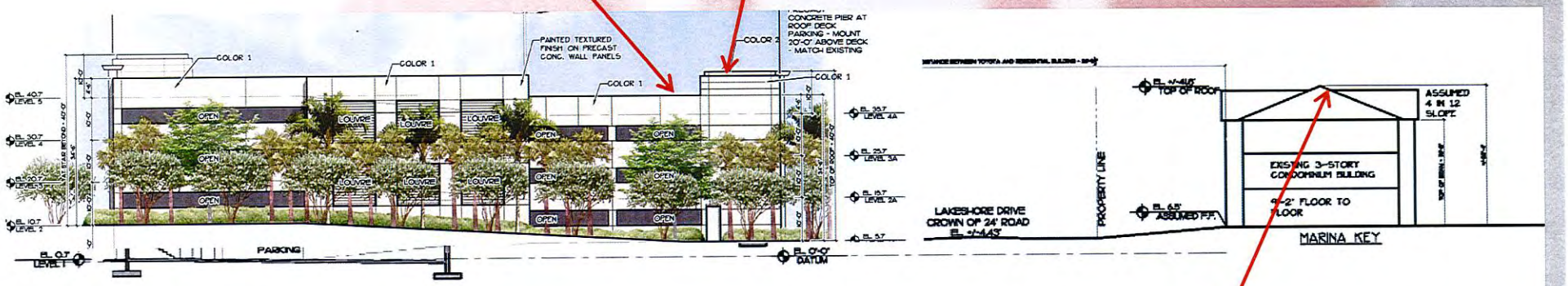


Cedar Crest – 32'4"+/-
to Top of Roof

View Looking North from Lakeshore

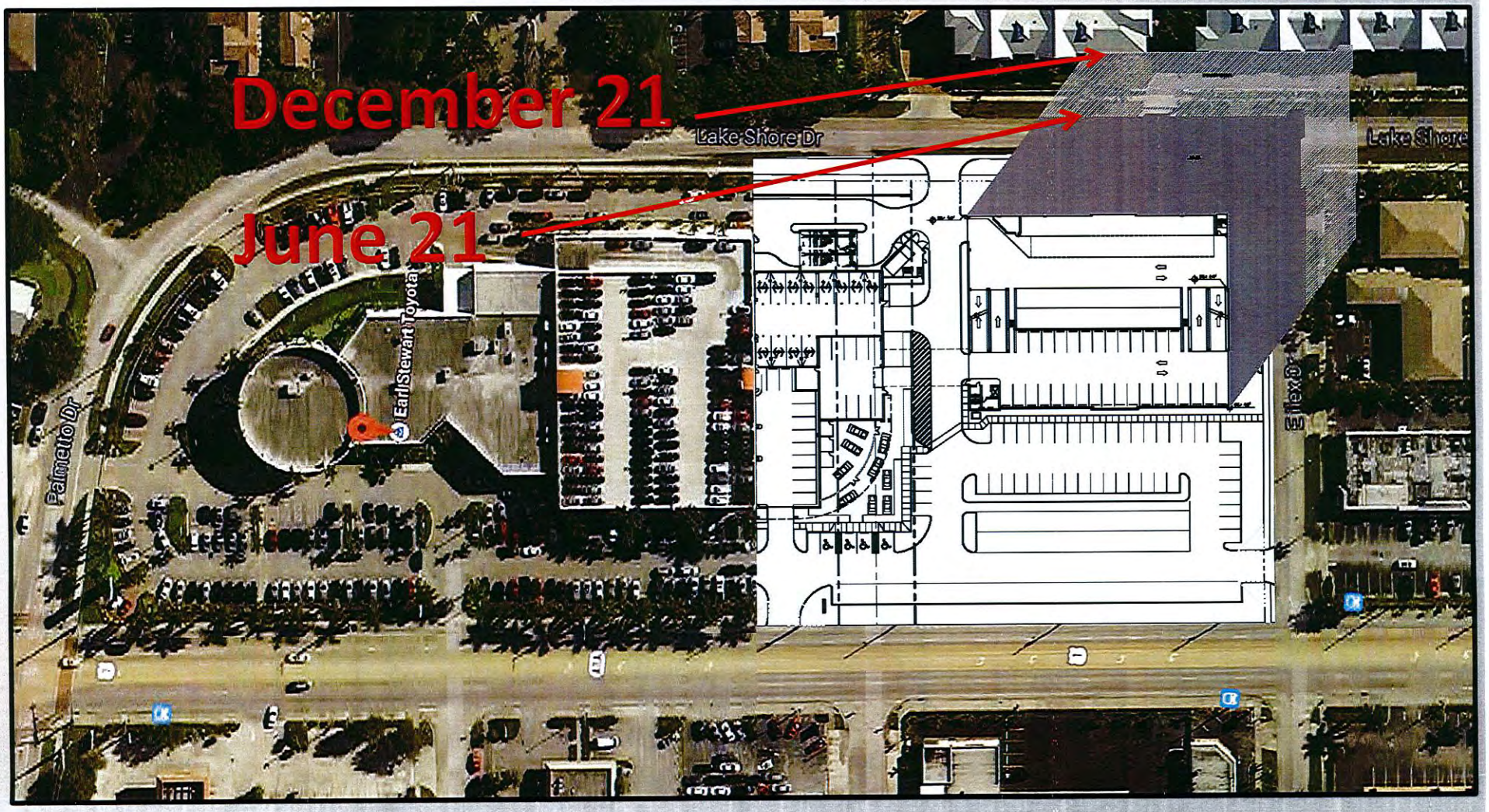
29'-6" to Top of Wall

35' to Top of Tower

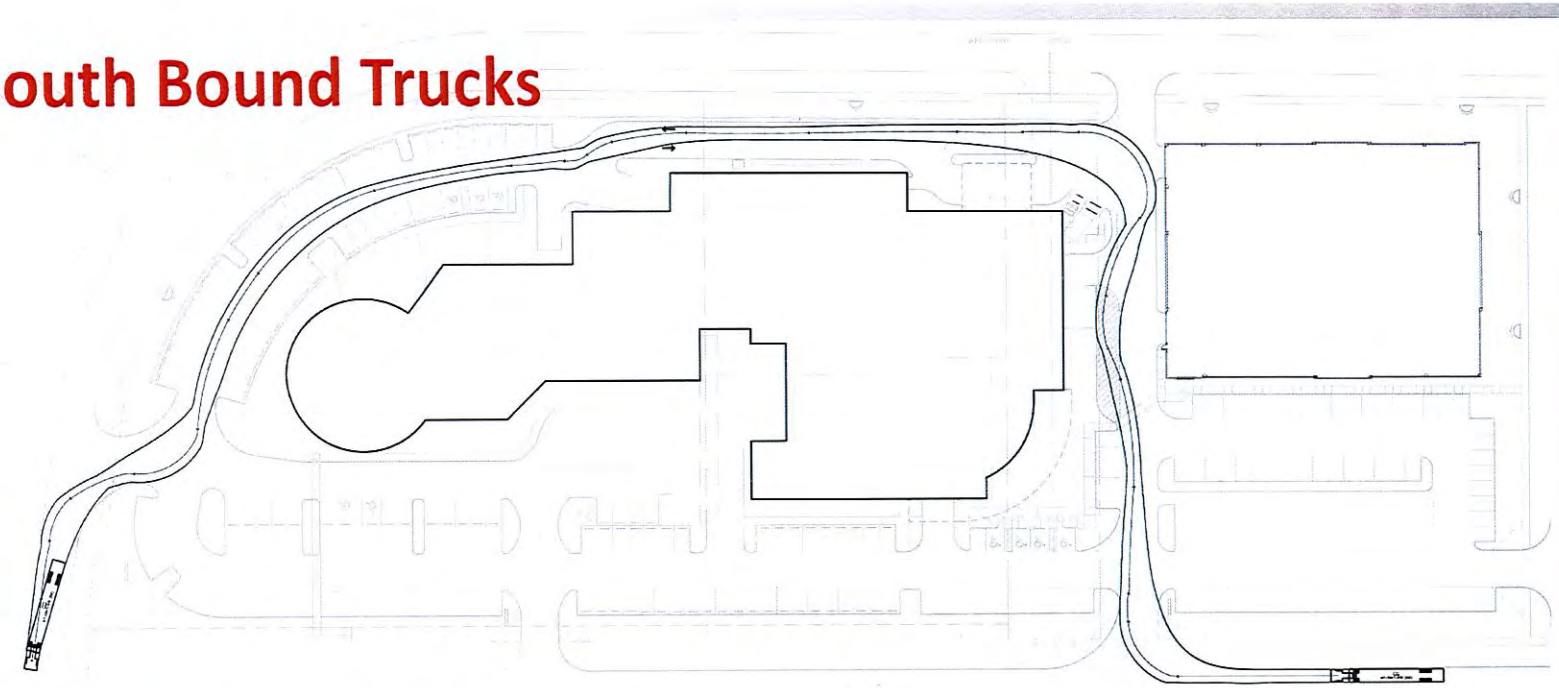


Marina Key – 41.8'+/-
to Top of Roof

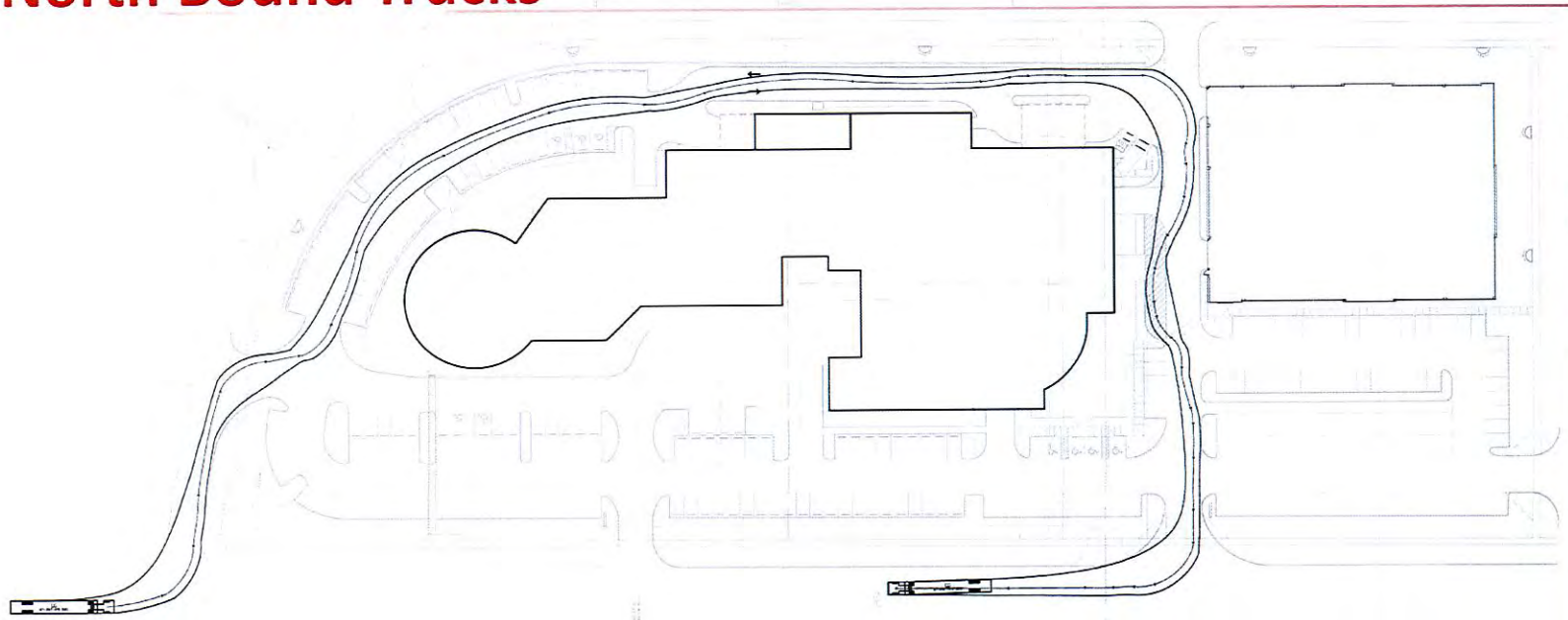
Shadow Study



South Bound Trucks



North Bound Trucks



Deliveries: During Normal Business Hours

Access: No Access on E. Ilex or Lakeshore

Public Benefits

- Increased Landscape Buffers
- Screening and buffering of residents from site activities
- Reduction of height allowed by PUD
- Existing non-conformities being corrected
- Additional seating and bus stop shelter
- Safety of customers and employees crossing E. Jasmine
- Reduction of curb cuts access points

