



# AGENDA

Lake Park Town Commission  
 Town of Lake Park, Florida  
 Regular Commission Meeting  
 Wednesday, May 21, 2014, 6:30 p.m.  
 Lake Park Town Hall  
 535 Park Avenue

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

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

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

**B. PLEDGE OF ALLEGIANCE**

**C. SPECIAL PRESENTATIONS/REPORTS**

1. Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2013

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 remember comments are limited to a TOTAL of three minutes.

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

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

- 2. Regular Commission Meeting Minutes of May 7, 2014 Tab 2
- 3. Affirming the Acceptance of the 2013-2014 and 2014-2015 Community Development Block Grant Awards from Palm Beach County Tab 3
- 4. Completing the Annual Performance Evaluation of the Town Manager Tab 4

**F. OLD BUSINESS:**

- 5. Commission Discussion of Request from T-Mobile to Modify One of the Terms Offered in the April 2<sup>nd</sup> Approval of the Lease with Options Tab 5

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

- 6. Ordinance No. 04-2014 Zoning Code Text Amendment Modifying the General Description of the Commercial 4 (C4) Business Zoning District to Eliminate Locational References Tab 6

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-74(1) OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "C-4 BUSINESS DISTRICT" TO EXPRESS THE PURPOSE AND INTENT OF THE C-4 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 7. Ordinance No. 05-2014 Rezoning Eight (8) Parcels on the West Side of 10<sup>th</sup> Court From Commercial-2 to Commercial-4 Zoning District Tab 7

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING EIGHT PARCELS OF REAL PROPERTY GENERALLY LOCATED SOUTH OF NORTHLAKE BOULEVARD, WEST OF 10<sup>TH</sup> COURT AND NORTH OF NORTHERN DRIVE FROM COMMERCIAL-2 TO COMMERCIAL-4; PROVIDING FOR THE AMENDMENT OF THE TOWN'S OFFICIAL ZONING MAP TO REFLECT THE ASSIGNMENT OF THE COMMERCIAL-4 TO THE EIGHT PARCELS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 8. Ordinance No. 06-2014 To Amend the Town's Purchasing Policy and Procedures Codified at Chapter 2, Article V, Division 2 of the Town of Lake Park Code of Ordinances Tab 8

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE AT CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING" TO AMEND SECTION 2-244 ENTITLED "APPLICATIONS AND EXCLUSIONS"; SECTION 2-245 AMENDING AND ADDING DEFINITIONS; SECTION 2-246 ENTITLED**

**“ORGANIZATION”; SECTION 2-247 ENTITLED “PROCUREMENT”; SECTION 2-248 ENTITLED “COMPETITIVE SEALED BID PROCESS”; SECTION 2-249 ENTITLED COMPETITIVE SEALED PROPOSAL PROCESS. REQUESTS FOR PROPOSALS (RFP) OR REQUESTS FOR INFORMATION (RFI)”; SECTION 2-250 ENTITLED “ALTERNATIVE SOURCE SELECTION”; SECTION 2-251 ENTITLED “CONTRACT DOCUMENT”; SECTION 2-252 ENTITLED “PROTESTED SOLICITATIONS AND AWARDS”; SECTION 2-253 ENTITLED “SUSPENSION AND DEBARMENT”; SECTION 2-254 ENTITLED “INSPECTION AND TESTS”; SECTION 2-255 ENTITLED “EQUAL OPPORTUNITY/MINORITY AND WOMEN BUSINESS ENTERPRISES”; REMOVING SECTION 2-256 ENTITLED “CONFLICT OF INTEREST”; AND, ADDING NEW SECTION 2-256 “BID PREFERENCES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**H. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:**

None

**I. QUASI-JUDICIAL HEARINGS - RESOLUTIONS:**

**9. Resolution No. 15-05-14 An Application for Four (4) Park Avenue Downtown District (PADD) Waiver to the Parking Space Regulations Applied for by Fred Vecchione of Vecchione Construction, Acting as the Agent for Sue-Ellen Mosler Gamble Trust (Owner) for the Properties Located at 700 and 748 Park Avenue**

Tab 9

**J. NEW BUSINESS:**

**10. Resolution No. 13-05-14 Request by Barkley’s Canine Club to Eliminate Condition #6 of Resolution 21-08-13 Requiring a Noise Study for the Previously Approved Animal Service Establishment, Special Exception Use, Located at 524 Northlake Boulevard**

Tab 10

**11. Commission Discussion on Possible Revisions to Chapter 10-Environment, Article IV Noise Control of the Code of Ordinances**

Tab 11

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

**L. ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, June 4, 2014**

**SPECIAL  
PRESENTATION/  
REPORT**

# TAB 1



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** May 21, 2014

**Agenda Item No.** *Tab I*

**Agenda Title:** Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ended 9/30/2013

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> SPECIAL PRESENTATION/REPORTS | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> BOARD APPOINTMENT                       | <input type="checkbox"/> OLD BUSINESS   |
| <input type="checkbox"/> PUBLIC HEARING                          | ORDINANCE ON ___ READING                |
| <input type="checkbox"/> NEW BUSINESS                            |   |
| <input type="checkbox"/> OTHER: _____                            |   |

**Approved by Town Manager** *[Signature]* **Date:** *5/18/14*

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

<b>Originating Department:</b>  <p style="text-align: center;"><b>FINANCE</b></p>	Costs: N/A Funding Source: Acct. # <input checked="" type="checkbox"/> Finance __BKR__	<b>Attachments:</b>  <p style="text-align: center;">Comprehensive Annual Financial Report</p>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone __ BKR __ or Not applicable in this case _____ <b>Please initial one.</b>

**Summary Explanation/Background:**

Each year, the Town's independent auditors, Nowlen, Holt & Miner, P.A., report on the condition of the Town's finances and present the Town's Comprehensive Annual Financial Report ("CAFR") for the past fiscal year. Mr. Ron Bennett, a principal with the firm will present the report for the year ended September 30, 2013.

**Recommended Motion:**

I move to accept the 2013 CAFR

# **Consent Agenda**

# TAB 2



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2014

Agenda Item No. *Tab 2*

Agenda Title: Regular Commission Meeting Minutes of May 7, 2014

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

Approved by Town Manager *[Signature]* Date: *5/12/14*

*Vivian Mendez - Town Clerk*  
Name/Title

<b>Originating Department:</b>  <p style="text-align: center;">Town Clerk</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Agenda</b> <b>Meeting Minutes</b> <b>Exhibit "A"</b> <b>Exhibit "B"</b> <b>Exhibit "C"</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u><i>V.M</i></u> <b>Please initial one.</b>

Summary Explanation/Background:

Recommended Motion:

To approve the Regular Commission Meeting Minutes of May 7, 2014.



# REVISED AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, May 7, 2014, 6:30 p.m.  
Lake Park Town Hall  
535 Park Avenue

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

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

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

None

D. PUBLIC COMMENT:

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

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

will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

1. Regular Commission Meeting Minutes of April 16, 2014 Tab 1
  2. Proclamation Recognizing May 18-24, 2014 as Water Reuse Week Tab 2
  3. Acceptance of the Florida Department of Law Enforcement Grant No. 2014-JAGD-PALM-11-E6-145 Tab 3
  4. Accepting the Award of 2013-2014 and 2014-2015 Community Development Block Grant Funds from Palm Beach County in the Amount of \$403,591 Tab 4
- F. **PUBLIC HEARINGS - ORDINANCE ON FIRST READING:**  
None
- G. **PUBLIC HEARINGS – ORDINANCE ON SECOND READING:**  
5. Ordinance No. 03-2014 Amending Chapter 76, Article II, Section 76-89 Pertaining To Fishing and the Use of Cast Nets within the Lake Park Harbor Marina Tab 5
- AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE II, SECTION 76-89 OF THE TOWN’S CODE OF ORDINANCES PERTAINING TO FISHING AND THE USE OF CAST NETS WITHIN THE LAKE PARK HARBOR MARINA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- H. **NEW BUSINESS:**  
6. Designation by the Commission of an Elected Official to Represent the Town of Lake Park as a Regular Member on the Northlake Boulevard Task Force Tab 6  
7. Commission Discussion on How the Town of Lake Park Would Use Proceeds from a Voters Approved Additional Half-Cent Sales Tax Tab 7
- I. **TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**
- J. **ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, May 21, 2014**



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, May 7, 2014, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, May 7, 2014 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**SPECIAL PRESENTATIONS/REPORTS**

None

**PUBLIC COMMENT:**

1. Francine Rippberger, 501 Lake Shore Drive, expressed concern with the noise level at Lake Shore Park and Kelsey Park on weekends.
2. Robert Shelton, 501 Lake Shore Drive, expressed concern with the noise level at Lake Shore Park on Easter Sunday.
3. Florence Reed, 501 Lake Shore Drive, expressed concern with the noise level at Lake Shore Park on weekends.
4. Patricia O'Rourke, 501 Lake Shore Drive, expressed concern with the noise level at Lake Shore Park on weekends. She played two audio clips of the music that was being played on Easter Sunday.
5. Diane Bernhard, 301 Lake Shore Drive, suggested standardizing the decibel levels throughout the Town and recalled that a former Commission had increased the noise decibel levels to the south end of Lake Shore Drive several years ago. She suggested that the ordinance be reviewed as Lake Park moves forward.

Mayor DuBois clarified that the Town does have standardized noise levels in the Noise ordinance. He stated that this might be the first step in reviewing that Noise ordinance.

**CONSENT AGENDA:**

1. **Regular Commission Meeting Minutes of April 16, 2014**
2. **Proclamation Recognizing May 18-24, 2014 as Water Reuse Week**
3. **Acceptance of the Florida Department of Law Enforcement Grant No. 2014-JAGD-PALM-11-E6-145**
4. **Accepting the Award of 2013-2014 and 2014-2015 Community Development Block Grant Funds from Palm Beach County in the Amount of \$403,591**

Commissioner O'Rourke asked to have item number 4 pulled from the Consent Agenda. Mayor DuBois asked to have item number 3 pulled from the Consent Agenda.

**Motion: A motion was made by Commissioner O'Rourke to approve the items number 1 and 2 on the Consent Agenda; Commissioner Flaherty made the second.**

Vote on Motion:

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

Motion passed 5-0.

**3. Acceptance of the Florida Department of Law Enforcement Grant No. 2014-JAGD-PALM-11-E6-145**

Mayor DuBois asked if it would be possible to place cameras closer to the basketball courts at Bert Bostrom Park.

Town Manager Sugerman stated that he was not aware of the placement of the cameras, but would let the Mayor know.

**Motion: A motion was made by Commissioner O'Rourke to approve item number 3 on the Consent Agenda; Commissioner Flaherty made the second.**

Vote on Motion:

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

Motion passed 5-0.

**4. Accepting the Award of 2013-2014 and 2014-2015 Community Development Block Grant Funds from Palm Beach County in the Amount of \$403,591**

Commissioner O'Rourke expressed concern with the bathroom facilities that are being proposed for Lake Shore Park. He requested that the Commission review the construction plans before the project begins.

Town Manager Sugerman explained that if the Commission desires to be design reviewers of the bathroom facilities at Lake Shore Park, then meetings and workshops could be scheduled.

The Town Manager advised the Commission that they typically do not review design plans for public buildings, but asked if the Commission would like to review the design plans at the 60% completion level. Upon further discussion, the Commission came to consensus to review the designs for the bathroom facilities at Lake Shore Park.

**Motion: A motion was made by Commissioner O'Rourke to schedule a future date in which the Commission will review the design criteria of the bathroom facilities at Lake Shore Park; Vice-Mayor Glas-Castro made the second.**

Vice-Mayor Glas-Castro explained that the entire design does not need to be reviewed, just the specifics of installation of showers.

Mayor DuBois recalled the Commission reviewing the design plans for the bathroom facilities at Bert Bostrom Park several years ago and the Commission made a suggested change to those plans at the time.

Town Manager Sugerman suggested that at 30 percent completion of the plans they could be brought to the Commission for review.

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 HEARINGS - ORDINANCES ON FIRST READING:**

None

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

**5. Ordinance No. 03-2014 Amending Chapter 76, Article II, Section 76-89 Pertaining To Fishing and the Use of Cast Nets within the Lake Park Harbor Marina**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE II, SECTION 76-89 OF THE TOWN'S CODE OF ORDINANCES PERTAINING TO FISHING AND THE USE OF CAST NETS WITHIN THE LAKE PARK HARBOR MARINA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**Public Comment:**

None

**Public Comment Closed:**

**Motion: A motion was made by Commissioner Flaherty to approve Ordinance No. 03-2014 on Second Reading; Commissioner Rapoza made the second.**

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read the Ordinance into the record by title only.

**NEW BUSINESS:**

**6. Designation by the Commission of an Elected Official to Represent the Town of Lake Park as a Regular Member on the Northlake Boulevard Task Force**

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

Mayor DuBois nominated Vice-Mayor Kim Glas-Castro to the Northlake Boulevard Task Force (Task Force) as the elected official representing the Town of Lake Park. Commissioner O'Rourke seconded the nomination and by unanimous vote, Vice-Mayor Glas-Castro was elected the official representative of the Town on the Task Force.

Commissioner O'Rourke nominated Mayor DuBois as the second regular member to the Task Force. Vice-Mayor Glas-Castro seconded the nomination and by unanimous vote, Mayor DuBois was elected the second representative of the Town on the Task Force.

Town Clerk Mendez clarified that the current members on the Task Force are Vice-Mayor Glas-Castro and Mayor DuBois. The Commission would still need to appoint two alternate members to the Task Force or continue to have the Community Development Director and Public Works Director's as the alternate members.

Commissioner O'Rourke nominated Community Development Director Nadia DiTommaso and Public Works Director Dave Hunt as the alternate members to the Task Force. Commissioner Rapoza seconded the nomination and by unanimous vote, Community Development Director Nadia DiTommaso and Public Works Director Dave Hunt were elected as the alternate representative of the Town on the Task Force.

**7. Commission Discussion on How the Town of Lake Park Would Use Proceeds from a Voter Approved Additional Half-Cent Sales Tax**

Vice-Mayor Glas-Castro explained that the urgency is no longer there to have the Commission decided how it would use the funds collected by a voter approved half-cent sales tax. She explained that the stakeholders have determined that there is not sufficient

time to get the support it needs for the November election. She wanted to know what the consensus of the Commission was as it related to this item.

Town Manager Sugerman explained the item (see exhibit "C").

The Commission discussed the different options the Town could utilize funds towards streets and roads. The Commission suggested that staff participate in discussions with the Palm Beach County League of Cities and keep the Commission informed. Mayor DuBois asked if it would be possible for staff to obtain copies of the agenda, the staff report and recommendation, and the meeting minutes from the Palm Beach County Board of County Commissioners meeting where the Board decided not to support this type of initiative. The Commission came to consensus to support the Palm Beach County League of Cities initiative of a half-cent sales tax in which the funds collected would be used towards streets and roads.

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

**Town Attorney Baird** none

**Town Manager Sugerman** none

**Commissioner Rapoza** stated that staff is working very hard to get sponsorships for its 4<sup>th</sup> of July in June event so that we could have fireworks. A company by the name of "Rides and Slides" is willing to come to the Town's aid with children's activities for the event. She stated that she also heard the loud music being played on Easter Sunday and is hopeful that the issue would be rectified in the future. She congratulated those that were appointed to the Northlake Boulevard Task Force.

**Commissioner Flaherty** thanked everyone that voiced their concerns regarding the noise at Lake Shore Park. He stated that he participated in the Relay for Life on April 26<sup>th</sup> at Palm Beach State College and they raised a little over \$17,000. He asked if a sound cap could be implemented simply through the permitting of events at the park.

Town Manager Sugerman stated "yes".

**Mayor DuBois** stated that he participated in the Northern Palm Beach County Chamber of Commerce branding effort focus group with Starmark and if the Town wants to be named as a participant it could be for a nominal fee of around \$500.00. He announced that he would be attending a meeting on May 22<sup>nd</sup> from 4:00 p.m. – 6:00 p.m. at the Mangonia Park Town Hall with other area municipalities. He congratulated Vice-Mayor Glas-Castro for being appointed to the Palm Beach County League of Cities Board of Directors. He thanked Commissioner Flaherty for finding a compromise with the cast net fishing at the Harbor Marina. He congratulated Commissioner Flaherty on working with Relay for Life. He wished every mother a happy Mother's Day. He stated that the noise ordinance could be specified with certain regulations that would be more appropriate for Kelsey Park rather than Lake Shore Park.

**Vice-Mayor Glas-Castro** stated that she was approached and asked if the Commission has discussed the Port of Palm Beach dredging project. She did some research and did not

find any concerns from a Lake Park prospective. She asked if the Easter Egg Hunt at Kelsey Park was a Town sponsored event because several people told her that the parking meters were being enforced.

Town Manager Sugerman explained that it was a Kiwanis event, but that the Town assisted and that parking had not been waived for the event.

Vice-Mayor Glas-Castro stated that she heard the music at Lake Shore Park on Easter Sunday, but had not realized that it had occurred all day. She suggested that when the discussion of the noise ordinance comes before the Commission that they somehow distinguish between a Town sponsored event and private parties.

Commissioner Rapoza asked if temporary guidelines could be enacted until a revised ordinance were reviewed by the Commission.

Town Manager Sugerman stated “no”.

**Commissioner O’Rourke** requested that the noise ordinance be placed on the next agenda. He described the noise level and the sound system that were being used for the private party at Lake Shore Park on Easter Sunday. He stated that the current ordinance is very complicated to interpret.

Mayor DuBois stated that it might just be that the noise level at the park needs to be tweaked instead of the entire ordinance rewritten.

Town Attorney Baird stated that several other municipalities have specific language regarding the distance of the audio noise level. He suggested that staff come back with language from other municipalities and the special events permit be changed to reflect the noise level allowing it to be enforced.

Town Manager Sugerman asked for clarification as to what the Commission wanted. He stated that he heard Commissioner O’Rourke request the discussion of the existing noise ordinance at the next Commission meeting and the Town Attorney suggest that language from other municipalities be brought back.

The Commission clarified that they are looking to discuss the noise ordinance at the next Commission meeting and not have proposed language from other municipalities reviewed at that time.

Commissioner O’Rourke stated that he was disappointed that the Sober House legislation failed. He asked if there is a file that he could review regarding the shared parking issue at 700 Park Avenue and whether there is something that could be done by the Town for the property owner.

Town Manager Sugerman explained that the files are no longer gathered in one place and suggested that Commissioner O’Rourke come by his office to discuss this issue before all the files are gathered once again for his review. Commissioner O’Rourke said he would do that.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 8:34 p.m.

---

Mayor James DuBois

---

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this \_\_\_\_\_ of \_\_\_\_\_, 2014



Exhibit "A"

**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** **May 7, 2014** **Agenda Item No.**

**Agenda Title:** Amending Chapter 76, Article II, Section 76-89 Pertaining to Fishing and the Use of Cast Nets within the Lake Park Harbor Marina

- |  |  |
|--|--|
| <input type="checkbox"/> CONSENT AGENDA            | <input type="checkbox"/> DISCUSSION/POSSIBLE ACTION                    |
| <input type="checkbox"/> PRESENTATION/PROCLAMATION | <input type="checkbox"/> NEW BUSINESS/RESOLUTION                       |
| <input type="checkbox"/> PUBLIC HEARING            | <input checked="" type="checkbox"/> <b>ORDINANCE ON SECOND READING</b> |
| <input type="checkbox"/> BID/RFP AWARD             | <input type="checkbox"/> OTHER:  |

**Approved by Town Manager** DSS **Date:** 4/22/14

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

<b>Originating Department:</b>  Commissioner Erin T. Flaherty	Costs: \$ <b>185.76</b> Funding Source: Town Clerk- Legal Advertisement Acct. # 106-48100 <input type="checkbox"/> Finance _____	<b>Attachments:</b>  Ordinance 03-2014 Legal advertisement
<b>Advertised:</b>  Date: April 20, 2014 Paper: Palm Beach Post  <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>DSS</u>  <b>Please initial one.</b>

**Summary Explanation/Background:**

At the March 19<sup>th</sup> Commission meeting, Commissioner Flaherty asked the Town Commission to revisit the discussion regarding the regulation of cast net fishing at the Lake Park Harbor Marina. His concept was to limit the size of casting nets to 8 feet or less at the Marina fishing pier only. At the April 16<sup>th</sup> Commission meeting, this Ordinance was adopted on first reading. It is now before the Town Commission on its second and final reading.

**Recommended Motion:** I move to adopt Ordinance No. 03-2014 on second reading.

**ORDINANCE NO. 03-2014**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE II, SECTION 76-89 OF THE TOWN'S CODE OF ORDINANCES PERTAINING TO FISHING AND THE USE OF CAST NETS WITHIN THE LAKE PARK HARBOR MARINA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the Town Commission has adopted laws in Article II of Chapter 76 of the Code of Ordinances (the Code) pertaining to the Lake Park Harbor Marina; and

**WHEREAS**, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend Article II of Chapter 76 of the Code to regulate the use and size of cast nets within the Lake Park Harbor Marina.

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

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

**Section 2.** Chapter 76, Article II, Section 76-89, of the Town of Lake Park's Code of Ordinances entitled "Swimming, diving, fishing prohibited" is hereby amended as follows:

**Sec. 76-89. Swimming, diving, fishing prohibited.**

Swimming, diving and fishing are forbidden within the marina area; provided, however, that persons may fish and may use cast nets measuring 8 feet or less stretched length (stretched length is defined as the distance from the horn at the center of the net with the net gathered and pulled taut, to the lead line) within ~~from~~ designated areas located along the marina bulkhead into the Lake Worth Lagoon, east of the established bulkhead line from sunrise to sunset.

**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 renumbered or re-lettered 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.



Town of Lake Park Town Commission

Exhibit "B"

Agenda Request Form

Meeting Date: May 7, 2014

Agenda Item No.

**Agenda Title: Designation by the Commission of an Elected Official to Represent the Town of Lake Park as a Regular Member on the Northlake Boulevard Task Force**

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager  Date: 4/24/14

*Vivian Mendez – Town Clerk*

Name/Title

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Clerk</b></p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b>  <b>Second Amendment to Amend and Restated Interlocal Agreement Between the Village of North Palm Beach, City of Palm Beach Gardens and Palm Beach County Adding Town of Lake Park as a Participant.</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>VM</i>  <b>Please initial one.</b>

**Summary Explanation/Background:**

The Northlake Boulevard Task Force (NBTF) Interlocal Agreement provides that the NBTF shall consist of eight representatives with the NBTF participants, the Village of North Palm Beach, the City of Palm Beach Gardens, the Town of Lake Park, and Palm Beach County, each appointing two regular representatives, at least one of whom must be an elected official.

The last time the Town Commission appointed representatives to the NBTF was in 2010. At that time the Commission appointed then Vice-Mayor Kendall Rumsey and two staff members, Public Works Director David Hunt and Community Development Director Nadia DiTommaso. The purpose of this agenda item is to have the Commission appoint one elected official to the NBTF as its regular representative since former Vice-Mayor Kendall Rumsey can no longer serve in that capacity.