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Public Benefits

- Project exceeds open space and landscape areas required by code
- Existing commercial development to be improved
- Increased property value – stabilized economic base for the Town
- Additional jobs
- Town is paid for ROW abandonment
- Enclosure of noise producing activities
- LEED Certified construction

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

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Comments From 3/28/15 Community Meeting

- Landscaping along south and east sides of property
- Perspective view from Ilex Drive
- Additional trellises on top of garage
- Tax Evaluation
- Exact Height Dimensions
- Ongoing Noise & Lighting Concerns
- Details of Bus Shelters

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

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Additional Landscaping/Details

- Earl Stewart has committed to providing additional and/or increased landscaping along south and east sides of property as well as some vegetation along the east façade of the existing facility
- Earl Stewart will analyze adding new trellis elements to top of garage
- Additional details/plans, including graphics depicting 5-year growth and perspective view from Ilex Drive, will be provided prior to next hearing

Earl Stewart Toyota

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Approximate Tax Evaluation

- Current valuation is $8 million = $234,984 in annual taxes
- Approximately $20 million in new vertical construction = $315,000 in additional annual taxes
- Total = $550,000 in annual taxes

Earl Stewart Toyota

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Proposed Building Heights

BUILDING HEIGHT COMPARISON

GRADE AT THE EAST PROPERTY LINE IS APPROXIMATELY
5' BELOW THE GRADE AT THE WEST PROPERTY LINE

HEIGHT ABOVE GRADE ALONG THE EAST PROPERTY LINE	EXISTING BUILDING	PROPOSED EXPANSION	PROPOSED GARAGE
EXISTING SHOWROOM	36'-0"	36'-0"	NA
PARKING (3RD LEVEL)	38'-0"	38'-0"	NA
ROOF OF ELEVATOR / STAIR	49'-6"	49'-6"	NA
ROOF OF 3RD LEVEL OFFICES	NA	50'-6"	NA
EAST PARAPET WALL OF TOP LEVEL OF PARKING GARAGE	NA	NA	34'-6"
TOP OF EAST STAIR TOWER OF PARKING GARAGE	NA	NA	40'-0"
TOP OF EAST TRELLIS OF PARKING GARAGE	NA	NA	41'-0"

HEIGHT ABOVE GRADE ALONG THE WEST PROPERTY LINE	EXISTING BUILDING	PROPOSED EXPANSION	PROPOSED GARAGE
EXISTING SHOWROOM	31'-0"	31'-0"	NA
WEST PARAPET WALL OF UPPER PARKING (3RD LEVEL)	33'-0"	45'-6"	NA
ROOF OF ELEVATOR / STAIR	44'-6"	44'-6"	NA
ROOF OF 3RD LEVEL OFFICES	NA	44'-6"	NA
WEST PARAPET WALL OF TOP LEVEL OF PARKING GARAGE	NA	NA	34'-6"
TOP OF WEST STAIR TOWER OF PARKING GARAGE	NA	NA	40'-0"
TOP OF WEST TRELLIS OF PARKING GARAGE	NA	NA	41'-0"

HEIGHT ABOVE GRADE ALONG THE SOUTH PROPERTY LINE	EXISTING BUILDING	PROPOSED EXPANSION	PROPOSED GARAGE
SOUTH PARAPET WALL OF TOP LEVEL OF PARKING GARAGE	NA	NA	N34'-6" (EAST)/34'-6" (WEST)
TOP OF EAST STAOR TOWER OF PARKING GARAGE	NA	NA	40'-0"

Earl Stewart Toyota

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Noise

- Have eliminated paging system
- Have eliminated engaging alarms to locate cars
- Will be implementing new technology systems to reduce noise
  - I.e., ear pieces for person-to-person communication
- Details for sound reduction in car wash system will be presented at next hearing
- Delivery of vehicles will be limited from 7:00 AM to 7:00 PM

Earl Stewart Toyota

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Lighting

- All lighting will be placed to absolutely minimize glare off-site (LED fixtures)
- Will comply with LEED standards

Earl Stewart Toyota

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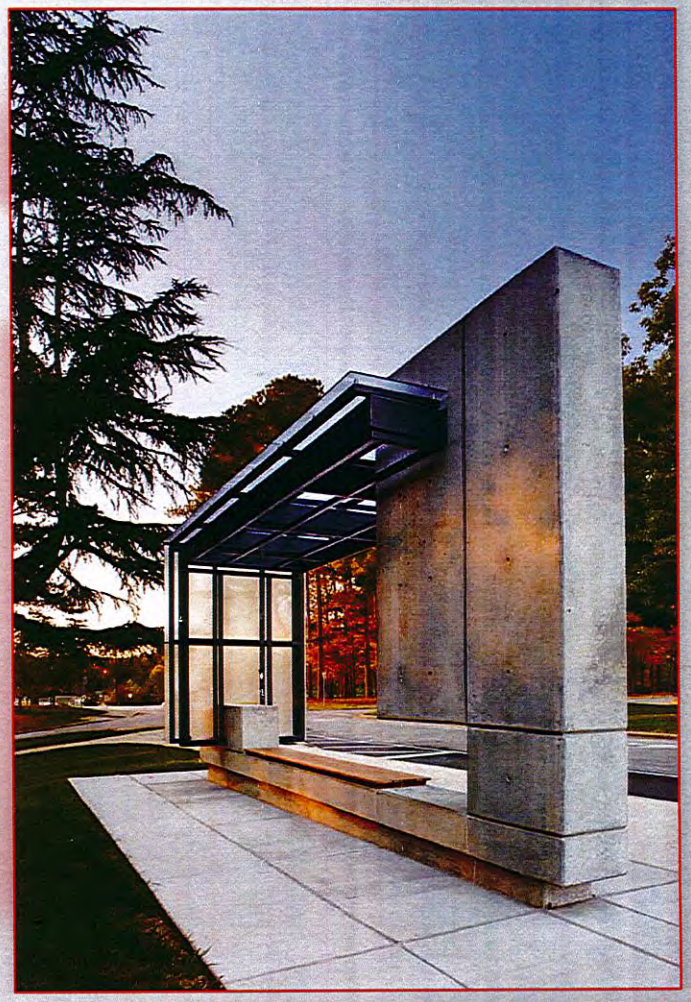
Bus Shelter Examples



Earl Stewart Toyota

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Other Positive Elements

- Reduction in Access Points
- Replacement of Non-Conforming Sign
- Increase in Employees

Earl Stewart Toyota

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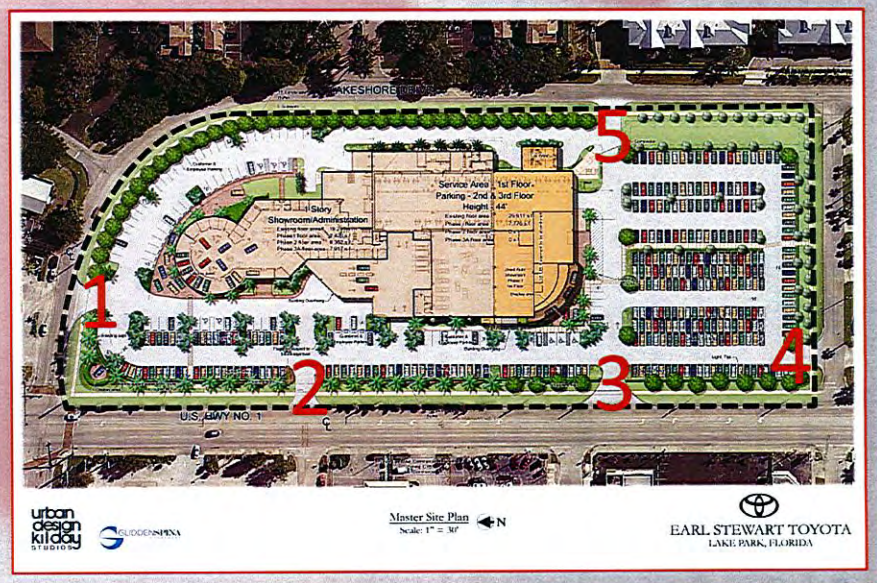
Reduction in Access Points

EXISTING = 8 ACCESS POINTS

PROPOSED = 5 ACCESS POINTS



Earl Stewart Toyota

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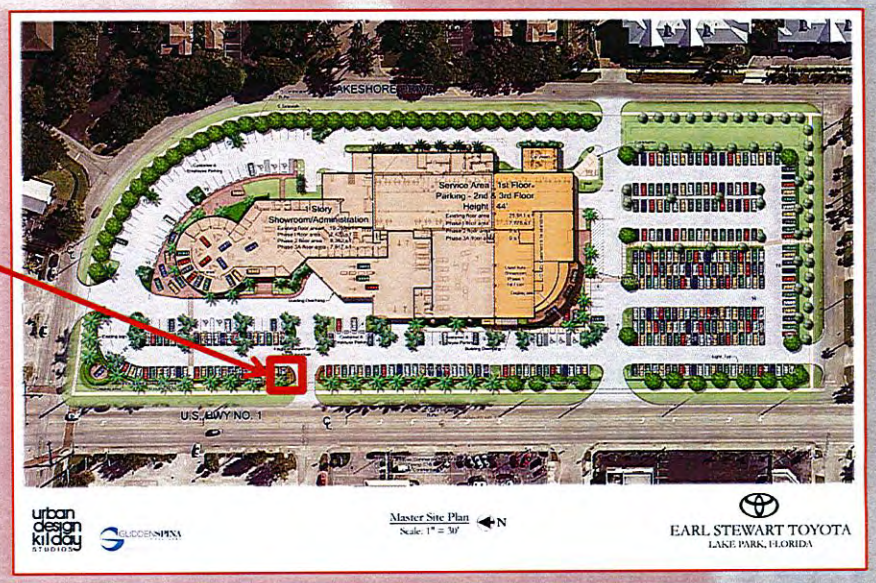
Non-Conforming Sign

- Brining current non-conforming sign into conformance with current code



Earl Stewart Toyota

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Employees

- Expansions are projected to increase number of employees by approximately 35

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

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Thank you

- Questions
  - John Glidden and Danny Brown, Glidden Spina Architects
  - Todd McLeod, McLeod and McCarthy Engineers
  - Michael Kubinski, ID Automotive
  - Stu Stewart, ESTOY

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

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EARL STEWART TOYOTA OF LAKE PARK

Lake Park Town Commission

April 1, 2015

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Drainage

- Wastewater (sewage) discharges to the Seacoast Utility Authority sanitary sewer system in Lake Shore Drive and is routed to their wastewater treatment plan. The maintenance areas include floor drains which pass through an oil/water separator to skim off pollutants before the water reaches the Seacoast sanitary sewer system.
- Drainage from rainfall is stored underground in the exfiltration trench system for treatment before it discharges through a water control structure to the Lake Shore Drive storm drainage system. Discharge from the car maintenance areas don't enter this drainage system (and therefore aren't directed to the nearby water bodies); as outlined above, the maintenance area floor drains are directed to the Seacoast sanitary sewer system instead.

Earl Stewart Toyota

GLIDDENSPINA + PARTNERS

urban design kilday STUDIOS

Exhibit "C"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 1, 2015 **Agenda Item No.** 4

Agenda Title: ORDINANCE TO ABANDON A 0.49-ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT-OF-WAY.

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

Approved by Town Manager _____ **Date:** 3/24/2015
Interim Town Mgr.

Nadia Di Tommaso / Community Development Director ND
Name/Title

Originating Department: **Community Development**	Costs: **$ Certified Letter (Ad will be placed prior to 2nd reading) – signs also posted around the property.** Funding Source: **Applicant** Acct. **# 4771** [X] Finance _____ BKR	**Attachments:** → **Ordinance 02-2015** → **Town Attorney Legal Letter** → **Applicant's Application Packet (includes application form; justification statement; traffic analysis; utility company letters)** → **Appraisal** → Resident Letters
Advertised: Date: ***N/A on 1st reading*** 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__*ND* or Not applicable in this case ____ **Please initial one**.