**Recommended Motion:** I nominate \_\_\_\_\_ to represent the Town of Lake Park as its regular representative to the Northlake Blvd Task Force.

R2006 0866

MAY 16 2006

**SECOND AMENDMENT TO  
AMENDED AND RESTATED INTERLOCAL AGREEMENT  
BETWEEN THE VILLAGE OF NORTH PALM BEACH, CITY OF  
PALM BEACH GARDENS AND PALM BEACH COUNTY ADDING  
TOWN OF LAKE PARK AS A PARTICIPANT**

THIS SECOND AMENDMENT TO AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF NORTH PALM BEACH, CITY OF PALM BEACH GARDENS AND PALM BEACH COUNTY ADDING TOWN OF LAKE PARK AS A PARTICIPANT (hereinafter referred to as "Amendment") is made and being entered into by and between the VILLAGE OF NORTH PALM BEACH, 501 U.S. Highway One, North Palm Beach, Florida 33408 (hereinafter "NORTH PALM"), the CITY OF PALM BEACH GARDENS, 10500 North Military Trail, Palm Beach Gardens, Florida 33410 (hereinafter "GARDENS"), and PALM BEACH COUNTY, 301 North Olive Avenue, West Palm Beach, Florida 33401 (hereinafter "COUNTY") and TOWN OF LAKE PARK, 535 Park Avenue, Lake Park, Florida 33403 (hereinafter "LAKE PARK").

WHEREAS, NORTH PALM, GARDENS, COUNTY and LAKE PARK previously entered into an interlocal agreement establishing the Northlake Boulevard Task Force (hereinafter referred to as "Task Force") on September 2, 1997 (R-97-1156), said agreement (hereinafter referred to as the "Agreement"); and

WHEREAS, said Agreement was subsequently amended by First Amendment to Agreement which was effective on August 20, 1998 (R-98-1378D) and by Second Amendment to Agreement which was effective on August 22, 2000 (R-2000-1182), Amended and Restated Agreement, which was effective on February 26, 2004 (R-2004-

Part 1. The Agreement is hereby amended as is shown in Part 1 of the Amendment. Changes are indicated by strikethrough and underline. The portions of the Agreement that have not been changed are shown for informational purposes.

**Section 1. REPRESENTATIONS**

The facts, statements, and recitals heretofore ~~set forth~~ are true and correct and are hereby incorporated in this Agreement by reference:

**Section 2. APPOINTMENT OF TASK FORCE REPRESENTATIVES**

The Task Force shall consist of ~~six (6)~~ eight (8) representatives, with NORTH PALM, GARDENS, LAKE PARK, and the COUNTY (hereinafter each a "Participant" and jointly "Participants") each appointing two (2) regular representatives to the Task Force, at least one of whom must be an elected official of the appointing Participant. Each Participant shall also appoint two (2) alternate representatives. Each Participant shall appoint representatives and alternates following the same formal procedure the Participant uses for board or commission appointments.

**Section 3. QUORUM AND VOTING OF TASK FORCE REPRESENTATIVES.**

A quorum of the Task Force shall be necessary for it to conduct any business and shall consist of at least one representative (regular or alternate) from each Participant and a total of at least ~~four (4)~~ five (5) representatives present. Each regular representative shall have one vote. An alternate representative shall sit on behalf of the appointing Participant and have a vote when one (1) of the regular representatives of such Participant is absent. A majority of those present shall be required to pass a

0394) and Amendment to Amended and Restated Agreement, which was effective on September 13, 2005; and

WHEREAS, Chapter 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969", authorizes local government units to enter into agreements to cooperate with other localities to best serve the needs of the local communities; and

WHEREAS, the Task Force has, in accordance with the Agreement, facilitated the development of the Northlake Corridor Streetscape Plan and the Northlake Corridor Overlay Zoning District regulations; and

WHEREAS, NORTH PALM, the GARDENS and the COUNTY have adopted the Northlake Corridor Streetscape Plan (hereinafter referred to as the "Plan") and have adopted the Northlake Boulevard Overlay Zoning District regulations (hereinafter referred to as "NBOZ"); and

WHEREAS, the Task Force has received a Municipal Planning Organization grant for the completion of Phase 1 and Phase 2 of the Plan.

WHEREAS, LAKE PARK also adopted the plan but subsequently was deleted from the Agreement after it passed a resolution withdrawing from the Task Force.

WHEREAS, LAKE PARK seeks to rejoin the Task Force and has agreed to adopt the NBOZ regulations.

NOW THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, NORTH PALM, the GARDENS, LAKE PARK and the COUNTY hereby adopt this Second Amendment to the Amended and Restated Agreement as follows:

motion, except that any recommended plan must be approved by a majority which includes at least one representative from (3) of the Participants.

Section 4. AUTHORITY OF TASK FORCE REPRESENTATIVES.

A. NORTH PALM, GARDENS, LAKE PARK and COUNTY each authorize their respective representatives to participate in the Task Force and to take such actions as may be necessary to implement the Plan adopted by the governing bodies of the Participants, and to review and propose amendments to the Plan as deemed necessary by the Task Force.

B. To this end, Task Force representatives are authorized to meet as necessary and to contract for such professional assistance as they deem necessary to facilitate the completion of their task, within the limits of the funding provided herein. In each instance where it becomes necessary to retain professional assistance, the Task Force first shall seek such professional assistance from staff employed or consultants retained by the Participants before deciding to retain "outside" staff or consultants. Costs for such professional assistance shall be born equally by the Participants.

The Task Force shall submit a proposed budget no later than May 1<sup>st</sup> of each year for each governing body's consideration to fund activities for the ensuing fiscal year.

The Task Force agrees that the adopted Plan will be implemented in various phases, and that the timing of the completion of individual phases shall be accomplished in the following initial sequence: Phase 1, Phase 2, and Phase 4. The participants further agree that nothing in this Agreement shall preclude any individual

Participant from constructing or causing to be constructed any portion of the median beautification project at any time, as long as the installation is constructed in accordance with the adopted Plan.

C. The Gardens, North Palm Beach and County have adopted the NOBOZ regulations. Lake Park agrees to adopt the NBOZ regulations.

Section 5. Financial Obligations

A. Each member Participant hereby pledges its support to the implementation of the adopted Plan and the construction of the beautification improvements.

B. To the extent permitted by law, and subject to the annual appropriation of funding by each member, the Participants intend to commit to contributing an equal share to secure implementation and completion of all phases of the Plan within ten years from the date of this Agreement or upon completion of all phases of the Plan, whichever occurs first. In kind services, as approved by the Task Force, may be substituted for monetary contributions.

Section 6. TERM OF AGREEMENT

A. This Agreement shall continue through September 30, 2010, but may be extended by written instrument of the Participants.

B. Any Participant party may withdraw from this Agreement upon thirty (30) days' written notice to the other parties, thereby relieving the withdrawing Participant party of all obligations and benefits arising out of this Agreement.

## Section 7. GENERAL TERMS AND CONDITIONS

A. This Agreement sets forth all the rights, responsibilities and obligations of the members Participants to each other, represents the entire understanding of the members, and supersedes all other negotiations, representations, or agreements, whether written or oral, relating to the subject matter of this Agreement. This Agreement cannot be changed, altered, amended or modified except by written instrument signed by the duly authorized representatives of the parties Participants adopted and approved by all parties Participants in the same manner as the Agreement.

B. The headings given to the Section herein are inserted only for convenience and are no way to be construed as part of this Agreement or as a limitation of the scope of the particular section to which the heading refers.

C. This Agreement is authorized by Section 163.01 Fla. Statutes, being a joint exercise of power shared in common which any municipality could exercise separately. This Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County, Florida, upon execution by all of the members.

D. Nothing stated in this Agreement shall be construed to give any rights or benefits of any member Participant to this Agreement to anyone other than the above listed members, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and the exclusive benefit of the members Participants, and not for the benefit of any other.

E. This Agreement may not be assigned by any member Participant.

F. This document can be signed in counterparts.

G. All of the terms and provisions of this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the Participants and their legal representatives, successors, and assigns.

H. If any part of this Agreement is contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited, or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect, so far as possible.

I. Any portion of the Interlocal Agreement not contained in this Agreement is hereby repealed.

J. All actions taken by the Task Force pursuant to the Interlocal Agreement and amendments thereto remain in full force and effect.

K. The adoption of this Agreement does not affect the status of representatives of each of the Participants currently appointed to the Task Force.

L. This Agreement shall become effective upon a Resolution being enacted by NORTH PALM and GARDENS, each authorizing its respective Mayor and Clerk to execute this Agreement, and upon approval by the Board of County Commissioners of COUNTY.

Part 2. Except as expressly set forth herein, all terms and conditions in the Agreement shall remain in full force and effect.

Part 3. This Amendment shall become effective upon a Resolution being enacted

by NORTH PALM, GARDENS and LAKE PARK, each authorizing its respective Mayor and Clerk to execute this Amendment, and upon approval by the Board of County Commissioners of COUNTY.

Part 4. This Amendment shall be filed with the Clerk of the Circuit Court of Palm Beach County, Florida upon execution by all Participants.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed this 6<sup>th</sup> day of July, 2006.

ATTEST:  
By: [Signature]  
City Clerk

CITY OF PALM BEACH GARDENS  
By: [Signature]  
Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: [Signature]  
City Attorney

ATTEST:  
By: [Signature]  
Village Clerk

VILLAGE OF NORTH PALM BEACH  
By: [Signature]  
Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: [Signature]  
Village Attorney

ATTEST:  
TOWN OF LAKE PARK  
SEAL BY: [Signature]  
Town Clerk  
FLORIDA

TOWN OF LAKE PARK  
By: [Signature]  
Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY  
By: [Signature]  
Town Attorney

ATTEST:  
Sharon R. Bock, Clerk & Comptroller  
Palm Beach County  
By: [Signature]  
Deputy Clerk

R2006 0886  
MAY 16 2006  
PALM BEACH COUNTY, FLORIDA  
By: [Signature]  
Tony Masiotti, Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY  
By: [Signature]  
County Attorney

G:\WPDATA\LANDUSE\RBANKS\zoning\WBTF.AGMT.#5.3.doc

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on MAY 16 2006

dated at West Palm Beach, FL on 5-25-2006  
By: [Signature]  
Deputy Clerk





Town of Lake Park Town Commission

Exhibit "C"

Agenda Request Form

Meeting Date: May 7, 2014

Agenda Item No.

Agenda Title: Commission Discussion on How the Town of Lake Park Would Use Proceeds from a Voter Approved Additional Half-Cent Sales Tax

- Special Presentation/Reports, Board Appointment, Public Hearing Ordinance on Reading, New Business, Other.

Approved by Town Manager [Signature] Date: 4/24/14

Dale S. Sugarman, Ph.D. - Town Manager

Table with 3 columns: Originating Department (Vice-Mayor Glas-Castro), Costs (\$0.00), Attachments (History of Improvements, Chart of Revenue Estimates), Advertised (Not Required), and notification details.

Summary Explanation/Background:

Vice-Mayor Glas-Castro has asked that the Town Commission undertake a discussion about the proposed half-cent sales tax proposal working its way through the Palm Beach County League of Cities.

- What road maintenance has the Town budgeted for the past few budget years?
• Or has money been transferred during a fiscal year to undertake unscheduled road maintenance?
• How much would the sales tax bring in revenues to the Town and how would we use this money?
• Is there maintenance needed that's been delayed as a result of budget limitations?
• Are there foreseen maintenance projects that we need to budget for in upcoming fiscal years?
• Should the Town support this proposal at this time?

Recommended Motion: No motion is necessary as this is a discussion item only.

Town of Lake Park  
 History of Improvements to Sidewalks and Streets  
 4/14/2014

	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Streets, Sidewalks & Drainage	97,821 (a)	20,143	55,745 (d)	-	-	-	-	-
Improvements Other than Buildings	-	-	-	-	-	17,849	3,964	-
Improvements - Drainage	-	76,712 (b)	-	-	-	-	-	-
Improvements - Roads	-	-	-	-	-	-	-	-
Improvements - Sidewalks	-	-	-	27,979 (g)	-	17,902	12,202	12,253
Improvements - Street Lights	-	-	-	-	47,566 (i)	-	-	-
	<u>97,821</u>	<u>96,855</u>	<u>55,745</u>	<u>27,979</u>	<u>47,566</u>	<u>35,751</u>	<u>16,166</u>	<u>12,253</u>
Alleyway Improvements	110-55-552-520-82106	54,638 (c)	-	-	-	-	-	-
Improvements Other than Buildings	110-55-552-520-63000	-	8,369	5,440	2,910	-	-	-
Alleyway Improvements	110-55-552-520-63100	-	60,352 (e)	955,069 (h)	-	-	-	-
Improvements - Asphalt Resurfacing	110-55-552-520-63101	-	287,087 (f)	-	-	-	-	-
Improvements - Sidewalks	110-55-552-520-63103	-	-	12,046	3,220	-	-	-
	<u>-</u>	<u>54,638</u>	<u>355,808</u>	<u>972,555</u>	<u>6,130</u>	<u>-</u>	<u>-</u>	<u>-</u>

(a) Chaz Equipment Company - Drainage-Bayberry Drive 7th-8th Streets

(b) Continuation - Chaz Equipment Company - Drainage-Bayberry Drive 7th-8th Streets

(c) Audit Entries

(d) S & F Construction - Repair/Replace Broken Sidewalks

(e) Calvin Giordano & Associates-Engineering Svcs-Construction Phase of Downtown Alleyway Project

(f) Ranger Construction - Asphalt Milling/Resurface - CRA

(g) Hatcher Construction - Sidewalk Repairs

(h) All Rite Paving Construction - Improvements to Downtown Alleyways  
 Chris Wayne & Associates - Landscape Installation-Downtown Alleyways

(i) Kasper Electric - Street Light Demo Project

<b>Local Government Half-Cent Sales Tax</b>					
<b>Revenue Estimates for the Local Fiscal Year Ending September 30, 2014</b>					
<b>Local Government</b>	<b>Ordinary Distribution</b>	<b>Emergency Distribution</b>	<b>Supplemental Distribution</b>	<b>Fiscally Constrained Distribution</b>	<b>Total Distribution</b>
Boynton Beach	\$ 4,838,135	\$ -	\$ -	\$ -	\$ 4,838,135
Briny Breeze	\$ 42,511	\$ -	\$ -	\$ -	\$ 42,511
Cloud Lake	\$ 9,361	\$ -	\$ -	\$ -	\$ 9,361
Delray Beach	\$ 4,328,147	\$ -	\$ -	\$ -	\$ 4,328,147
Glen Ridge	\$ 15,484	\$ -	\$ -	\$ -	\$ 15,484
Golf	\$ 17,736	\$ -	\$ -	\$ -	\$ 17,736
Greenacres	\$ 2,680,080	\$ -	\$ -	\$ -	\$ 2,680,080
Gulf Stream	\$ 65,315	\$ -	\$ -	\$ -	\$ 65,315
Haverhill	\$ 132,670	\$ -	\$ -	\$ -	\$ 132,670
Highland Beach	\$ 255,417	\$ -	\$ -	\$ -	\$ 255,417
Hypoluxo	\$ 185,175	\$ -	\$ -	\$ -	\$ 185,175
Juno Beach	\$ 227,545	\$ -	\$ -	\$ -	\$ 227,545
Jupiter	\$ 3,965,116	\$ -	\$ -	\$ -	\$ 3,965,116
Jupiter Inlet Colony	\$ 28,012	\$ -	\$ -	\$ -	\$ 28,012
Lake Clarke Shores	\$ 236,413	\$ -	\$ -	\$ -	\$ 236,413
<b>Lake Park</b>	<b>\$ 582,201</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 582,201</b>
Lake Worth	\$ 2,471,115	\$ -	\$ -	\$ -	\$ 2,471,115
Lantana	\$ 743,516	\$ -	\$ -	\$ -	\$ 743,516
Loxahatchee Groves	\$ 223,322	\$ -	\$ -	\$ -	\$ 223,322
Manalapan	\$ 28,857	\$ -	\$ -	\$ -	\$ 28,857
Mangonia Park	\$ 125,491	\$ -	\$ -	\$ -	\$ 125,491
North Palm Beach	\$ 857,043	\$ -	\$ -	\$ -	\$ 857,043
Ocean Ridge	\$ 127,180	\$ -	\$ -	\$ -	\$ 127,180
Pahokee	\$ 386,961	\$ -	\$ -	\$ -	\$ 386,961
Palm Beach	\$ 588,254	\$ -	\$ -	\$ -	\$ 588,254
Palm Beach Gardens	\$ 3,456,324	\$ -	\$ -	\$ -	\$ 3,456,324
Palm Beach Shores	\$ 80,939	\$ -	\$ -	\$ -	\$ 80,939
Palm Springs	\$ 1,403,278	\$ -	\$ -	\$ -	\$ 1,403,278
Riviera Beach	\$ 2,303,113	\$ -	\$ -	\$ -	\$ 2,303,113
Royal Palm Beach	\$ 2,422,622	\$ -	\$ -	\$ -	\$ 2,422,622
South Bay	\$ 201,434	\$ -	\$ -	\$ -	\$ 201,434
South Palm Beach	\$ 85,303	\$ -	\$ -	\$ -	\$ 85,303
Tequesta	\$ 398,292	\$ -	\$ -	\$ -	\$ 398,292
Wellington	\$ 4,047,956	\$ -	\$ -	\$ -	\$ 4,047,956
West Palm Beach	\$ 7,135,055	\$ -	\$ -	\$ -	\$ 7,135,055
Countywide Total	\$ 128,495,438	\$ -	\$ -	\$ -	\$ 128,495,438
<b>PASCO BOCC</b>	<b>\$ 24,329,303</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 24,329,303</b>
Dade City	\$ 346,363	\$ -	\$ -	\$ -	\$ 346,363
New Port Richey	\$ 795,291	\$ -	\$ -	\$ -	\$ 795,291
Port Richey	\$ 143,108	\$ -	\$ -	\$ -	\$ 143,108
St. Leo	\$ 76,000	\$ -	\$ -	\$ -	\$ 76,000
San Antonio	\$ 60,735	\$ -	\$ -	\$ -	\$ 60,735
Zephyrhills	\$ 747,409	\$ -	\$ -	\$ -	\$ 747,409
Countywide Total	\$ 26,498,209	\$ -	\$ -	\$ -	\$ 26,498,209
<b>PINELLAS BOCC</b>	<b>\$ 39,881,175</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 39,881,175</b>
Belleair	\$ 221,245	\$ -	\$ -	\$ -	\$ 221,245
Belleair Beach	\$ 88,452	\$ -	\$ -	\$ -	\$ 88,452
Belleair Bluffs	\$ 115,193	\$ -	\$ -	\$ -	\$ 115,193
Belleair Shore	\$ 6,188	\$ -	\$ -	\$ -	\$ 6,188
Clearwater	\$ 6,126,550	\$ -	\$ -	\$ -	\$ 6,126,550
Dunedin	\$ 2,004,997	\$ -	\$ -	\$ -	\$ 2,004,997
Gulfport	\$ 682,185	\$ -	\$ -	\$ -	\$ 682,185

Calculated by the Florida Department of Revenue's Office of Tax Research

<b>Local Government Half-Cent Sales Tax</b>					
<b>Revenue Estimates for the Local Fiscal Year Ending September 30, 2014</b>					
<b>Local Government</b>	<b>Ordinary Distribution</b>	<b>Emergency Distribution</b>	<b>Supplemental Distribution</b>	<b>Fiscally Constrained Distribution</b>	<b>Total Distribution</b>
Surfside	\$ 404,172	\$ -	\$ -	\$ -	\$ 404,172
Sweetwater	\$ 1,396,897	\$ -	\$ -	\$ -	\$ 1,396,897
Virginia Gardens	\$ 167,519	\$ -	\$ -	\$ -	\$ 167,519
West Miami	\$ 421,525	\$ -	\$ -	\$ -	\$ 421,525
Countywide Total	\$ 244,462,840	\$ -	\$ -	\$ -	\$ 244,462,840
<b>MONROE BOCC</b>	<b>\$ 9,392,516</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 9,392,516</b>
Islamorada	\$ 973,900	\$ -	\$ -	\$ -	\$ 973,900
Key Colony Beach	\$ 126,694	\$ -	\$ -	\$ -	\$ 126,694
Key West	\$ 3,886,123	\$ -	\$ -	\$ -	\$ 3,886,123
Layton	\$ 29,225	\$ -	\$ -	\$ -	\$ 29,225
Marathon	\$ 1,320,966	\$ -	\$ -	\$ -	\$ 1,320,966
Countywide Total	\$ 15,729,424	\$ -	\$ -	\$ -	\$ 15,729,424
<b>NASSAU BOCC</b>	<b>\$ 3,767,976</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,767,976</b>
Callahan	\$ 62,492	\$ -	\$ -	\$ -	\$ 62,492
Fernandina Beach	\$ 632,495	\$ -	\$ -	\$ -	\$ 632,495
Hilliard	\$ 168,530	\$ -	\$ -	\$ -	\$ 168,530
Countywide Total	\$ 4,621,493	\$ -	\$ -	\$ -	\$ 4,621,493
<b>OKALOOSA BOCC</b>	<b>\$ 12,676,703</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 12,676,703</b>
Cinco Bayou	\$ 30,629	\$ -	\$ -	\$ -	\$ 30,629
Crestview	\$ 1,809,253	\$ -	\$ -	\$ -	\$ 1,809,253
Destin	\$ 986,807	\$ -	\$ -	\$ -	\$ 986,807
Fort Walton Beach	\$ 1,606,545	\$ -	\$ -	\$ -	\$ 1,606,545
Laurel Hill	\$ 42,085	\$ -	\$ -	\$ -	\$ 42,085
Mary Esther	\$ 306,846	\$ -	\$ -	\$ -	\$ 306,846
Niceville	\$ 1,058,805	\$ -	\$ -	\$ -	\$ 1,058,805
Shalimar	\$ 58,155	\$ -	\$ -	\$ -	\$ 58,155
Valparaiso	\$ 415,757	\$ -	\$ -	\$ -	\$ 415,757
Countywide Total	\$ 18,991,588	\$ -	\$ -	\$ -	\$ 18,991,588
<b>OSCEOLA BOCC</b>	<b>\$ 1,796,857</b>	<b>\$ 554,508</b>	<b>\$ -</b>	<b>\$ 581,274</b>	<b>\$ 2,932,639</b>
Okeechobee	\$ 277,813	\$ -	\$ -	\$ -	\$ 277,813
Countywide Total	\$ 2,073,670	\$ 554,508	\$ -	\$ 581,274	\$ 3,209,452
<b>ORANGE BOCC</b>	<b>\$ 146,336,340</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 146,336,340</b>
Apopka	\$ 6,069,771	\$ -	\$ -	\$ -	\$ 6,069,771
Belle Isle	\$ 901,824	\$ -	\$ -	\$ -	\$ 901,824
Eatonville	\$ 307,366	\$ -	\$ -	\$ -	\$ 307,366
Edgewood	\$ 368,896	\$ -	\$ -	\$ -	\$ 368,896
Maitland	\$ 2,255,766	\$ -	\$ -	\$ -	\$ 2,255,766
Oakland	\$ 359,255	\$ -	\$ -	\$ -	\$ 359,255
Ocoee	\$ 5,238,975	\$ -	\$ -	\$ -	\$ 5,238,975
Orlando	\$ 34,723,715	\$ -	\$ -	\$ -	\$ 34,723,715
Windermere	\$ 404,765	\$ -	\$ -	\$ -	\$ 404,765
Winter Garden	\$ 5,116,624	\$ -	\$ -	\$ -	\$ 5,116,624
Winter Park	\$ 3,931,110	\$ -	\$ -	\$ -	\$ 3,931,110
Countywide Total	\$ 206,014,407	\$ -	\$ -	\$ -	\$ 206,014,407
<b>OSCEOLA BOCC</b>	<b>\$ 16,254,777</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 16,254,777</b>
Kissimmee	\$ 4,086,861	\$ -	\$ -	\$ -	\$ 4,086,861
St. Cloud	\$ 2,485,396	\$ -	\$ -	\$ -	\$ 2,485,396
Countywide Total	\$ 22,827,034	\$ -	\$ -	\$ -	\$ 22,827,034
<b>PALM BEACH BOCC</b>	<b>\$ 76,399,246</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 76,399,246</b>
Atlantis	\$ 141,961	\$ -	\$ -	\$ -	\$ 141,961
Belle Glade	\$ 1,247,311	\$ -	\$ -	\$ -	\$ 1,247,311
Boca Raton	\$ 6,011,546	\$ -	\$ -	\$ -	\$ 6,011,546