Summary Explanation/Background:

STAFF REPORT

The Town of Lake Park is the fee simple owner ("Owner") of approximately 0.49 acres of the public right-of-way known as East Jasmine Drive ("Subject Property"), which is generally located between North Federal Highway and Lakeshore Drive, within the municipal boundaries of the Town of Lake Park ("Town"). The Subject Property's legal description is listed in **Exhibit "A"** and its general location is shown on **Exhibit "B"**, both of which are attached hereto. The Subject Property is listed as a "Roadway" for the purposes of the Town's Comprehensive Plan.

The Town received a request from Earl Stewart, LLC and Commercial Investments, LLC to purchase the subject site. Part of the abandonment application involves getting an appraisal, at the expense of the Applicant, for the roadway. The Town retained an appraisal company that valued the roadway at

$300,000. The abandonment application ("Application") was submitted by Mr. Brad Jankowski, P.A. attorney and agent for Earl Stewart, LLC and Commercial Investments, LLC ("Applicant"), requesting that the Town of Lake Park abandon East Jasmine Drive between North Federal Highway and Lakeshore Drive at a sale price of $300,000, as appraised and required by Town Code. With this abandonment, the Applicant proposes to expand the boundaries of the existing Earl Stewart Toyota Planned Unit Development (PUD) to include an additional sales car showroom with display spaces; additional interior service bays; administrative offices; an enclosed car wash location; as well as a 4 story parking garage structure for additional display spaces and additional landscaping around the entire property. The Master PUD Site Plan approval is contingent on the approval of this abandonment and will be presented as a standalone Resolution at the April 15, 2015 Town Commission meeting.

Town staff reviewed the Application, and determined that the proposed abandonment is for the most part, consistent with the Town's Code of Ordinances dealing with the abandonment of rights-of way in Chapter 72 of the Town Code. Please refer to the Applicant's Justification Statement.

It has been determined that the right-of-way is no longer required for the public use and convenience. More specifically, a traffic analysis rendered by Yvonne Ziel Traffic Consultants (which also references a previous analysis performed by Pinder Troutman Consulting, Inc.) concluded that the closure of East Jasmine Drive between North Federal Highway and Lakeshore Drive will not result in a deterioration of the operations on the adjacent East Ilex Drive. With this abandonment and with the proposal to expand the boundaries of the Earl Stewart Toyota PUD which includes additional landscaping around the property, the result will further insulate the residents living along Lake Shore Drive from the commercial uses, noise, and traffic along North Federal Highway, without limiting their access from Palmetto Road and East Ilex Drive. Large commercial carriers would no longer be allowed to use Lake Shore Drive to enter or exit the dealership through conditions of approval on the site plan application, further minimizing commercial impacts along the residential corridor.

The abandonment request is consistent with the Town's Comprehensive Plan and furthers the health, safety and welfare of the Town's residents by providing a highly-landscaped open-air area around the entire perimeter of the site along with upgrades in the drainage system. By retrofitting this area, the surrounding property values could potentially improve as well. Furthermore, in transferring the ownership of the roadway, the Town would benefit in additional tax revenues from Earl Stewart Toyota as well as eliminate the responsibility of maintaining this roadway. In addition, Policy 1.8 of the Town's Comprehensive Plan states that new development shall be permitted only when central water and wastewater systems are available or will be provided concurrent with the impacts of development. The proposed abandonment with the future intention for development will not deviate from this requirement. The property is already developed with commercial uses, it is not anticipated that there will be any impacts on the existing water and sewer system.

Written confirmation from all public utility companies confirming that the proposed abandonment would not adversely affect the individual utilities have been received and these include, Comcast, American Telephone and Telegraph (AT&T), Seacoast Utility Authority, Florida Public Utilities (FPU), and Florida Power and Light (FPL). AT&T has included a requirement which is listed as condition of approval #6 below and FPL has also included a requirement listed as condition of approval #7 below (also included in the proposed Ordinance).

The proposed abandonment requires a public hearing and notice of the abandonment Ordinance to be published in a newspaper of general paid circulation in the Town and of general readership in the Town, 10 days prior to the adoption hearing. This notice will be placed in Palm Beach Post on April 5, 2015. Certified notices to all owners within 300 feet of the Subject Property were mailed on March 20, 2015.

In addition to the Town staff review, the Town Attorney also prepared a review letter for the Town Commission to consider. In addition to the information provided herein, the Town Commission must determine whether abandoning the right-of-way, with fair compensation, is to the benefit of the community as a whole. The commission may recommend additional conditions as appropriate for the requested abandonment.

Town staff recommends that the Town Commission recommend **APPROVAL** for the abandonment request of East Jasmine Drive between North Federal Highway and Lakeshore Drive, subject to the following conditions:

1. At the time the Applicant pays the appraised value of the Property to the Town, the Applicant shall remove the traffic signs along East Jasmine and Lakeshore Drive, and provide these signs to the Town of Lake Park's Public Works Department.

2. The Applicant shall pay to the Town the appraised value of the Property within 90 days of the effective date of this ordinance. In the event that payment is not received from the Applicant within 90 days of the effective date of this ordinance, the abandonment shall become null and void.

3. The Applicant shall be solely responsible for the cost of the reconstruction of the east and west sides of the Property adjacent to Lakeshore Drive and North Federal Highway.

4. The drainage design for the Property shall be consistent with the future reconstruction plans for Lakeshore Drive and shall receive the appropriate permit from the Florida Department of Transportation. The Applicant shall submit a copy of the permit to the Community Development Department.

5. The Abandonment approval is contingent upon the approval of a site plan for the expansion of the site. The Applicant is also responsible for the rezoning and land use map amendment for the right-of-way once it has been abandoned.

6. AT&T requires a utility easement in lieu of the R/W occupancy to maintain the facilities as well as 2-4" PVC conduits crossing the property within the utility easement. These conduits would allow AT&T to place cables through the property without interfering with the business and the Applicant is solely responsible for this requirement.

7. The Applicant is solely responsible for the removal of the FPL street lights, poles, and cables as part of abandoning the Right-of-Way. The Town understands there will be a charge for the removal of these facilities, and arrangements have already been made with Earl Stewart for payment of the removal.

Recommended Motion: **I MOVE TO APPROVE ORDINANCE 04-2015 on 1st READING.**

Exhibit "D"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 1, 2015 **Agenda Item No.** 5

Agenda Title: ORDINANCE TO REZONE 1017 FEDERAL HIGHWAY FROM COMMERCIAL-1 (C-1), RESPECTIVELY, TO PLANNED UNIT DEVELOPMENT (PUD).

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

Approved by Town Manager Interim Town Mgr **Date:** 3/24/2015

Nadia Di Tommaso / Community Development Director ND
Name/Title

Originating Department: **Community Development**	Costs: **$ Ad will be placed prior to 2nd reading - signs also posted around the property.** Funding Source: **Applicant** Acct. **# 4771** [X] Finance BKR	**Attachments:** → **Ordinance 03-2015** → **Applicant Application** → **Resident Letters**
Advertised: Date: ***N/A on 1st reading*** 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__***ND*** or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background:

STAFF REPORT
(Site Plan Application will be presented by Resolution at the April 15, 2015 Town Commission meeting)

HISTORY: The Earl Stewart Toyota vehicle sales dealership was constructed in the mid to late 1970's on 4.47 acres of property with the address of 1215 Federal Highway (the "Site"). The original development of the Site also included a 14,200 square foot Park Center hardware store. The old dealership and Park Center Hardware remained until 2003 when the Property was approved as a PUD by the Commission's adoption on May 21, 2003 of Ordinance 14-05-03. This resulted in the redevelopment of the Site as it exists today. The Ordinance creating the PUD included these waivers to the land development regulations of the Code: (1) a display parking setback of 15 feet instead of 25 feet; (2) to allow for the spacing of shade trees along Federal Highway to be 30 feet instead of 20 feet; (3) the elimination of wheel stops; (4) no planters on the roof of the garage; (5) to allow a 40-foot freestanding monument sign to replace the then-conforming 15-foot freestanding monument sign. The Code allows a maximum 10-foot height for monument signs; therefore, the application proposes to remove this second existing monument sign and replace it with a 10-foot compliant sign.

In 1969 the Commission approved the development of a 2.23 acre parcel with an address of 1017 Federal Highway. This property is located immediately to south of the Earl Stewart Toyota dealership. The Commission's approval authorized the development of a 111-unit hotel known as the Journey's Inn, and a 2,150 square foot restaurant known as the El Colonial. The applicant agreed to demolish the Journey's Inn and Colonial restaurant in exchange for the "temporary" use of the 2.23-acre parcel for vehicular storage and the placement of an office trailer thereon while the applicant finalized plans for the expansion of the dealership. Since then, this "temporary" use has been extended several times, each time predicated on the applicant's preparation of a site plan for the expansion of the dealership.

Together with the applicant's 2004 application to expand the dealership, an application to abandon East Jasmine Drive as a public right-of-way was submitted. The purpose of the abandonment application was to acquire the right-of-way to allow for the expansion of the dealership on to the property which was formerly occupied by Journey's Inn and the El Colonial restaurant. Resolution 43-07-04 approved the abandonment with conditions. However, the applicant did not meet the conditions associated with the abandonment and as a result the abandonment became null and void. Accordingly, East Jasmine Drive remains a public right-of-way.

OVERALL PROPOSAL: Urban Design Kilday Studios ("Applicant") as the authorized agent for Stewart Toyota LLC and Commercial Investments LLC (together referred to herein as "Owner") is again proposing to expand the dealership onto the 1017 property. The dealership operates out of 1215 Federal Highway, which is owned by Earl Stewart, LLC and 1017 Federal Highway (the former Journey's Inn/Colonial restaurant property), owned by Commercial Investments, LLC ("Property Owner") to store and display vehicles used by the dealership.

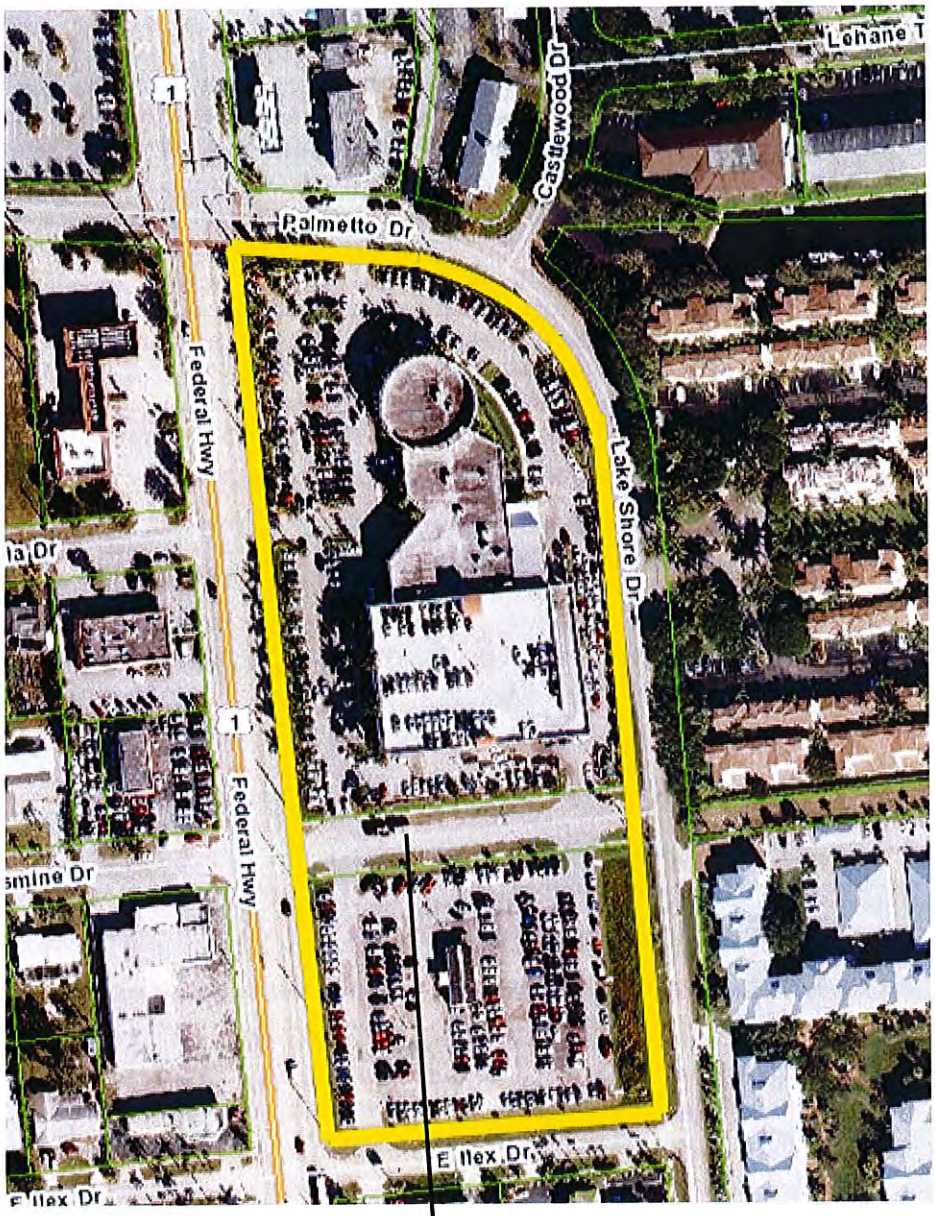
The Applicant is requesting to amend the existing PUD to include the East Jasmine right-of-way, once abandoned, and the 1017 Federal Highway property within its boundaries. The applicant then proposes to develop the amended PUD in three development phases. The first phase includes a 3-story extension of the existing dealership building onto part of East Jasmine Drive. The extension will create space for an interior car wash, interior preparation area, interior service bays, interior offices, and vehicle display and parking areas. The second phase is focused on the creation of interior office spaces from the shell area of the 3-story extension to be developed in phase 1. The third phase proposes the development of a new parking garage on the existing 1017 Federal Highway parcel with additional parking and display areas.