# TAB 3



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** May 21, 2014

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

**Agenda Title: Affirming the Acceptance of the 2013-2014 and 2014-2015  
Community Development Block Grant Awards from Palm Beach County**

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

**Approved by Town Manager** *DSS* **Date:** *5/19/14*

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

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Manager</b></p>	<b>Costs: \$ 0.00</b> <b>Funding Source:</b> <b>Acct. #</b> <input type="checkbox"/> Finance _____	<b>Attachments:</b>  <p style="text-align: center;"><b>None</b></p>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>DSS</i> <b>Please initial one.</b>

**Summary Explanation/Background:**

At the May 7, 2014 Town Commission meeting, an agenda item was listed on the Consent Agenda to *Accept the Award of 2013-2014 and 2014-2015 Community Development Block Grant Funds from Palm Beach County in the Amount of \$403,591.00*. The item was pulled from the Consent Agenda and a discussion ensued around the Town Commission wanting to review the design plans for the proposed bathrooms. After all of the discussion was completed, a motion was made to have the Commission review the design plans at the 30% stage of completion. That motion was approved 5-0. Unfortunately, there was never a motion put on the floor, and there was never a vote to actually accept the grant award.

**Recommended Motion:**

I move to accept the award of 2013-2014 and 2014-2015 Community Development Block Grant Funds from Palm Beach County in the amount of \$403,591.00.

# TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2014

Agenda Item No. *Tab 4*

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

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

Approved by Town Manager *[Signature]* Date: *5/12/14*

Name/Title *Paulie McKibbin Turner*  
*HUMAN RESOURCES DIRECTOR*

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

Summary Explanation/Background:

Pursuant to Section 7 of the June 29, 2012 Employment Agreement between the Town of Lake Park and Town Manager Dale S. Sugerman, the Commission is required to conduct an annual review to evaluate the performance of the Town Manager. Such review is due for the period of June 29, 2013 to June 29, 2014. The Town Manager evaluation form is being distributed with this agenda item, along with a copy of the job description for the position of Town Manager. Please complete the attached evaluation form and return it to the Human Resources Director in hard copy format no later than May 30, 2014 for placement on the June 18, 2014 Commission Agenda.



# Town of Lake Park

## PERFORMANCE EVALUATION FORM

### TOWN MANAGER

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

**TOWN MANAGER**

---

**Evaluator's Name**

**EVALUATION PERIOD**

---

**6/29/2013 to 6/29/2014**

---

#### EVALUATION SCALE

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

## 1. MANAGEMENT STYLE/PROFESSIONAL SKILLS

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

COMMENTS:

---

---

---

---

## 2. FISCAL MANAGEMENT

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

COMMENTS:

---

---

---

---

**3. PERSONAL SKILLS/COMMUNICATIONS**

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

COMMENTS:

---

---

---

---

**4. RELATIONS WITH THE TOWN COMMISSION**

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

COMMENTS:

---

---

---

---

**5. COMMUNITY RELATIONS**

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

COMMENTS:

---

---

---

---

ADDITIONAL SUMMARY COMMENTS:

---

---

---

---

OVERALL RATING:

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

---

**EVALUATOR'S SIGNATURE**

---

**DATE**

## TOWN MANAGER

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

### CHARACTERISTICS OF THE CLASS:

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

### EXAMPLES OF ESSENTIAL FUNCTIONS:

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

*Approved on  
6/20/12 pursuant  
to Resolution 14-06-12.*

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

**REQUIREMENTS:**

**A. Education and Experience:**

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

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

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

**PHYSICAL REQUIREMENTS:**

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

**ENVIRONMENTAL REQUIREMENTS:**

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

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

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

# **OLD BUSINESS**

# TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2014

Agenda Item No. *Tab 5*

Agenda Title: Commission Discussion of Request from T-Mobile to Modify One of the Terms Offered in the April 2<sup>nd</sup> Approval of the Lease with Options

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

Approved by Town Manager *DSS* Date: *5/1/14*

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

<b>Originating Department:</b>  <p style="text-align: center;">Town Manager</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b>  <p style="text-align: center;">E-mail message dated April 23, 2014 from Adam Morris, agent for T-Mobile</p>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>DSS</i>  <b>Please initial one.</b>

Summary Explanation/Background:

At the April 2, 2014 Town Commission meeting, two additional terms were added by the Commission to the proposed Site Lease with Options which would allow T-Mobile to place a cell tower at the Lake Park Harbor Marina. The first additional term was that T-Mobile would be fully responsible for abandonment, return, and the payment of all costs associated with any easement granted to them which would need to be released at the termination of the lease. That language is apparently acceptable to them. The second additional term was that the Town would receive 50% of net revenue from any co-locator on the tower. T-Mobile does not want to agree to a 50% revenue sharing, but instead has

asked the Town to establish a flat rate. You will see attached herein e-mail correspondence between my office and Adam Morris, agent for T-Mobile, asking that the Town set a flat rate. He has also asked that we provide him with comparables for whatever flat rate is set. If the Town Commission wants to set a flat rate amount, his client will determine if that is acceptable to them or not.

You will find the pertinent correspondence highlighted in yellow in the attachment to this Agenda Request Form.

**Recommended Motion:**

No motion is necessary at this time as this is a discussion item only.

## Dale Sugerman

---

**From:** Adam Morris [amorris@rgpartners.com]  
**Sent:** Wednesday, April 23, 2014 12:39 PM  
**To:** Dale Sugerman  
**Subject:** RE: Commission Approved Site Lease with Options

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dale,

Can you give me a flat rate the the City Commission would agree to along with any comparable tower rents to justify and I will present to T-Mobile as a fixed increase alternative. I believe this will help move the ball forward.

Best regards,

Adam Morris  
239-229-1130

### CONFIDENTIALITY NOTICE

The information contained in this message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately via email and delete the original; thank you.

-----Original Message-----

**From:** Dale Sugerman [mailto:dsugerman@lakeparkflorida.gov]  
**Sent:** Monday, April 21, 2014 5:33 PM  
**To:** Adam Morris  
**Subject:** Re: Commission Approved Site Lease with Options

Thanks for the update Adam.

Dale

Sent from my iPhone

On Apr 21, 2014, at 5:31 PM, "Adam Morris"  
<amorris@rgpartners.com<mailto:amorris@rgpartners.com>> wrote:

Thank you Dale,

I believe they are still interested, but management is determining what direction to take with the 50% rev share; either stay with the way it is proposed or come back with a fixed amount. I hope to receive a final answer this week.

Best regards,

Adam Morris  
239-229-1130

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

# TAB 6



**Town of Lake Park Town Commission**

**Agenda Request Form**

Meeting Date: May 21, 2014

Agenda Item No. *Tab 6*

**AGENDA TITLE: ZONING CODE TEXT AMENDMENT MODIFYING THE GENERAL DESCRIPTION OF THE COMMERCIAL-4 (C-4) BUSINESS ZONING DISTRICT TO ELIMINATE LOCATIONAL REFERENCES.**

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *DS* Date: *5/18/14*

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

<b>Originating Department:</b>  <p style="text-align: center;"><b>Community Development</b></p>	Costs: \$ <b>0</b> Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> → Ordinance __-2014 → Exhibit "A" – Zoning Map
<b>Advertised:</b> Date: Paper: <input checked="" type="checkbox"/> Not Required for 1 <sup>st</sup> reading	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u><i>ND</i></u> OR Not applicable in this case ____ <b>Please initial one.</b>

**Summary Explanation/Background:**

The *General Description* in Section 78-74(1) of the Town's Commercial-4 (C-4) Business Zoning District needs to be amended. This is the only zoning district in the Town Code that includes a technical boundary description. From time to time, zoning district boundaries are amended and the regulating document used to illustrate these boundaries is the Town's Official Zoning Map which is adopted by reference in Town Code Section 78-32. Staff recommends that this antiquated language be removed from Town Code Section 78-74(1) with the understanding that the Town's Official Zoning Map included as Exhibit "A", will remain as the Town's official regulating document. The proposed changes can be found in the attached Ordinance.

**Recommended Motion:** I move to APPROVE Ordinance \_\_-2014 on first reading.

**ORDINANCE NO. 04-2014**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-74(1) OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "C-4 BUSINESS DISTRICT" TO EXPRESS THE PURPOSE AND INTENT OF THE C-4 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the Community Development Department has recommended to the Town Commission that Section 78-74(1) of the Code, entitled "General Description" be amended to remove the legal descriptions of the location of the C-4 zoning district; and

**WHEREAS**, the Community Development Department has recommended that the title of Section 78-74(1) should be amended to express the purpose and intent of this zoning district.

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

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

**Section 2.** Chapter 78, Article III, Section 78-74(1) is hereby amended to read as follows:

**Sec. 78-74. C-4 business district.**

Within the C-4 business district, the following regulations shall apply:

(1)

*General description Purpose and intent.* ~~This district is intended to be located between the western boundary of Section 20 of Township 42 South, Range 43 East and the Florida East Coast (F.E.C.) right of way to the east, bounded on the south by the northern boundaries of parcels 307, 316 and 306, the eastern boundary of parcel 306 and then easterly on Watertower Road on a line extending to the Florida East Coast Railroad and on the north by the south boundary line of the existing C-1 commercial-(business) district, as is shown~~ is identified on the Town of Lake Park Official Zoning Map. ~~This area is served by major roads but is not feasible for heavy commercial or industrial developments. The purpose of the regulations - in this district is are intended to encourage the development or redevelopment of uses which are compatible with the uses of the surrounding or abutting districts, and to provide for appropriate landscaping and parking for the uses in this district spaces.~~ The intent of this district is to limit development to a concentration of permitted uses, by ~~confining these permitted~~ uses to business offices, wholesaling, retailing and light manufacturing activities.