The applicant also submitted an Abandonment Application. Prior to the approval of the PUD, the abandonment of East Jasmine Drive together with its fair market value compensation and public benefit justification will have to be reviewed and approved by the Town Commission.

Since the applicant proposes to extend the boundaries of the existing PUD to other properties, these properties will also need to be rezoned to a PUD. If the abandonment and rezoning are approved, the Applicant may then proceed with the site plan for the PUD which includes the special exception use of "vehicle sales establishment" for the property encompassed within the PUD. Finally, the applicant will be required to replat the Site.

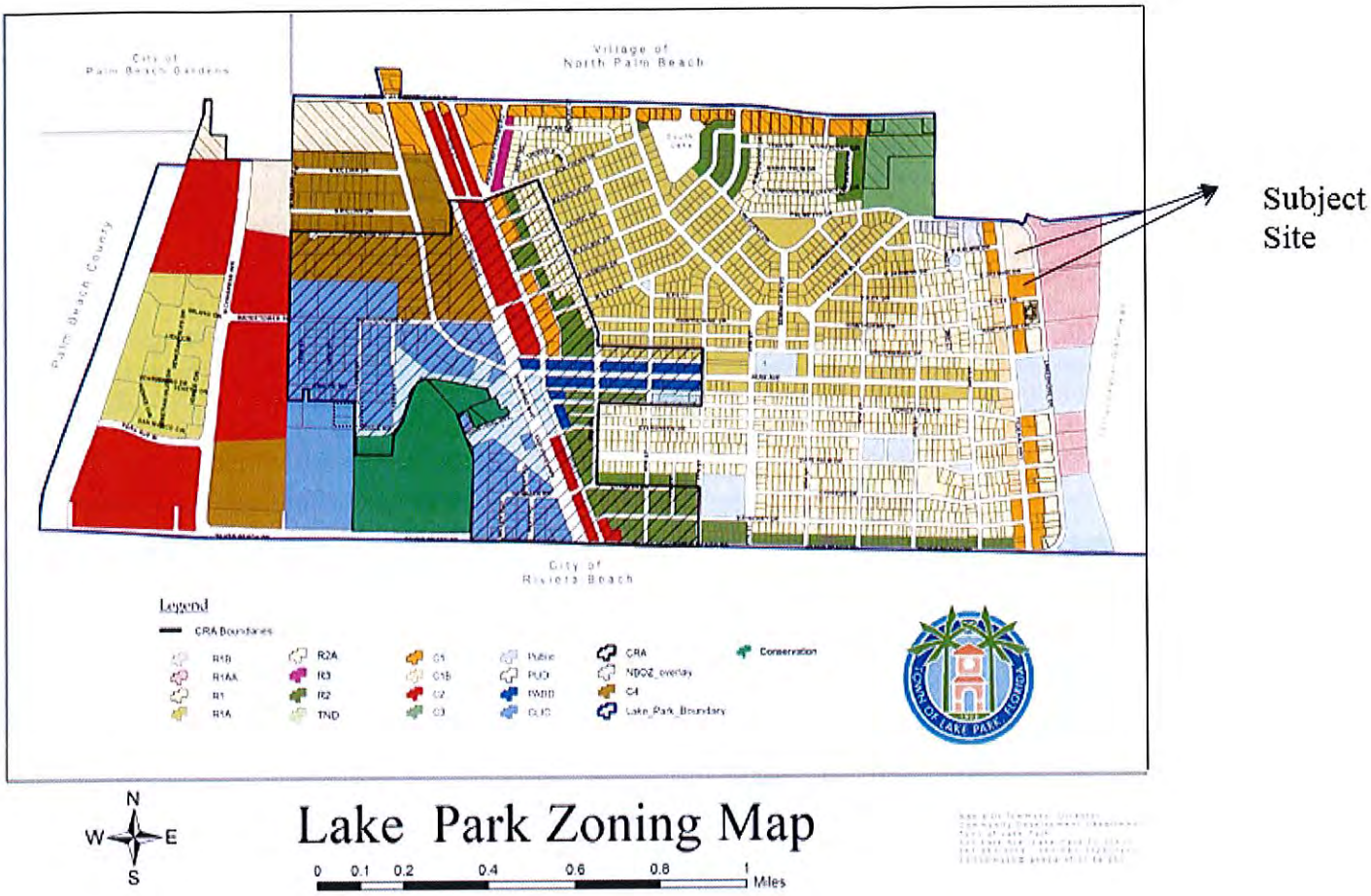
Figure 1: Aerial View of Existing Site
(image not to scale; for visual purposes only)

Figure 2: Aerial Image of Site with Proposed Boundaries



The East Jasmine Drive right-of-way is being considered separately for abandonment. If approved by the Town Commission, a future land use map amendment and rezoning of this area will be brought forward as separate agenda items.

LAKE PARK ZONING MAP



Adjacent Zoning *(1215 Federal Highway):*

North:	Village of North Palm Beach
South:	Commercial 1 (C-1) Business District/Residential-2A
East:	Residential 1AA
West:	Commercial 1 (C-1)/Commercial 1B Business District

Existing Zoning:

1215 Federal Highway: Planned Unit Development (PUD) with underlying Commercial-1 Business District (C-1)
1017 Federal Highway: Commercial-1 Business District (C-1)

APPLICATION FOR REZONING

The Application to expand the PUD boundaries to include the property at 1017 Federal Highway and the East Jasmine Drive right of way (contingent upon its abandonment) necessitates the rezoning of these two properties. **The rezoning of the East Jasmine Drive right-of-way will be considered at a separate hearing *following* the approval the abandonment application and consideration by the Local Planning Agency (LPA) for the future land use map amendment of this right-of-way as well.**

Consistency with Town Zoning Code:

As part of the proposed development for the site, the Applicant has applied to rezone the parcel immediately south of the right of way, having an address of 1017 Federal Highway. The rezoning is necessary in order to incorporate this property into the PUD zoning district designation which has already been assigned to the Earl Stewart Toyota property located at 1215 Federal Highway.

Consistency with the Town's Comprehensive Plan:

1017 Federal Highway has a future land use designation of "Commercial/Residential" which allows for commercial only PUD developments without a residential component. The proposed expansion of the vehicle sales dealership with a PUD designation is consistent with this future land use designation.

PLANNING & ZONING BOARD considered this application at their February 2, 2015 and March 2, 2015 meetings and recommended APPROVAL (4-1) to the Town Commission.

Recommended Motion: I MOVE TO APPROVE ORDINANCE 03-2015 on 1st READING WITH THE CONDITION OF APPROVAL AS LISTED IN THE PROPOSED ORDINANCE.

CAT NGUYEN
1155-101 Lake Shore Drive
Lake Park, Fl 33403

Exhibit "E"

March 31st, 2015

To Ms Nadia DiTommaso, Community Development Director
535 Park Ave
Lake Park, FL. 33403
Re: Stewart Toyota Commercial PUD application - 1017 US Highway No1

Dear Ms DiTommaso,

I am writing this letter concerning the approval of the PUD application from Stewart Toyota that will not meet ALL the Goals, Objectives and Policies of The Town of Lake Park's Comprehensive plan which reflects The Town's vision for its future.

With the Town's Goal to ensure ***the historic small town character*** of Lake Park is maintained, while fostering development that is ***compatible with existing neighborhoods*** of residentials, small commercials and green spaces, I requested that you reconsider your recommendation for the PUD application to move forward.

Besides failing the Town's Comprehensive Plan Goals, Objectives and Policies, the application was also not met several key items of The Town's Code of Ordinances per the attached list.

With a history of delay from several resolutions 20-05-10, 40-11-11, 09-0612 through 41-10-13 and so on, I also wondered about the future of this development or just another promise.

Thank you for your consideration.

Sincerely yours,

Cat Nguyen

Attachment

Cc: Mayor James DuBois

Vice-Mayor Kimberly Glas-Castro

Commissioner Erin Flaherty

Commissioner Michael O'Rourke

Commissioner Kathleen Rapoza

Zoning Boards

ARTICLE VI Sec. 78-184. - Application requirements and criteria for the evaluation of special exception uses.

(a)

(b) Criteria for the evaluation of special exception uses. A special exception use shall NOT be approved due to the applicant establishes that the following criteria are NOT met:

(1) The proposed special exception use is NOT consistent with the objective 5, and policy 5.1 of the town's comprehensive plan.

(2) The proposed special exception is NOT consistent with the land development and zoning regulations and all other portions of this Code and township comprehensive plan.

(3) The proposed special exception use is NOT compatible with :

a) the character and use (existing and future) of the surrounding properties in its function;

b) hours of operation;

c) type and amount of traffic to be generated;

d) building location, mass, height and setback;

e) and other relevant factors peculiar to the proposed special exception use and the surrounding residential and commercial properties.

f) Environmental impact :

- Air pollution
- Paint odor
- Petroleum
- Chemicals
- Vibration
- Noise
- Storm water managements
- Traffic flow
- Light

(4) The establishment of the proposed special exception use in the identified location create a major contrast of zoning uses , which may be deemed detrimental to the development or redevelopment of the area 1 per township's comprehensive plan in which the special exception use is proposed to be developed and will impact property values and indirect impact on township's tax revenue.

(5) The proposed special exception use have a detrimental impact on surrounding properties based on:

a.

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

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

(6) That the proposed special exception use:

a. Does significantly reduce light and air to adjacent properties.

b. Does adversely affect property values in adjacent areas.

c. Would be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations and township's comprehensive plan.

d. Does negatively impact adjacent natural systems, strom water managements and public facilities, including parks and open spaces.

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

Exhibit "F"

Hello, my name is Sam Baghdady and I am here representing Cedar Crest Homeowners Association and all the abutters and neighbors who have signed my petition against this project. All of you have received a copy. Currently we have over 100 signatures. This petition represents the people of Lake Park's opinion.

The original intent of Lake Shore Drive was always residential and now to replace it with a 4 story parking garage building is completely going against what this neighborhood and area was suppose to look like and be. Please remember, you are dealing with neighbors who have been here for over 40 years.

The new structure is going to be 37-38 feet tall with roof parking and 45-46 foot tall elevator shaft towers at the ends. The Cedar Crest Townhouse complex across the street only stands 24-25 feet in height. Also, the new dealership is very commercial and industrial looking in the middle of a residential neighborhood. Roof top parking makes the structure look very commercial.

This development will completely overshadow our properties, bringing down our values and make our area less desirable to live in.

The other negative effects include restricting our light and breeze. Noise and bright spotlights at all hours of the day and night. The constant loading and unloading of cars and all the noises associated with it. A car wash constantly running right near the residential properties. Also, heavy traffic and congestion to a residential area.

That being said, I ask this board to please limit the height of the structure by keeping it C-1. This will limit the height of the garage to 30 feet. Also, make all sides of the structure facing residential properties as residential looking as possible. The use of louvers and ivy to hide the cars.

Also, I noticed the setbacks are greater and the heights are less on the older portions of the dealership, where there is less residential. Why are we maximizing the heights and setbacks on the portion of the dealership closest to the residential properties.

Please, I ask this board to put yourselves in our position. There has to be a compromise so that we can all be happy.

All we are doing is accommodating Earl Stewart and Toyota, what about the people.

Please remember, it is the people that make a community, not the businesses.

~~Thank you.~~

This project is coming at the expense of the citizens.

Thank You.

February 10, 2015

To: Lake Park Planning Board

From: Neighbors & Abutters of Earl Stewart/Commercial Investments LLC Property

Subject: Petition Against Planned Unit Development Amendment (Site Plan and Rezoning) and Special Exception Use Approval

Petition

The following is being submitted on behalf of the neighbors and abutters located within 300 feet of the subject property in Lake Park, Florida. Mr. Earl Stewart, the distributer of the Toyota products in South Florida, is currently pushing a plan to annex Town property to his own and convert residential property to commercial in order to erect a five story car storage building adjacent to residences that have existed for a long time. Some of many concerns include: changing the character of the town, the increase in traffic, health problems that can arise from toxic fumes, and possible wind and light issues.

Therefore, we the undersigned, object strongly to the plan and ask the planning board to turn it down due to the nonconformance nature of his request that changes the character of the Town and a total disregard to the people living in the area.

Name	Address
William Hankes	910 Lake Shore Dr. 33403
Melissa Fickert	4 E Ilex Dr. 33403

✓ Mimi Venable 301 Lake Shore Rd. 33403
✓ GARY VENABLE 301 LAKE SHORE DR

Name	Address
Gary Sipple	910 Lake Shore Dr. 33403
[illegible]	4 E. ILEX DR 33403
[illegible]	4 E. Ilex Dr. 33403
[illegible]	5 Hawthorne Dr. 33403
Vicky Butts	5 Hawthorne Dr.
[illegible]	6 E Ilex Dr, Lake Park, FL 33403
Matt Erskine	6 E. Ilex Dr, Lake Park, FL 334
Mechelle Brackens	2 E Ilex Dr, Lake Park, Fl 33403
[illegible]	908 LAKESHORE DR, LAKE PARK, FL
[illegible] Webb	912 Lake Shore Dr, Lake Park, Fl
[illegible] Swenson	10 E. Ilex DR 33403
[illegible]	904 LAKE SHORE 33403
Penny Broda	8 E. Ilex Dr. Lake Park
[illegible]	904 Lakeshore Dr. L.P. 33403
Martha M. Christie Patrick	914 Lake Shore Dr Lake Park 334 3340
[illegible] Bathon	916 Lk Sho Dr Lk Pk Fl. 33403
Laura [illegible] Davison	123 E ILEX DR Lake Park Fl 33403
[illegible] Saxon	908 Lake Shore Dr, Lake Park, Fl
Claudia Rosa	7 Hawthorne Dr. 33403
Ana Maria Caneschi	7 Hawthorne Dr. 33403
TUDOR CRISTEA	7 HAWTHORNE D 33403
Sam Baghdady	12 E. ILex Drive
Mara McLaslin	5 Hawthorne Dr.
✓ Mary Ann Socolosky	301 Lake Shore Dr.
✓ Robert W Socolosky	301 Lake Shore Dr

February 10, 2015

To: Lake Park Planning Board

From: Neighbors & Abutters of Earl Stewart/Commercial Investments LLC Property

Subject: Petition Against Planned Unit Development Amendment (Site Plan and Rezoning) and Special Exception Use Approval

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Therefore, we the undersigned, object strongly to the plan and ask the planning board to turn it down due to the nonconformance nature of his request that changes the character of the Town and a total disregard to the people living in the area.

Name	Address
[illegible]	903 Lake Shore Dr
[illegible]	913 Lake Shore Dr.

Name	Address
Celica Torres	913 Lake Shore Dr, Lake Park
Don Westfield	901 Lake Shore Dr 33403
Antonio Restrepo	909 Lake Shore Dr 33403
Scott Watson	903 Lake Shore Dr 33403
May Leung	909 Lake Shore Dr 214/33403
Gary Sam	909 Lake Shore Dr. 33403
Eric Gamez	905 Lake Shore Dr 33403
[illegible]	913 Lake Shore Lake
Melissa [illegible]	913 Lake Shore Lake.
Lauren Walsh	909 Lakeshore dr #105 33403
Lisa [illegible]	905 Lakeshore Dr. #304
[illegible]	901 Lake Shore dr. #210
[illegible]	909 Lake Shore Dr #308
Robin Hutchinson	909 Lake Shore Dr #308
Louise Smart	909 Lake Shore Dr apt 103
Thomas Smart	909 Lake Shore Dr. apt 103
Barbara J Webster	903 Lake Shore Dr. #315
Patti Hendrix	907 Lake Shore Dr #111
Donna Rupson	903 Lake Shore Dr #111
Allie Thompson	903 Lake Shore Dr #111
Scott Thompson	903 Lake Shore Dr #111
[illegible]	909 Lake Shore #307

Name	Address
Courtney Equi	903 Lake Shore Dr. #306
Rick Coulter	903 Lake Shore #101
Alexander E. Turner	903 Lake Shore #314
Yoanice Diaz	" " "
Peter Shrader	909 Lakeshore #105
SYLVIA FRANCIS	907 LAKESHORE DR #305
BRUCE FRANCIS	"
[illegible]	901-107
ERDAL KOSEY	901/104
Michael S Tomeo	301 Lake Shore #705
Susan Gaylor	" " " #705
[illegible]	301 Lake Shore #403
Michael DeJonge	301 LAKE Shore DR #601
Diana & Al Anderson	301 LAKE Shore DR #507
Julie Sarkozy	301 Lake Shore Dr. #405

301 Lake Shore DR

Name	Address
Hanna Spear	301 Lake Park, 202
Samuel Kowalczyk	301 Lake Shore Dr - 705
Al Anderson	301 Lake Shore Dr #507
Diane Burnhard	301 Lake Shore Dr # 203
Wendell Hansel	301 Lake Shore Dr 33403
Michael S Tomas	301 LS Dr # 33403 #708
Joseph A. Falafous Jr	
JOSEPH A. FALAFOUS SR.	301 LShore Drive, #508
Bill Miller	301 L S DR # 301
Sandy Fells	301 Lake Shore DR # 301
Bob Socolosky	301 LAKE SHORE DR
MARY ANN SOCOLOSKY	301 LAKE SHORE DR
ROGER WOLGAST	301 LAKE SHORE DR.
Noriko Okada	301 Lake Shore Dr #206
Jorge Quintero	301 LAKE SHORE DR #501, #211
Amy Clyman	301 Lake Shore Dr. #706
Donna [illegible]	301 Lake Shore Dr #404
Carol Gilder	301 Lake Shore Dr #208
Harvey Goodman	301 Lake Shore Dr #208

301 Lake Shore Drive

Name	ADDRESS
Kenia M. Lockhart	231 Hawthorne Drive Lake Park, Fl 33403
Bob Munroe	990 Old Dixie D+B Automotiv
Ena Wippermann	716 Hawthorne Dr Lake Pa
[illegible]	708 Hawthorne
Ally Wrynn	731 Hawthorne Dr
[illegible]	430 E. Ilex Dr Lake Park Fl
Alfred Francois	424 E. Ilex Dr.
[illegible]	905 4th Lake Park Fl
ALVARO GUTIERREZ	344 E ICEX DR. LAKE PARK.
Antoinette Sorrells	315 E. ILEX Dr. L.P. Fl. 33403
Sheena Wehr	323 E. Ilex Dr.
Erin Dowling	323 E Ilex Dr
Charity Michael	355 East Ilex Dr.

Name	ADDRESS
Diane S. Munnee	222 Hawthorne Dr. Lake Park FL 33403
Guadalupe Lawrence	128 E. Olex Dr Lake Park 33403
Anthony Lawrence	128 E. Olex Dr Lake Park FL 33403
Joyce Brown	129 E Ilex Dr L.P 33403
Erin Diaz	136 E. Jasmine Dr. Lake Park FL 33403
Mike Albanese	135 E. Jasmine Dr. 33403
Cirack McLeod	128 E Kalmia Dr FL 33403
Nick Mayo	916 2nd St 33403
Roselyn Saunders	211 East Ilex Dr. 33403
Michael Brady	216 E Ilex Dr 33403
Andre Arellano	246 east ilex Dr lake park 3340;
Glen Robinson	235 E. Jasmine Drive Lake Park 33403
Sharon Brancato	132 E Jasmine Dr.

Name	ADDRESS
Willie Shelton	306 E. Kalmia Dr. L.P. Fl. 33403
Carl Perhacs	221 E. Kalmia Dr.
[illegible]	110 Hawthorne
[illegible]	9 Hawthorne
Dina Brown	131 Hawthorne Drive
Jenna Schach	815 2nd Street
Shallara Nozier	306 Hawthorne Drive
Kevin McMahon	318 Hawthorne Dr.
[illegible]	347 Flagler Blvd.
Joshua [illegible]	347 Flagler Blvd
[illegible]	313 Hawthorne dr
Mark Arthur	307 Hawthorne Dr.
Dale G. Joffs	259 Hawthorne Dr.

Name	ADDRESS
Rose M. Michaud	405 E Ilex Dr Lake Park Fl. 33403
Chinerha Cooper	415 E. Ilex Dr. Lake Park Fl. 33403
Mr & Mrs Musso	354 E Jasmine Dr. WPB 33403
[illegible]	336 E. Jasmine Dr Lake Park
Barry Price	314 E. Jasmine Dr. 33403
Gwen Nalls	306 E Jasmine Dr 33403
[illegible]	337 E Jasmine Dr 33403

Exhibit "G"

My name is Penny Broda and I am 13 year resident of the Town of Lake Park and reside at 8 East Ilex Drive.

I am here tonite to ask all parties involved to please compromise.

Earl Stewart Toyota would like more parking.

The residents of East Ilex Drive and Lake Shore Drive would like:

1. Less noise than is currently being provided.
2. A parking garage that will not be so invasive of our privacy and similar height to surrounding buildings

NOISE POLLUTION = beeping car horns and loud delivery vehicles at all hours of the nite

The noise pollution is still an issue and as much as Toyota says they are working on eliminating some of these issues, the residents have yet to **"HEAR"** it happen.

PRIVACY = being able to see in my bedroom and bathroom windows from parking garage

As a compromise, I would like to recommend the maximum height of the new parking garage be 30 feet with stair towers maxing out at 35 feet.
(I am NOT in favor of re-zoning the property.)
(Currently the planned garage is at 39 feet with stair towers at 45 feet.)

Stu Stewart mentioned at the "Meet and Greet" on 03.28.15 that he would look into planting the trees/bushes on East Ilex Drive and Lakeshore Drive sooner than later so the 3 year growth plan would basically be in place prior to building the garage and give residents the "forest" look (quote from Stu Stewart) vs. current parking lot and a future parking garage view. **I think this is a GREAT IDEA.**

In closing, I would like to ask each and every one of you to put yourself in my shoes……. How would it make you feel to walk out your front door each day and have a view of 40+ foot concrete parking garage ?

I'm asking for a compromise. I'm asking that the property remain zoned as a C-1.

THANK YOU.