**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.

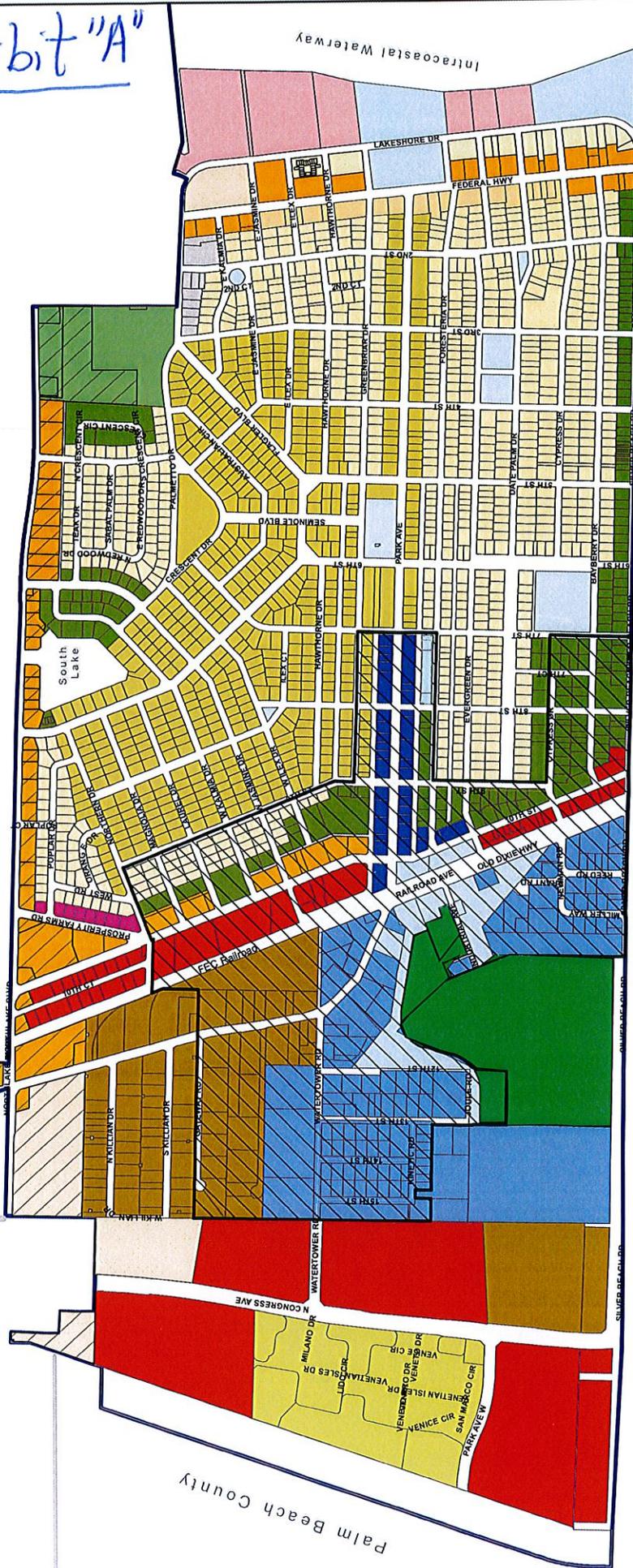
**Section 5.**     **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

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

Exhibit "A"

Village of North Palm Beach

City of Palm Beach Gardens



City of Riviera Beach

Legend

- CRA Boundaries
- R1B
- R1AA
- R1
- R1A
- R2A
- R3
- R2
- TND
- C1
- C1B
- C2
- C3
- Public
- PUD
- PADD
- CLIC
- CRA
- NBOZ\_overlay
- C4
- Lake\_Park\_Boundary
- Conservation



# Lake Park Zoning Map

Nadia Di Tommaso - Director  
 Community Development Department  
 Town of Lake Park  
 535 Park Ave Lake Park FL 33403  
 561-881-3319 561-881-3323 (fax)  
 nditommaso@lakeparkflorida.gov

# TAB 7



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2014

Agenda Item No. *Tab 7*

**AGENDA TITLE: REZONING EIGHT (8) PARCELS ON THE WEST SIDE OF 10<sup>TH</sup> COURT FROM COMMERCIAL-2 TO COMMERCIAL-4 ZONING DISTRICT.**

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

- CONSENT AGENDA
- OLD BUSINESS

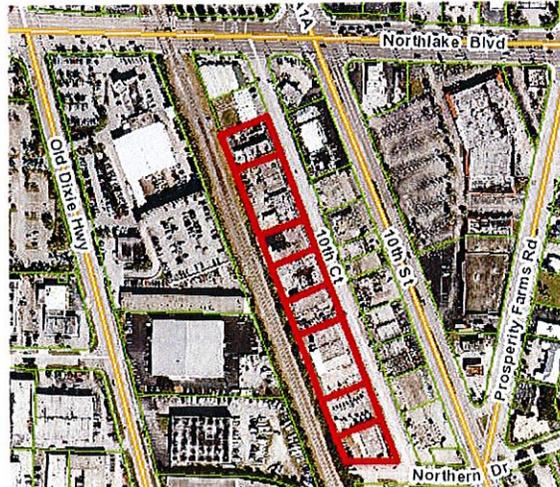
Approved by Town Manager *[Signature]* Date: *5/9/14*

Nadia Di Tommaso / Community Development Director  
Name/Title *[Signature]*

<b>Originating Department:</b>  <p style="text-align: center;"><b>Community Development</b></p>	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> → Staff Report → Ordinance __-2014 → Legal Ad
<b>Advertised:</b> Date: <b>04-14-2014*</b> Paper: <b>Palm Beach Post</b> <input type="checkbox"/> Not Required <i>*will be advertised again prior to 2<sup>nd</sup> reading*</i>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u><i>ND</i></u> OR Not applicable in this case ____ <b>Please initial one.</b>

**Summary Explanation/Background:**

This is a Town-initiated application to rezone eight properties consisting of 3.71 acres on the west side of 10th Court so that their zoning designations are consistent with amendments to the Town's Comprehensive Plan Future Land Use Map that became effective in 2009 and changed the land use designation from Commercial to Commercial/Light Industrial. These properties are located south of Northlake Boulevard and north of Northern Drive, *as illustrated below:*



These eight properties were built in the 1960's and 1970's as office/warehouse structures and throughout the years have been operated with automotive repair and other warehouse-type uses. These commercial AND light industrial-type uses are better served with a Commercial-4 (C-4) zoning district rather than a predominantly service and retail-oriented Commercial-2 (C-2) zoning district.

Consequently, staff is proposing that the zoning on these eight parcels is modified to reflect a C-4 zoning district which caters to both commercial AND light industrial uses and is in line with the existing Commercial/Light Industrial land use designation, as well as the existing operations throughout this area.

All eight parcels have been notified of this rezoning request. The Planning & Zoning Board held a public hearing on this item on May 5, 2014 and unanimously approved the rezoning of these eight parcels to the C-4 zoning district.

**Recommended Motion: I move to APPROVE Ordinance \_\_\_\_-2014 on first reading.**



**TOWN OF LAKE PARK  
TOWN COMMISSION  
May 21, 2014**

**STAFF REPORT**

**DESCRIPTION:**

Rezoning eight (8) parcels on the west side of 10<sup>th</sup> Court from Commercial-2 to Commercial-4 Zoning District.

**REQUEST:** This is a Town-initiated application to rezone eight properties consisting of 3.71 acres on the west side of 10th Court so that their zoning designations are consistent with amendments to the Town's Comprehensive Plan Future Land Use Map (see Exhibit "C") that became effective in 2009. The future land use designations of the eight properties changed from Commercial to Commercial/Light Industrial. The Town Commission at the time initiated this land use change to better reflect the actual commercial and light industrial land uses operating upon the eight properties. Staff recommends that the eight properties be rezoned from C-2 to C-4. The property control numbers of the properties are:

- (1) 36-43-42-20-04-132-0120; (2) 36-43-42-20-04-132-0130; (3) 36-43-42-20-04-132-0140;
- (4) 36-43-42-20-04-132-0160; (5) 36-43-42-20-04-132-0170; (6) 36-43-42-20-04-132-0181;
- (7) 36-43-42-20-04-132-0182; (8) 36-43-42-20-04-132-0210



The acreages of the eight properties are (1) 0.3535 acres, (2) 0.3128 acres, (3) 0.6256 acres, (4) 0.3145 acres, (5) 0.3145 acres, (6) 0.3082 acres, (7) 0.6322 acres, and (8) 0.3145 acres, (totaling 3.1758 acres). The properties are located on the north side of Northern Drive,

approximately 170 feet south of Northlake Boulevard, on the west side of 10<sup>th</sup> Court. Staff recommends that the properties be rezoned to the C-4 Zoning District to be consistent with the existing future land use designation of “Commercial/Light Industrial” of the Town’s Comprehensive Plan. The C-4 zoning district contains a variety of commercial and light industrial uses. In comparison, the existing C-2 zoning district is primarily intended for general commercial uses and not light industrial uses.

**STAFF RECOMMENDATION: APPROVAL.**

**PLANNING & ZONING BOARD RECOMMENDATION (May 5, 2014): APPROVAL.**

**BACKGROUND INFORMATION:**

Applicant(s):	Town of Lake Park
Owners:	Various (see Exhibit “B” for <i>Property Listings</i> )
Addresses :	Various (see Exhibit “B” for <i>Property Listings</i> )
Lot Size:	3.71 total acres
Parcel Control Numbers:	36-43-42-20-04-132-0120; 36-43-42-20-04-132-0130; 36-43-42-20-04-132-0140; 36-43-42-20-04-132-0160; 36-43-42-20-04-132-0170; 36-43-42-20-04-132-0181; 36-43-42-20-04-132-0182; 36-43-42-20-04-132-0210
Existing Zoning:	Commercial-2 (C-2)
Proposed Zoning:	Commercial-4 (C-4)
Existing Land Use:	Commercial and Light Industrial

**Adjacent Zoning**

North:	Commercial-2 (C-2)
South:	Commercial-2 (C-2)
East:	Commercial-2 (C-2)
West:	Commercial-4 (C-4)

**Adjacent Land Uses**

North:	Auto Repair
South:	Warehousing and Auto Repair
East:	Restaurants/Dry Cleaning/Storage Warehouse
West:	Office/Warehouse

**CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The assignment of the C-4 Zoning District is consistent with the Comprehensive Plan’s Future Land Use Map’s (see Exhibit “C”) designation of the properties as “Commercial and Light Industrial.”