Penny Broda

Exhibit "H"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 1, 2015 **Agenda Item No.** 6

Agenda Title: Resolution Authorizing and Directing the Mayor to Execute the Town Manager Employment Agreement between the Town of Lake Park and John O. D'Agostino

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

Approved by Town Manager Interim Town Mgr. **Date:** 3/26/2015

Name/Title

Originating Department: Human Resources	**Costs: $117,000 per year plus benefits** Funding Source: BUDGET Acct. # 104-11000 **[x] Finance** BKR	**Attachments:** **Copy of Town Manager Employment 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:** **BMT** **Please initial one.**

Summary Explanation/Background:

At the March 21, 2015 Special Call Commission meeting, the Commission selected John O. D'Agostino as the candidate for the position of Town Manager for the Town of Lake Park, and directed the Town Attorney to enter into contract negotiations with Mr. D'Agostino. The purpose of this agenda item is to authorize and direct the Mayor to execute the Town Manager Employment Agreement between the Town of Lake Park and Mr. D'Agostino.

A copy of the Town Manager Employment Agreement is attached in redline format.

<u>Recommended Motion:</u> I move to adopt Resolution _____ and to authorize and direct the Mayor to execute the Town Manager Employment Agreement between the Town of Lake Park and Mr. John O. D'Agostino.

Exhibit "H"

TOWN MANAGER EMPLOYMENT AGREEMENT

This Town Manager Employment Agreement (the Agreement), is made and entered into this _____ day of _____, 2015, by and between the Town of Lake Park, a Florida municipal corporation, (hereinafter "Town") and John O. D'Agostino (hereinafter "Town Manager"),

WHEREAS, Article III, Section 1 of the Town Charter establishes a Commission Manager form of government for the Town; and

WHEREAS, pursuant to Article VI, Section 1 the Lake Park Town Commission (hereinafter the "Commission") is required to appoint a Town Manager who shall be the administrative head of the Town under the Commission's general supervision; and

WHEREAS, a majority of the Commission voted to appoint John O. D'Agostino as the Town Manager of the Town;

WHEREAS, the powers and duties of the Town Manager as the chief administrative officer of the Town government are as set forth in Section 2-82 the Code of Ordinances of the Town (hereinafter "Town Code") ; and

WHEREAS, the Commission and the Town Manager intend by this Employment Agreement to set forth the terms, conditions, and compensation and benefits pursuant to which the Town Manager is to be employed by the Commission.

NOW THEREFORE, it is agreed and acknowledged as follows:

SECTION 1: Recitals

The recitals stated above are true and correct and are incorporated herein.

SECTION 2: Appointment

Pursuant to Article V, Section 1, and Section 2-81 of the Town Code, the Commission, appoints John O. D'Agostino as Town Manager.

SECTION 3: Term

The term of this Agreement shall be one (1) year commencing May 1, 2015. This Agreement shall automatically be renewed on its anniversary date for successive one [1] year terms unless either Party provides written notice of termination of this Agreement at least 120 days before the expiration date. All terms, conditions, compensation, and benefits shall remain in effect until the expiration of the term of the Agreement. The Town Manager shall be entitled to all compensation, including salary and the continuation of all benefits, for the remainder of the term of this Agreement.

SECTION 4: Duties and Authority

The Town Commission agrees to employ John O. D'Agostino as Town Manager to perform the functions and duties specified in ARTICLE VI, Section 4 of the Town Charter and Chapter 2, Article III Sections 2-82 and 2-83 of the Town Code.

SECTION 5: Non-Interference

Commission members shall address their questions and concerns regarding the financial condition, operations, personnel and other Town matters directly to the Town Manager. Individual members of the Town Commission shall not, acting alone and without authorization of the Town Commission, direct the Town Manager to enter into or terminate any contract, to grant or withhold funds to any person, or instruct any Town employees under the Town Manager's control to take or refrain from taking any action. Pursuant to Article VI, Section 4 of the Town Charter, the Town Manager has full control over administrative service and those powers and duties set forth in Chapter 2, Article III, Section 2-82 of the Town Code.

SECTION 6: Compensation

The Commission agrees to pay Town Manager an annual base salary of $117,000, payable in installments at the same time that the other employees of the Town are paid. In the event of any salary adjustments agreed to between the Commission and the Town Manager, this Agreement shall be automatically amended.

The Town Manager may receive an annual salary adjustment as may be agreed to by a majority of the Town Commission. The amount of said increase shall be determined by the Commission.

SECTION 7: Residency

The Town Manager shall establish residency within the Town of Lake Park as of May1, 2015, and shall maintain residency in the Town of Lake Park, unless a majority the Commission determines otherwise, and this Agreement is amended accordingly.

SECTION 8: Initial Performance Review and Subsequent Annual Reviews

The Town Commission shall conduct an initial review of the performance of the Town Manager six (6) months from the effective date of this Agreement, and shall 6 (six) months thereafter conduct its first annual review to evaluate the performance of the Town Manager. Thereafter, the Commission shall conduct an annual review and evaluation of the Town Manager's performance in accordance with criteria mutually developed and adopted by the Town Commission and the Town Manager which may, among other items, consist of goals and performance objectives which the Commission deems necessary for the proper operation of the Town and the attainment of the Commission's policy objectives. The Commission and Town Manager may establish a

relative priority among the mutually agreed goals and performance objectives. The adopted goals and objectives shall be reasonably attainable within the time limitations specified and within the annual operating and capital budgets as appropriated by the Commission in the applicable fiscal year. The initial goals and performance objectives shall be established within 120 days after commencement of the Town Manager's employment. The goals and objectives shall be re-established thereafter on an annual basis, within 60 days after the annual review and performance evaluation of the Town Manager.

SECTION 9: Hours Per Week

The Town Manager is an exempt employee of the Town as defined in the job description of the position of Town Manager and shall devote whatever time is necessary to properly perform the duties of this position, it being generally understood that substantially more time than 40 hours per week may be required.

SECTION 10: Vacation Leave and Sick Leave

Commented [A1]: THE PREVIOUS 2 TM'S ACCRUED VACATION TIME AT THE SAME RATE AS AN EMPLOYEE WITH 10 YEARS SERVICE TO THE TOWN WHICH EQUATES TO 5 WEEKS VACATION. DALE DID NOT ACCRUE ANY SICK LEAVE AND MARIA ACCRUED TIME AT THE SAME RATE (1.56HRS. PER PAY PERIOD) AS EMPLOYEES.

During the first year of this Agreement, the Town Manager shall be credited with the same number of days of sick leave as employees of the Town are entitled to per section 6.9 of the Employee Handbook. The Town Manager shall be entitled to four weeks vacation leave per year. Upon termination, the accrual of any vacation time shall be capped at four weeks and sick leave shall be in accordance with section 6.9 of the Employee Handbook.

SECTION 11: Holidays

The Town Manager shall be entitled to the same paid holidays granted to the Town's employees.

SECTION 12: Health Benefits

Commented [A2]: THE TOWN'S PPO PLAN COVERS HOSPITALIZATION, SURGERY, ETC SO IT IS NOT NECESSARY TO RECITE THE PLAN AS COVERING HOSPITALIZATION AND SURGICAL.

The Commission shall provide and pay the premiums for comprehensive medicalhealth, dental, andhospitalization, surgical, vision, dental and comprehensive medical for the Town Manager and his spouse under the Town'sits comprehensive Preferred Provider Option Plans. In addition, it shall provide both short term and long term disability coverage for the Town Manager under its current plans. Coverage shall commence in accordance with the terms of the providers' respective contracts, or any exceptions thereto granted by Provider.

SECTION 13: Life Insurance

The Commission shall provide for a term life insurance policy for the Town Manager under the Town's group life insurance policy which provides for coverage in an amount equivalent to twothree (23) times the Town Manager's base salary and shall pay the total premiums for this coverage. Coverage shall commence in accordance with the

terms of the provider's contract. The Town Manager ~~shall own the life insurance policy and the life insurance policy shall be in the name of the Town Manager and the Town Manager~~ shall have the right to name the beneficiary of the life insurance policy.

SECTION 14: Retirement

During the first year term of this Agreement, the Town shall contribute into a deferred compensation account or retirement plan chosen by the Town Manager in an amount equal to 10% of the Town Manager's annual base salary plus any salary adjustments. For any subsequent terms of the Town Manager's employment, the Town Commission shall determine the percentage contributed in an amount greater, if any, than this percentage. In such cases this Agreement shall be deemed to be automatically amended to reflect the new percentage of contribution. All such funds shall be owned by the Town Manager and fully transferable upon the termination of the Town Manager's employment to the extent allowed by law.

Within the first thirty (30) days of the Town Manager's employment, the Town shall make all necessary arrangements and approve all necessary documents to allow the Town Manager's direct deposit of earned income in both the ICMA-RC 457 Deferred Compensation Plan and the ICMA-RC 401(a) Defined Contribution Plan.

SECTION 15: Dues and Subscriptions

The Town agrees to pay the Town Manager's professional dues for membership in the International City/County Management Association (ICMA), the Florida City and County Management Association (FCCMA), and the Palm Beach County City Management Association (PBCCMA). The Town shall pay other dues and subscriptions on behalf of the Town Manager provided these dues and/or subscriptions have been appropriated in the Town's budget.

SECTION 16: Outside Activities

With the prior approval of the Commission (which such approval shall not unreasonably be withheld), the Town Manager may engage in additional professional activities separate and apart from Town matters, provided said activities do not conflict or interfere with the performance of the Town Manager's duties and responsibilities to the Town.

SECTION 17: Moving Allowance and Housing Expenses

The Commission agrees to pay $8,500 for moving expenses plus housing expenses of $2,400 for the first and last month's rent incurred by the Town Manager.

SECTION 18: Car Allowance, Equipment, General Business Expenses and Professional Development.

The Town Manager shall receive a car allowance of $500 per month.

The Town shall provide appropriate equipment necessary for the Town Manager to perform the Town Manager's official responsibilities which shall remain the property of the Town.

The Commission agrees to budget for and to pay for reasonable and customary travel and subsistence expenses of the Town Manager for professional and official travel, meetings, and occasions to adequately continue the professional development of the Town Manager and to pursue necessary official functions for the Town, including but not limited to the ICMA annual conferences, the Florida League of Cities annual conferences, and meetings of such other national, regional, state, and local governmental groups and committees in which the Town Manager serves as a member.

The Commission also agrees to budget for and to pay for travel and subsistence expenses of the Town Manager for short courses, institutes, and seminars that are necessary for the Town Manager's professional development, continuing education, and for the good of the Town.

The Commission acknowledges the value of having the Town Manager participate and be directly involved in local civic clubs or organizations. Accordingly, the Commission shall pay for the reasonable membership fees and/or dues to enable the Town Manager to become an active member in local civic clubs or organizations.

Section 19: Indemnify and hold harmless

The Town shall self-insure or otherwise provide and pay for professional liability insurance to fully defend, indemnify and hold harmless the Town Manager against any and all claims, demands, suits, actions or proceedings of any kind or nature, arising out of the performance of the Town Manager's duties and responsibilities as Town Manager.

SECTION 20: Termination for Cause

The employment of the Town Manager may be terminated by a majority vote of the membership of the Commission for cause. The term "for cause" shall be defined to mean:

1) Misfeasance, malfeasance and/or nonfeasance in performance of Town duties and responsibilities;
2) Conviction of a felony, whether or not adjudication is withheld during the term of this Agreement;
3) Willful neglect of duty, including the inability or unwillingness to properly discharge the responsibilities of office;
4) Violation of any substantive Town policy, rule, or regulation, which would subject any other Town employee to termination;

5) The commission of any act which constitutes moral turpitude;
6) A knowing or intentional violation of the Palm Beach County, State of Florida, or the International City/County Management Association's Code of Ethics.

If the Town Manager is terminated for cause, the Parties hereto expressly agree that the Commission is under no legal obligation to pay the Town Manager any severance pay. However, in accordance with Section 10, the Commission shall pay the Town Manager any accrued and unpaid salary and benefits earned prior to the effective date of termination. Other than the payment required by Section 10, the Town shall have no further financial obligation to the Town Manager pursuant to this Agreement.

SECTION 21: Termination without Cause

The Town Manager may be terminated "without cause" provided the Commission gives 120 days advance written notice of it's intention to do so.

If the Town Manager is terminated without cause the Town Manager shall be paid a lump sum severance pay consistent with Florida Statutes. The Town shall also compensate the Town Manager the financial value of the health and life insurance coverage it pays for the Town Manager following the date of termination for 20 weeks. After the payments described above are made, the Town shall have no further financial obligations to the Town Manager, and the Town Manager shall execute a general release to that effect.

SECTION 22: Voluntary Resignation

In the event that the Town Manager voluntarily resigns, the Town Manager shall provide to the Commission 120 calendar days advance written notice. The Town Manager shall not be entitled to severance pay; however, the Town Manager shall be entitled to receive accrued unused vacation and sick leave per Section 10 of this Agreement..

SECTION 23: Return of Town Property

Upon the Town Manager's termination of employment, whether voluntary resignation or with or without cause, the Town Manager shall, within three (3) business days, return all Town property to the Town, including but not limited to keys, cell phone, lap top computer, public records not maintained at Town Hall and any other documents or property of the Town.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date set forth below.

ATTEST:

By: _____
Vivian Mendez, Town Clerk

_____
Date

TOWN OF LAKE PARK

By: _____
James DuBois, Mayor

_____
Date

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
Thomas J. Baird, Town Attorney

_____
Date

TOWN MANAGER

_____

_____
Date

\\jfjspl2\apps\docs\26508\00001\doc\1lp334303.doc

Bambi Turner

From: Baird, Thomas J. <TBaird@jonesfoster.com>
Sent: Wednesday, April 1, 2015 5:01 PM
To: Bambi Turner
Subject: FW: Your Estimate

You may want to have copies of this available for the Commission. I will be referring to it when I discuss the Contract.

PLEASE NOTE OUR NEW ADDRESS

JONESFOSTER

Thomas J. Baird Florida Bar Board Certified City, County and Local Government Attorney
Direct Dial: **561.650.8232** | Fax: **561.650.5300** | tbaird@jonesfoster.com

Jones, Foster, Johnston & Stubbs, P.A.
4741 Military Trail, Suite 200, Jupiter, Florida 33458
561-659-3000 | www.jonesfoster.com

Incoming emails are filtered which may delay receipt. This email is personal to the named recipient(s) and may be privileged and confidential. If you are not the intended recipient, you received this in error. If so, any review, dissemination, or copying of this email is prohibited. Please immediately notify us by email and delete the original message.

From: John D'Agostino [mailto:jdagostino92257@me.com]
Sent: Tuesday, March 31, 2015 3:06 PM
To: Baird, Thomas J.
Subject: Fwd: Your Estimate

Hi Tom:

This is the latest quote I received after filling out an extensive questionnaire on the furniture and household items I will be moving down to Lake Park.

John D'Agostino
sent from my iPad

Begin forwarded message:

> **From:** movers rare <info@bostonraremovers.com>
> **Date:** March 24, 2015 at 1:16:54 PM EDT
> **To:** jdagostino92257 <jdagostino92257@me.com>
> **Subject: Your Estimate**
> **Reply-To:** movers rare <info@bostonraremovers.com>

- Hello John,

  We are tentatively scheduling your move dates for Thursday, April 30, 2015. The services that RARE Moving & Trucking Company, Inc. will provide, via your request, loading the items from 12 Maverick Drive in Mansfield, Massachusetts additional stop at Storage Facility in Pawtucket, Rhode Island and delivering the items to 1 Main Street in Lake Park in Florida. My estimation for your move is based on the shipment weight of $1.00 per pound, with a minimum weight of 2500 cubic pounds and a fuel surcharge based on the shipments destination:

  4/30/2015 4 men & 1 truck Load: 8000 – 10000 lbs. $9000.00
  Materials $40.00
  Fuel Charge $1100.00
  Grandfather Clock Surcharge $50.00

  5/3/2015 3 men & 1 truck Deliver to Lake Park, Florida $0.00

  Total: $10,190.00

- Thank you,

  Velvet Mills
  RARE Moving & Trucking Company, Inc.
  41 Bailey Street – 2nd Floor
  Boston, MA. 02124
  617-825-7273
  < http://www.bostonraremovers.com >

  Note this estimate includes the crews drive time to and from our warehouse. This estimate does not include any additional insurance the customer may want or services such as hoisting or craning. We ask all customers to secure the move date by sending a deposit of $100 in check or money order to the above address. Or you can call our office to secure your date by debit or credit card. The deposit will be applied to your bill on the day of the move. Gratuities are appreciated.

Board Membership

TAB 4

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **April 15, 2015** **Agenda Item No.** Tab 4

Agenda Title: **Anne Lynch – Nominated for Appointment to the Planning and Zoning Board as an Alternate Member**

[ ]	CONSENT AGENDA	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	PRESENTATION/PROCLAMATION	[ ]	RESOLUTION
[ ]	PUBLIC HEARING	[ ]	ORDINANCE ON ____ READING
[ ]	BID/RFP AWARD	[X]	OTHER: **NOMINATION FOR BOARD MEMBERSHIP**

Approved by Town Manager [signature] Interim Town Mgr. **Date:** 4/2/2015

Vivian Mendez, Town Clerk, CMC
Name/Title

Originating Department:	Costs: $ **0.00**	**Attachments:**
Town Clerk	Funding Source: Acct. # [ ] Finance _____	• Nomination by Commissioner Rapoza • 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 appointment to a Town Board. The candidate's biographical information for this appointment has been placed in the Town Commission Dropbox.

Commissioner Rapoza has made a nomination to appoint the following applicant to the Planning and Zoning Board.

Anne Lynch

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.

Vivian Mendez

From: Kathleen Rapoza
Sent: Friday, March 20, 2015 9:55 AM
To: Vivian Mendez
Subject: Nominee

I would be pleased to nominate Anne Lynch for the Planning and Zoning Board. She seems passionate, sincere and well qualified to work within our community., Best regards,

Kathy Rapoza,
Commissioner, Lake Park

Office of the
Town Clerk

March 19, 2015

Placed on the Dropbox on 3/19/15 (mm)

Commission-appointed Board Volunteer List:

On August 21, 2013 the Town Commission adopted Ordinance No. 10-2013 Board Nomination Process, which modified the self appointed process for filling vacancies on Commission-appointed boards.

In section 2-2112 (i)" Nomination for action on vacancies" states that the clerk shall prepare a list of volunteers, including members seeking reappointments. Below is the list of volunteers for Commission-appointed boards.

New applicant:
Anne Lynch – has applied for appointment on the Planning and Zoning Board. The Planning and Zoning have two (2) alternate membership openings.

A nomination to fill a vacancy may be made by any member of the Commission. For a nominee to be appointed or reappointed there must be a second and majority vote of the Commission.

If you have any questions regarding the volunteer list please contact me.

535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3311
Fax: (561) 881-3314

www.lakeparkflorida.gov

The Town of Lake Park

Application to Serve on Town Boards and Committees

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

Please print the following information:

Name: Anne Lynch
Last First Middle

Address: 349 Bayberry Drive, Lake Park, Fl 33403

Birthday: Month: 7 Day: 29

Telephone: home 561 951 5676 work 561 683 8820 cell _____

E-Mail Address annelynch46@yahoo.com

	Yes	No
Are you a resident of Lake Park	☒	☐
Are you a non-resident business owner in Lake Park	☐	☐
Are you a registered voter (Response to this question is not mandatory)	☒	☐
Do you currently serve on a Town Board or Committee	☐	☐
If so, which one(s): Friends of LP Library + LP Historical Society		
Have you been convicted of a crime	☐	☒

If so, when? _____ where? _____

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

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

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

Your Name: Anne Lynch

Please indicate the reason for your interest in your first and second choices:
I would like to be a meaningful part of the town's growth & development

Number of Meetings of the above boards you have attended in the past six months: 12

Your educational background: (High school, College, Graduate School or other training)
Masters Level social work (clinical) and community development

What is/was your profession or occupation: licensed clinical social wkr.
How long: 47 yrs

Please indicate employment experience that you feel relates to your desired service on an advisory board or committee: 12 yrs. resident of Lake Park Experience working with Parkslope community development (7 yrs)

Please indicate other general experience or community involvement that you feel qualifies you to serve on the boards you have chosen: Life long support + interest in community history (my father was Pres. of Maiden Lane Historical Society) (N.Y.N.Y.)

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

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

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

Signature: Anne Lynch Date: 3/16/15

Ordinance on First Reading

TAB 5

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 15, 2015 **Agenda Item No.** Tab 5

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

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

Approved by Town Manager Interim Town Mgr. **Date:** 4/8/2015

Vivian Mendez – Town Clerk
Name/Title

Originating Department: **Town Clerk**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Ordinance**
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: Prior to July 1, 1973 the Town Commission adopted a municipal Charter, which contains among other matters, provisions pertaining to operations of the Town under a Town Commission-Town Manager form of government. Florida State Statue 166.021(4) and 166.31, set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, which charters have not been subsequently readopted. Amendments to municipal charters provisions which were adopted prior to July 1, 1973, such as the Town's Charter, may be made by Ordinance if the proposed changes do not affect the basic organizational and administrative structure of the municipal government, and if the proposed changes do not fall within

any of the statutorily excluded areas which expressly require a referendum in order to adopt the proposed charter amendment. The proposed amendments in Article XVI do not fundamentally alter the basic organizational or administrative structure of the Town's Commission-Manager form of government as set forth in the Town Charter.

The following sections are proposed to be modified:

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

Recommended Motion: I move to adopted Ordinance 04/2015 on first reading.

ORDINANCE NO. 04-2015

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

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

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

WHEREAS, Sections 166.021(4) and166.031, Fla. Stat., set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, and which charters have not been subsequently readopted; and

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

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

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

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

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

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

Section 11. Special Election.

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

Section 13. Date of General Election.

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

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

Section 22. Form of ballot

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

~~OFFICIAL BALLOT~~

~~DATE_____/_____/_____,~~
~~YEAR_____/_____/_____~~

~~TOWN OF LAKE PARK, FLORIDA~~

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

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

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

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

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

TAB 6

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **April 15, 2015** **Agenda Item No.** Tab 6

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

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

Approved by Town Manager [signature] Inter Town Mgr. **Date:** 4/8/2015

Vivian Mendez – Town Clerk
Name/Title

Originating Department: **Town Clerk**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **Ordinance**
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 Code of Ordinances Chapter 2, Article IV, is entitled "Boards, Commissions, and Committees", which authorizes the Town Commission to appoint members to certain standing boards, Commissions, and committees. Section 2-111 of this Chapter provides for each board, Commission, or committees to elect a Chair and officers from their membership, including a recording secretary. The current language pertaining to the selection of a recording secretary has proven to be a challenge for the boards in the past.

Staff is proposing the following three (3) amendments to this section of the Code:

1. Amend the title from "Boards, Commissions, and Committees", to "Boards, and Committees" and remove the word Commission.
2. Each board shall annually elect a chair from its membership and a vice-chair at their first meeting of each year instead of the month of January.
3. The Town Manager shall assign a staff member to be the recording secretary who shall be responsible for producing minutes of the board or committee meeting.

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

ORDINANCE NO. 05-2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Business

TAB 7

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 15, 2015 **Agenda Item No.** Tab 7

Agenda Title: Selecting the Venue for Future Sunset Celebrations

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

Approved by Town Manager [signature] **Date:** 4/7/2015
Interim Town Manager

Name/Title

Originating Department: Town Manager	**Costs: $ -0-** Funding Source: Acct. # [ ] Finance _____	**Attachments:** **None**
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:

Since their inception, the monthly Sunset Celebrations have been held at the Lake Park Harbor Marina. Recently, in order to accommodate the Marina Seawall Remediation Project that has been underway, the venue for the monthly Sunset Celebrations was changed to Lake Shore Park.

The planning for the monthly Sunset Celebrations takes place a month in advance of each event, and the planning for the April Sunset Celebration to take place at Lake Shore Park has already been completed and advertisements have been published. Staff is in the process of planning for the May Sunset Celebration. Now that the Marina Seawall Remediation Project is substantially complete, staff is seeking direction from the Town Commission as to whether to continue to hold the Sunset Celebrations at Lake Shore Park, or whether to return this event to the Marina commencing in May, 2015.

Recommended Motion: There is no recommended motion.