The proposed rezoning is consistent with Policy 1.1 of the Future Land Use Element of the Town's Comprehensive Plan which reads:

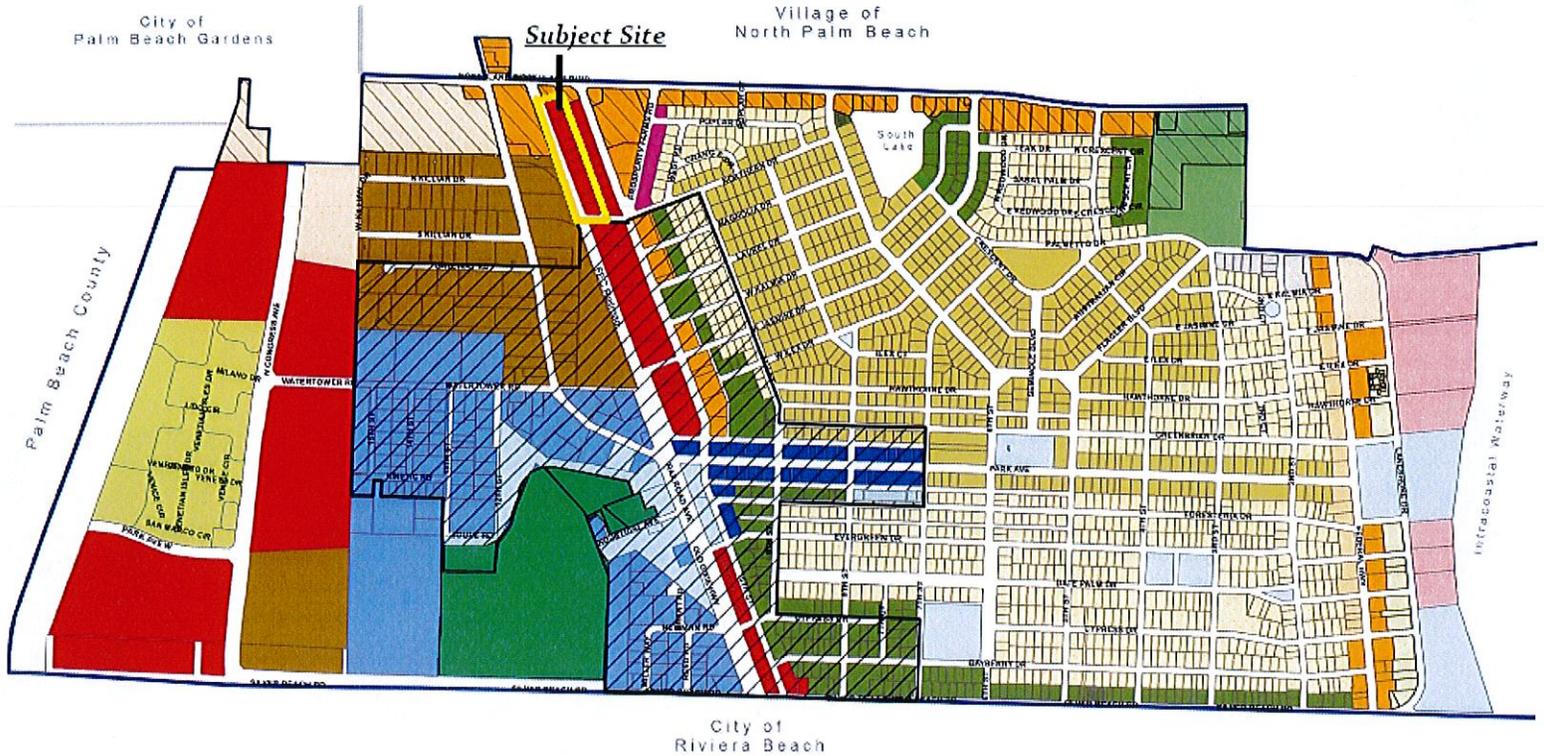
**Policy 1.1:** Land Development Regulations shall be amended as necessary to contain specific and detailed provisions required to implement the adopted Comprehensive Plan and which as a minimum:

- b. Regulate the use and intensity of land development consistent with this element to ensure the compatibility of adjacent land uses.
- k. Eliminate and/or reduce use of land inconsistent with the Future Land Use Map and the community's character.

**STAFF and PLANNING & ZONING BOARD RECOMMENDATION:**

**APPROVAL**

# EXHIBIT "A" – Town of Lake Park Zoning Map



## Legend

- CRA Boundaries
- |   |  |   |   |
|---|--|---|---|
| <ul style="list-style-type: none"> <li> R1B</li> <li> R1AA</li> <li> R1</li> <li> R1A</li> </ul>                        | <ul style="list-style-type: none"> <li> R2A</li> <li> R3</li> <li> R2</li> <li> TND</li> </ul> | <ul style="list-style-type: none"> <li> C1</li> <li> C1B</li> <li> C2</li> <li> C3</li> </ul> | <ul style="list-style-type: none"> <li> Public</li> <li> PUD</li> <li> PADD</li> <li> CLIC</li> </ul> |
| <ul style="list-style-type: none"> <li> CRA</li> <li> NBOZ_overlay</li> <li> C4</li> <li> Lake_Park_Boundary</li> </ul> | <ul style="list-style-type: none"> <li> Conservation</li> </ul>                                |   |   |



**EXHIBIT "B" – Property Listings**

*(intentionally left blank)*

#1



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

Homestead Exemption **E-file**



**Location Address** 1400 10TH CT  
**Municipality** LAKE PARK  
**Parcel Control Number** 36-43-42-20-04-132-0120  
**Subdivision** LAKE PARK ADD NO 2 IN  
**Official Records Book** 04556 **Page** 0490  
**Sale Date** MAY-1985  
**Legal Description** LAKE PARK ADD NO 2 LT 12 BLK 132

**Owners**

CATANZARO DENNIS &  
 CATANZARO DIANE L

**Mailing address**

1402 10TH CT  
 LAKE PARK FL 33403 2007

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-1985	\$190,000	04556 / 0490	WARRANTY DEED	CATANZARO DENNIS &

No Exemption Information Available.

**Number of Units** 0 **\*Total Square Feet** 5050 **Acres** 0.3535  
**Use Code** 2700 - AUTO SALES **Zoning** C2 - Business ( 36-LAKE PARK )

Tax Year	2013	2012	2011
Improvement Value	\$187,273	\$173,432	\$170,639
Land Value	\$80,080	\$80,080	\$82,467
Total Market Value	\$267,353	\$253,512	\$253,106

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$267,353	\$253,512	\$253,106
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$267,353	\$253,512	\$253,106

Tax Year	2013	2012	2011
Ad Valorem	\$6,776	\$6,433	\$6,541
Non Ad Valorem	\$1,502	\$1,502	\$1,512
Total tax	\$8,278	\$7,935	\$8,053

#2



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

Homestead Exemption **E-file**



**Location Address** 10TH CT  
**Municipality** LAKE PARK  
**Parcel Control Number** 36-43-42-20-04-132-0130  
**Subdivision** LAKE PARK ADD NO 2 IN  
**Official Records Book** 22505 **Page** 1265  
**Sale Date** MAR-2008  
**Legal Description** LAKE PARK ADD NO 2 LT 13 BLK 132

**Owners**  
 R & K 10TH COURT LLC

**Mailing address**  
 301 52ND ST  
 WEST PALM BEACH FL 33407 2723

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAR-2008	\$1	22505 / 1265	WARRANTY DEED	R & K 10TH COURT LLC
JUL-2000	\$10	11951 / 1699	WARRANTY DEED	KAUFF RICHARD L TR
OCT-1991	\$100	06996 / 0962	QUIT CLAIM	
AUG-1982	\$95,000	03783 / 1253	WARRANTY DEED	

No Exemption Information Available.

**Number of Units** 0 **\*Total Square Feet** 0 **Acres** 0.3128  
**Use Code** 2700 - AUTO SALES **Zoning** C2 - Business ( 36-LAKE PARK )

Tax Year	2013	2012	2011
Improvement Value	\$3,107	\$3,129	\$3,117
Land Value	\$70,855	\$70,855	\$72,967
Total Market Value	\$73,962	\$73,984	\$76,084

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$73,962	\$73,984	\$76,084
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$73,962	\$73,984	\$76,084

Tax Year	2013	2012	2011
Ad Valorem	\$1,875	\$1,877	\$1,966
Non Ad Valorem	\$210	\$210	\$210
Total tax	\$2,085	\$2,087	\$2,176

#3



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

Homestead Exemption **E-file**



**Location Address** 1416 10TH CT  
**Municipality** LAKE PARK  
**Parcel Control Number** 36-43-42-20-04-132-0140  
**Subdivision** LAKE PARK ADD NO 2 IN  
**Official Records Book** 22044 **Page** 1577  
**Sale Date** MAY-2007  
**Legal Description** LAKE PARK ADD NO 2 LTS 14 & 15 BLK 132

**Owners**  
 1416 10TH COURT LLC

**Mailing address**  
 1416 10TH CT  
 LAKE PARK FL 33403 2007

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2007	\$10	22044 / 1577	WARRANTY DEED	1416 10TH COURT LLC
OCT-1991	\$100	06996 / 0964	QUIT CLAIM	KAUFF WALLACE H & HELEN L

No Exemption Information Available.

**Number of Units** 0 **\*Total Square Feet** 8880 **Acres** 0.6256  
**Use Code** 2700 - AUTO SALES **Zoning** C2 - Business ( 36-LAKE PARK )

Tax Year	2013	2012	2011
Improvement Value	\$395,920	\$360,760	\$358,113
Land Value	\$141,710	\$141,710	\$145,934
Total Market Value	\$537,630	\$502,470	\$504,047

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$537,630	\$502,470	\$504,047
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$537,630	\$502,470	\$504,047

Tax Year	2013	2012	2011
Ad Valorem	\$13,626	\$12,750	\$13,027
Non Ad Valorem	\$2,669	\$2,669	\$2,687
Total tax	\$16,295	\$15,419	\$15,714

#4



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

Homestead Exemption **E-file**



**Location Address** 1424 10TH CT  
**Municipality** LAKE PARK  
**Parcel Control Number** 36-43-42-20-04-132-0160  
**Subdivision** LAKE PARK ADD NO 2 IN  
**Official Records Book** 11364 **Page** 1253  
**Sale Date** SEP-1999  
**Legal Description** LAKE PARK ADD NO 2 LT 16 BLK 132

**Owners**

PRADETTO ALBERT

**Mailing address**

7379 154TH CT  
PALM BEACH GARDENS FL 33418 1977

Sales Date	Price	OR Book/Page	Sale Type	Owner
SEP-1999	\$190,000	11364 / 1253	WARRANTY DEED	PRADETTO ALBERT
JUN-1995	\$100	08795 / 1004	QUIT CLAIM	
JUN-1981	\$115,000	03553 / 0816	WARRANTY DEED	

No Exemption Information Available.

**Number of Units** 0 **\*Total Square Feet** 3840 **Acres** 0.3145  
**Use Code** 2700 - AUTO SALES **Zoning** C2 - Business ( 36-LAKE PARK )

Tax Year	2013	2012	2011
Improvement Value	\$155,197	\$143,363	\$141,871
Land Value	\$71,240	\$71,240	\$73,364
Total Market Value	\$226,437	\$214,603	\$215,235

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$226,437	\$214,603	\$215,235
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$226,437	\$214,603	\$215,235

Tax Year	2013	2012	2011
Ad Valorem	\$5,739	\$5,446	\$5,563
Non Ad Valorem	\$1,134	\$1,134	\$1,142
Total tax	\$6,873	\$6,580	\$6,705

#5



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

Homestead Exemption **E-file**



**Location Address** 1430 10TH CT  
**Municipality** LAKE PARK  
**Parcel Control Number** 36-43-42-20-04-132-0170  
**Subdivision** LAKE PARK ADD NO 2 IN  
**Official Records Book** 22734 **Page** 298  
**Sale Date** JUN-2008  
**Legal Description** LAKE PARK ADD 2 LT 17 BLK 132

**Owners**

GROOT JANE TRUST &  
 PARSONS MICHAEL J TR  
 PFAFFENBERGER WILLIAM J TR

**Mailing address**

772 US HIGHWAY 1 STE 200  
 NORTH PALM BEACH FL 33408 4418

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUN-2008	\$10	22734 / 0298	DEED OF TRUST	GROOT JANE TRUST & GROOT WILLIAM TR
JUN-1999	\$100	11198 / 0789	WARRANTY DEED	

No Exemption Information Available.