TAB 8

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 15, 2015 **Agenda Item No.** Tab 8

Agenda Title: Lake Park Harbor Marina Landscape Maintenance-Contract Time Extension

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

Approved by Town Manager Interim Town Manager **Date:** 4/7/2015
Richard Pittman / Project Manager Richard Pittman
Name/Title

Originating Department: Public Works	**Costs: $ 2,907.42 per month** **Funding Source: Marina F.Y 15 Budget** **Acct. # 800-34000** **[X] Finance** BKR	**Attachments:** **Letter of 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 ____ **Please initial one.**

Summary Explanation/Background:
The Town Commission has approved two extensions of the Chris Wayne & Associates, Inc. (CWA) landscape maintenance contract for the Lake Park Harbor Marina landscape maintenance for Fiscal Year 2015. The latest extension, approved at the January 7, 2015 Town Commission meeting, will expire on April 30, 2015. Staff is recommending a third contract extension until a new contract is in place. The current contract with CWA is $2,907.42 per month.

CWA is agreeable to a contract extension through September 30, 2015 (see attached Letter of Agreement). The solicitation for the marina landscape maintenance was advertised on April 12, 2015. The bid opening is scheduled for May 13, 2015. The RFP package is written to allow the Town Commission to elect to commence a new contract for maintenance in July or on October 1ST. The recommendation for the contract commencement date of the new contract will be based on the monthly price of the new contract versus the current monthly cost using CWA. The recommendation for the award of a new marina landscape maintenance contract and time extension, if desired, will be on the June 3rd Town Commission meeting agenda.

Recommended Motion: Based on the bid opening date, I move to approve a time extension of the Lake Park Harbor Marina landscape maintenance contract with CWA until a new contract is in place.

Public Works Department

March 13, 2015

Mr. Chris Dellago, RLA, President
Chris Wayne & Associates, Inc.
15863 97th Drive North
Jupiter, Florida 33478

Dear Mr. Dellago:

RE: Letter of Agreement
Contract Extension for CRA District Landscape Maintenance
Contract Extension of Lake Park Harbor Marina Landscape Maintenance

Chris Wayne and Associates, Inc. (CWA) currently perform landscape maintenance within the Lake Park CRA District under a contract extension approved by the Lake Park CRA Board on January 7, 2015. The compensation for this service is $6,330.00 per month. The contract, with the extension, will expire on April 30, 2015.

Chris Wayne and Associates, Inc. currently perform landscape maintenance at the Lake Park Harbor Marina property under a contract extension approved by the Lake Park Town Commission on January 7, 2015. The compensation for this service is $2907.42 per month. This contract, with the extension, will also expire on April 30, 2015.

The Lake Park CRA and the Town of Lake Park have a need to extend the aforementioned contracts to the end of the fiscal year (September 30, 2015) at which time it is anticipated that new landscape maintenance contracts will commence. The current CWA monthly charges have been budgeted for through September 30th. We propose that CWA agree to an additional five month extension at the current rates while the Town publicly solicits bids for new, five year contracts (an initial three year contract with two, one year extension options). By re-bidding the contract, you will have the opportunity to adjust your rates to reflect current costs and expenses. In addition, the Town will be able to adjust its Fiscal Year 2016 Budget figures to allow for any rate increases that may arise from the competitive bidding process.

Please indicate your acceptance of an additional five month contract extension for both of CWA's current contracts and compensation by signing below and returning to the Town of Lake Park Public Works Department.

Respectfully yours,

J. David Hunt
Director of Public Works

Accepted by: _____ Date: 3/16/15
Chris Dellago, President CWA

cc: B. McKibbon-Turner, Interim Town Manager
B. Rane, Finance Director
R. Pittman, Project Manager

650 Old Dixie Highway
Lake Park, FL 33403
Phone: (561) 881-3345
Fax: (561) 881-3349

www.lakeparkflorida.gov

TAB 9

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: 4/15/2015 **Agenda Item No.** Tab 9

Agenda Title: **FISCAL YEAR 2014/2015 MID-YEAR BUDGET REVIEW AND ADJUSTMENTS**

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

Approved by Town Manager _____ **Date:** 4/8/15

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

Originating Department: **FINANCE**	Costs: See attachment "A" Funding Source: Acct. # [X] Finance ____BKR_____	**Attachments:** Resolution, Mid-year Budget Adjustment Itemization (Attachment "A"), and Narrative
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:

At this point in each fiscal year, the Town Finance Director conducts a mid-year review of the approved budget to determine if any adjustments need to be made. This review has been conducted and attached is a schedule (Attachment "A") that lists the significant items that need to be adjusted for the Town of Lake Park 2014/15 Budget, along with a narrative explanation of such adjustments.

Recommended Motion:.

I move to adopt Resolution 11-04-15.

RESOLUTION NO. 11-04-15

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2014-2015 AS PREVIOUSLY ADOPTED BY RESOLUTION NO. 29-09-14; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the Town Commission has previously established the budget for the Town of Lake Park for the fiscal year beginning October 1, 2014 and ending September 30, 2015; and

WHEREAS, at the time of its adoption, the budget properly reflected expected revenues and appropriations; and

WHEREAS, to implement this budget, the Town Commission adopted and levied by Resolution No. 29-09-14 a final millage rate for the Fiscal Year 2014-2015; and

WHEREAS, the Town Commission deems it necessary and advisable to amend the budget for the Town of Lake Park for Fiscal Year 2014-2015, which was adopted by Resolution No. 29-09-13.

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

Section 1. The whereas clauses are true and correct and are supported herein.

Section 2. An amended final budget of the Town of Lake Park General Fund is hereby approved and adopted as set forth in the attached Mid-Year Budget Adjustment Itemization (Attachment "A").

Section 3. The Town Manager is hereby authorized to amend/transfer between departmental accounts provided, however, that total appropriated expenditures by fund do not exceed Commission authorized amounts.

Section 4. If any section, subsection, sentence, clause, phase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This resolution shall take effect immediately upon adoption.

Mid-Year Budget Adjustment Itemization

April 15, 2015

ATTACHMENT "A"

General Fund

Item		Account Number	Proposed Change	Totals
	Revenue			
	Total General Fund Budgeted Revenue			$ 8,522,458
(1)	Rent - Cell Tower (Sprint)	001-362.120	$ (11,883)	
	Rent - Cell Tower (Metro PCS)	001-362.122	2,950	
(2)	Building Permits w/ min Surcharge	001-322.100	5,000	
	Building Permits - Other	001-322.110	(45,000)	
	Re-inspection Fees	001-329.152	(2,000)	
(10)	Balance Brought Forward	001-38-000-9000	(9,999)	
	Total Revenue Changes		$ (60,932)	(60,932)
	Proposed Budget			$ 8,461,526
	Expenses			
	Total General Fund Budgeted Expense			$ 8,522,458
(2)	Contractual Services	001-52-524-500-34000	$ (48,550)	
(3)	Executive Salaries	001-51-512-105-11000	10,086	
	Executive Salaries	001-51-512-104-11000	(9,231)	
	FICA	001-51-512-105-21000	772	
	FICA	001-51-512-104-21000	(706)	
	Retirement	001-51-512-105-22000	504	
	Retirement	001-51-512-104-22000	(923)	
(4)	Improvement Buildings	001-54-597-408-62100	25,000	
(5)	Membership Fees	001-51-512-100-54200	900	
(6)	Memberships, Dues, & Subscriptions	001-51-512-104-54200	1,117	
(7)	Special Pay	001-51-512-105-15000	500	
(8)	Contractual Services	001-52-522-300-34000	4,949	
(9)	Contribution - Police Actuary	001-51-589-900-91601	(13,231)	
	Contingency	001-51-589-900-99901	2,880	
(10)	Transfer to Fund Balance	001-51-589-900-99901	(34,999)	
	Total of Expense Changes		$ (60,932)	(60,932)
	Proposed Budget			$ 8,461,526

Mid-Year Budget Adjustment Itemization

April 15, 2015

ATTACHMENT "A"

Insurance Fund

		Account Number	Proposed Change	Totals
	Revenue			
	Total Insurance Fund Budgeted Revenue			$ 227,116
(1)	Refund Prior Year Expenses		$ 25,081	
	Total Revenue Changes		$ 25,081	25,081
	Proposed Budget			$ 252,197
	Expenses			
	Total Insurance Fund Budgeted Expense			$ 227,116
(1)	Insurance Claims Deductible		$ 25,081	
	Total of Expense Changes		$ 25,081	25,081
	Proposed Budget			$ 252,197

Mid-Year Budget Adjustment Itemization

April 15, 2015

ATTACHMENT "A"

Special Projects Fund

	Account Number	Proposed Change	Totals
	Revenue		
	Total Special Projects Fund Budgeted Revenue		$ 419,150
(1)	2015 JAGD-PALM-13-R1-124	$ 5,995	
	Total Revenue Changes	$ 5,995	5,995
	Proposed Budget		$ 425,145
	Expenses		
	Total Special Projects Fund Budgeted Expense		$ 419,150
(1)	2015 JAGD-PALM-13-R1-124	$ 5,995	
	Total of Expense Changes	$ 5,995	5,995
	Proposed Budget		$ 425,145

Mid-Year Budget Adjustment Itemization

April 15, 2015

ATTACHMENT "A"

Marina Fund

		Account Number	Proposed Change	Totals
	Revenue			
	Total Marina Fund Budgeted Revenue			$ 1,427,014
(1)	Balance Brought Forward	401-399.999	$ 550,000	
	Total Revenue Changes		$ 550,000	550,000
	Proposed Budget			$ 1,977,014
	Expenses			
	Total Marina Fund Budgeted Expense			$ 1,427,014
(1)	Seawall Remediation	401-57-579-800-46060	$ 550,000	
	Total of Expense Changes		$ 550,000	550,000
	Proposed Budget			$ 1,977,014

Mid-year Budget Narrative

The Mid-year Budget adjustment is intended to keep the Commission informed of any significant changes that have occurred or are likely to occur in the current fiscal year. The following tasks have been accomplished in preparation for presenting this review:

a. Monthly reports are available to all Department Directors;
b. Also, periodic Fiscal Year Financial Reports are prepared and distributed to the Commission and Senior Staff;
c. Additionally, the Finance Director has analyzed each fund and each department within each fund, meeting with Department Directors as necessary; and
d. Finally, The Finance Director and the Interim Town Manager have met and reviewed the findings of the budget review process.

We are happy to report that thus far there are very limited adjustments that need to be made to the fiscal year 2014-15 Budget. As you will note, many of the adjustments are minor in effect but staff feels it important to keep the Commission informed of such adjustments and where funding is moved between funds or increases or decreases revenue. Adjustments are discussed below and are listed in detail on Attachment "A".

GENERAL FUND

In the General Fund staff recommends adjusting the following revenue items (corresponding Item numbers appear on Attachment A): Item 1 – Two cell tower related changes have occurred since the budget was adopted; we were informed that the Sprint tower is being decommissioned thus reducing the Town's revenue, and the initial study annual fee for the Metro PCS tower has been received. Item 2 – The Town's relationship with Hybird changed to a revenue sharing model reducing both the Town's revenue and expense.
Expenses that require adjustment include: Item 3 – The movement of Salary expenses and related items from the Town Manager department to the Human Resources department. Item 4 – Replacing the curtains and draperies in the Mirror Ballroom. Items 5, 6, & 7 – Are adjustments that put the funding for small expenses where it is needed. Item 8 – Corrects a calculation error in the amount of the Palm Beach County Fire/Rescue contract. Item 9 – Adjusts the amount of funding that was required by the actuary to maintain the Retired Police Officers Pension Fund. Item 10 – is both in revenue and expense as a housekeeping adjustment designed to simplify the budget while still maintaining an account with a balance as a placeholder.

INSURANCE FUND

In the Insurance Fund staff recommends increasing the amount available for any unknown deductibles by the unbudgeted amount received as the refund of prior year expenses.

SPECIAL PROJECTS FUND

The Town has been awarded a Florida Department of Justice grant in the amount of $5,995. It is recommended to increase both revenue and expense by this amount.

MARINA FUND

In the Marina Fund staff recommends adding to the budget the funding that was appropriated by the Commission on August 20, 2014.