**Number of Units** 0 **\*Total Square Feet** 6784 **Acres** 0.3145  
**Use Code** 2700 - AUTO SALES **Zoning** C2 - Business ( 36-LAKE PARK )

Tax Year	2013	2012	2011
Improvement Value	\$178,851	\$164,672	\$159,621
Land Value	\$71,240	\$71,240	\$73,364
Total Market Value	\$250,091	\$235,912	\$232,985

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$250,091	\$235,912	\$232,985
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$250,091	\$235,912	\$232,985

Tax Year	2013	2012	2011
Ad Valorem	\$6,338	\$5,986	\$6,021
Non Ad Valorem	\$1,983	\$1,983	\$1,997
Total tax	\$8,321	\$7,969	\$8,018

#6



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

Homestead Exemption

E-file ▶



Location Address 1436 10TH CT

Municipality LAKE PARK

Parcel Control Number 36-43-42-20-04-132-0181

Subdivision LAKE PARK ADD NO 2 IN

Official Records Book 22461

Page 1780

Sale Date FEB-2008

Legal Description LAKE PARK ADD NO 2 LT 18 /LESS N 1.20 FT/ BLK 132

**Owners**

BELLA INVESTORS INC

**Mailing address**PO BOX 32967  
PALM BEACH GARDENS FL 33420 2967

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2008	\$10	22461 / 1780	QUIT CLAIM	BELLA INVESTORS INC
JUN-2007	\$435,000	21876 / 1720	WARRANTY DEED	MANTOVANI KENNETH J JR
AUG-2006	\$550,000	20799 / 1541	WARRANTY DEED	INVESTMENTS OF SOUTH FLORIDA INC
JUN-2006	\$1	20557 / 1234	WARRANTY DEED	CHIRA MARTIN A
JAN-1996	\$100	09089 / 1592	WARRANTY DEED	

1 2

No Exemption Information Available.

Number of Units 0      \*Total Square Feet 5940      Acres 0.3082  
 Use Code 4800 - WAREH/DIST TERM      Zoning C2 - Business ( 36-LAKE PARK )

Tax Year	2013	2012	2011
Improvement Value	\$190,763	\$179,757	\$176,590
Land Value	\$69,815	\$69,815	\$71,896
Total Market Value	\$260,578	\$249,572	\$248,486

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$260,578	\$249,572	\$248,486
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$260,578	\$249,572	\$248,486

Tax Year	2013	2012	2011
Ad Valorem	\$6,604	\$6,333	\$6,422
Non Ad Valorem	\$1,752	\$1,752	\$1,764
Total tax	\$8,356	\$8,085	\$8,186

#7



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

Homestead Exemption **E-file**

**Location Address** 1440 10TH CT  
**Municipality** LAKE PARK  
**Parcel Control Number** 36-43-42-20-04-132-0182  
**Subdivision** LAKE PARK ADD NO 2 IN  
**Official Records Book** 22905 **Page** 772  
**Sale Date** OCT-2008  
**Legal Description** LAKE PARK ADD 2 N 1.20 FT OF LT 18 & LTS 19 & 20 BLK 132

**Owners**

LAKE PARK INVESTMENTS INC

**Mailing address**

1408 N KILLIAN DR STE 111  
 WEST PALM BCH FL 33403 1960

Sales Date	Price	OR Book/Page	Sale Type	Owner
OCT-2008	\$10	22905 / 0770	REP DEED	LAKE PARK INVESTMENTS INC
OCT-2008	\$625,000	22905 / 0772	WARRANTY DEED	LAKE PARK INVESTMENTS INC
AUG-2005	\$100,000	19181 / 1556	WARRANTY DEED	MASSER DAVID &
OCT-2000	\$405,000	12108 / 0688	WARRANTY DEED	MASSER DAVID &
AUG-1989	\$431,800	06155 / 1815	WARRANTY DEED	

1 2

No Exemption Information Available.

**Number of Units** 0 **\*Total Square Feet** 9200 **Acres** 0.6322  
**Use Code** 4800 - WAREH/DIST TERM **Zoning** C2 - Business ( 36-LAKE PARK )

Tax Year	2013	2012	2011
Improvement Value	\$287,706	\$271,012	\$266,847
Land Value	\$143,192	\$143,192	\$147,461
Total Market Value	\$430,898	\$414,204	\$414,308

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$430,898	\$414,204	\$414,308
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$430,898	\$414,204	\$414,308

Tax Year	2013	2012	2011
Ad Valorem	\$10,921	\$10,511	\$10,707
Non Ad Valorem	\$2,828	\$2,828	\$2,847
Total tax	\$13,749	\$13,339	\$13,554

# 8



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

Homestead Exemption **E-file**



**Location Address** 1452 10TH CT A  
**Municipality** LAKE PARK  
**Parcel Control Number** 36-43-42-20-04-132-0210  
**Subdivision** LAKE PARK ADD NO 2 IN  
**Official Records Book** 15213 **Page** 546  
**Sale Date** MAY-2003  
**Legal Description** LAKE PARK ADD NO 2 LT 21 BLK 132

**Owners**

A 1 PAINT & BODY INC

**Mailing address**

1452 10TH CT  
 LAKE PARK FL 33403 2007

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2003	\$390,000	15213 / 0546	WARRANTY DEED	A 1 PAINT & BODY INC
MAY-2002	\$50,000	13771 / 1384	WARRANTY DEED	SIEGEL STANLEY
JUL-2000	\$325,000	11901 / 1469	WARRANTY DEED	DASILVA ALDA
JUN-1985	\$100	04595 / 0193	QUIT CLAIM	
OCT-1983	\$50,000	04053 / 1499	QUIT CLAIM	

No Exemption Information Available.

**Number of Units** 0 **\*Total Square Feet** 4436 **Acres** 0.3145  
**Use Code** 2700 - AUTO SALES **Zoning** C2 - Business ( 36-LAKE PARK )

Tax Year	2013	2012	2011
Improvement Value	\$190,046	\$176,391	\$175,373
Land Value	\$71,240	\$71,240	\$73,364
Total Market Value	\$261,286	\$247,631	\$248,737

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$261,286	\$247,631	\$248,737
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$261,286	\$247,631	\$248,737

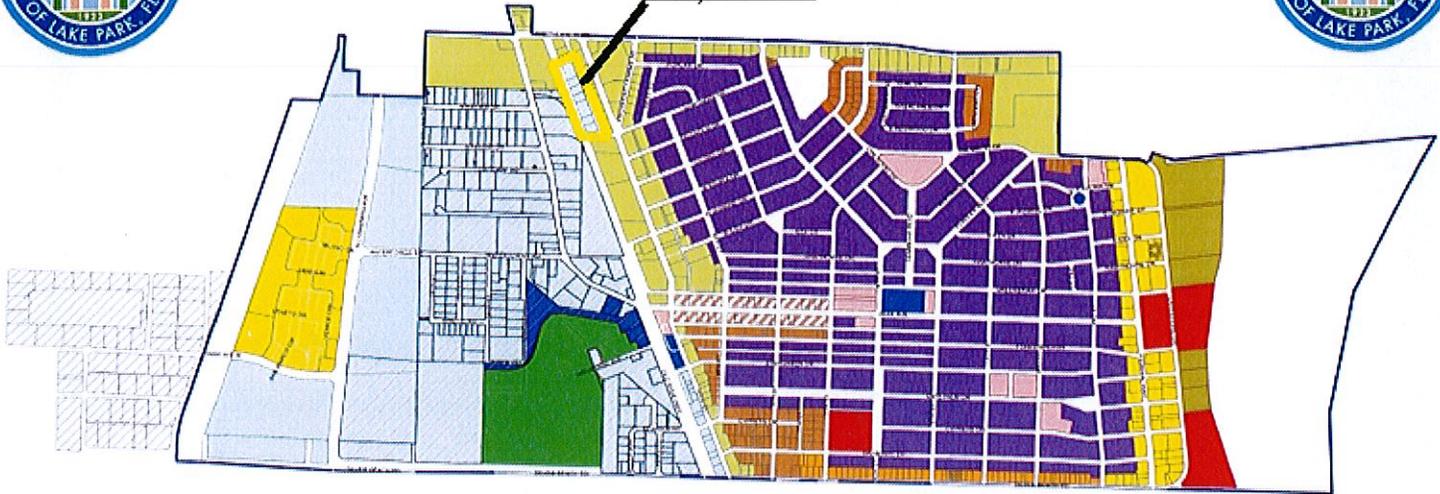
Tax Year	2013	2012	2011
Ad Valorem	\$6,622	\$6,284	\$6,428
Non Ad Valorem	\$1,368	\$1,368	\$1,377
Total tax	\$7,990	\$7,652	\$7,805

**EXHIBIT "C" – Future Land Use Map**



Lake Park Future Land Use Map

*Subject Site*



**Legend**

- |              |                    |                  |                      |
|--------------|--------------------|------------------|----------------------|
| Bioscience_2 | Downtown           | Condo_density    | Lake_Park_Boundary   |
| Conservation | Comm_LI_Industrial | Resi_Low_Density | Pub_Bldg_Grounds     |
| Annexation   | Comm_Residential   | Resi_medium      | Rec_Lands            |
|              | Commercial         | Single_Fam       | Other_Pub_Facilities |

DATE: 07/20/2010 10:00 AM  
 DRAWN BY: CHAS. GARDNER  
 DATE: 07/20/2010  
 FILE: 002\_2010\_07\_20\_10\_00\_00.dwg

**ORDINANCE NO. 05-2014**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING EIGHT PARCELS OF REAL PROPERTY GENERALLY LOCATED SOUTH OF NORTHLAKE BOULEVARD, WEST OF 10<sup>TH</sup> COURT AND NORTH OF NORTHERN DRIVE FROM COMMERCIAL-2 TO COMMERCIAL-4; PROVIDING FOR THE AMENDMENT OF THE TOWN'S OFFICIAL ZONING MAP TO REFLECT THE ASSIGNMENT OF THE COMMERCIAL-4 TO THE EIGHT PARCELS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the town's Community Development Department has recommended that eight parcels of land (the "subject property") in the Town of Lake Park (Town) and which are generally located south of Northlake Boulevard, west of 10<sup>th</sup> Court and north of Northern Drive should be rezoned to Commercial-4 (C-4); and,

**WHEREAS**, the subject property is legally described in **Exhibit "A"**; and

**WHEREAS**, the subject property is generally located as shown on **Exhibit "B"**;  
and,

**WHEREAS**, the current zoning designation of the subject property is Commercial-2 (C-2); and,

**WHEREAS**, the existing future land use assigned to the subject property is Commercial/Light Industrial; and

**WHEREAS**, the Commission's rezoning of the subject property from C-2 to C-4 would be consistent with the subject property's existing future land use designation; and

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

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

**Section 2.** The Town Commission hereby assigns the zoning classification of Commercial-4 to the subject property which is legally described in the Exhibit A, which is attached hereto and incorporated herein.

**Section 3.** Section 78-32, which incorporates by reference the Town's Official Zoning Map and generally shows the assignment of the various zoning districts assigned to properties in the Town, is hereby amended to reflect the assignment of the Commercial-4 Zoning District to the subject property.

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

**Section 5.** Repeal of Laws in Conflict. All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** The provisions of this Ordinance shall become effective upon adoption.

**Attachment:** Exhibit "A" – Legal Descriptions  
Exhibit "B" - Location Map

**Exhibit "A"**  
**Legal Descriptions**

**(PCN: 36-43-42-20-04-132-0120)**  
LAKE PARK ADD NO 2 LT 12 BLK 132

**(PCN: 36-43-42-20-04-132-0130)**  
LAKE PARK ADD NO 2 LT 13 BLK 132

**(PCN: 36-43-42-20-04-132-0140)**  
LAKE PARK ADD NO 2 LTS 14 & 15 BLK 132

**(PCN: 36-43-42-20-04-132-0160)**  
LAKE PARK ADD NO 2 LT 16 BLK 132

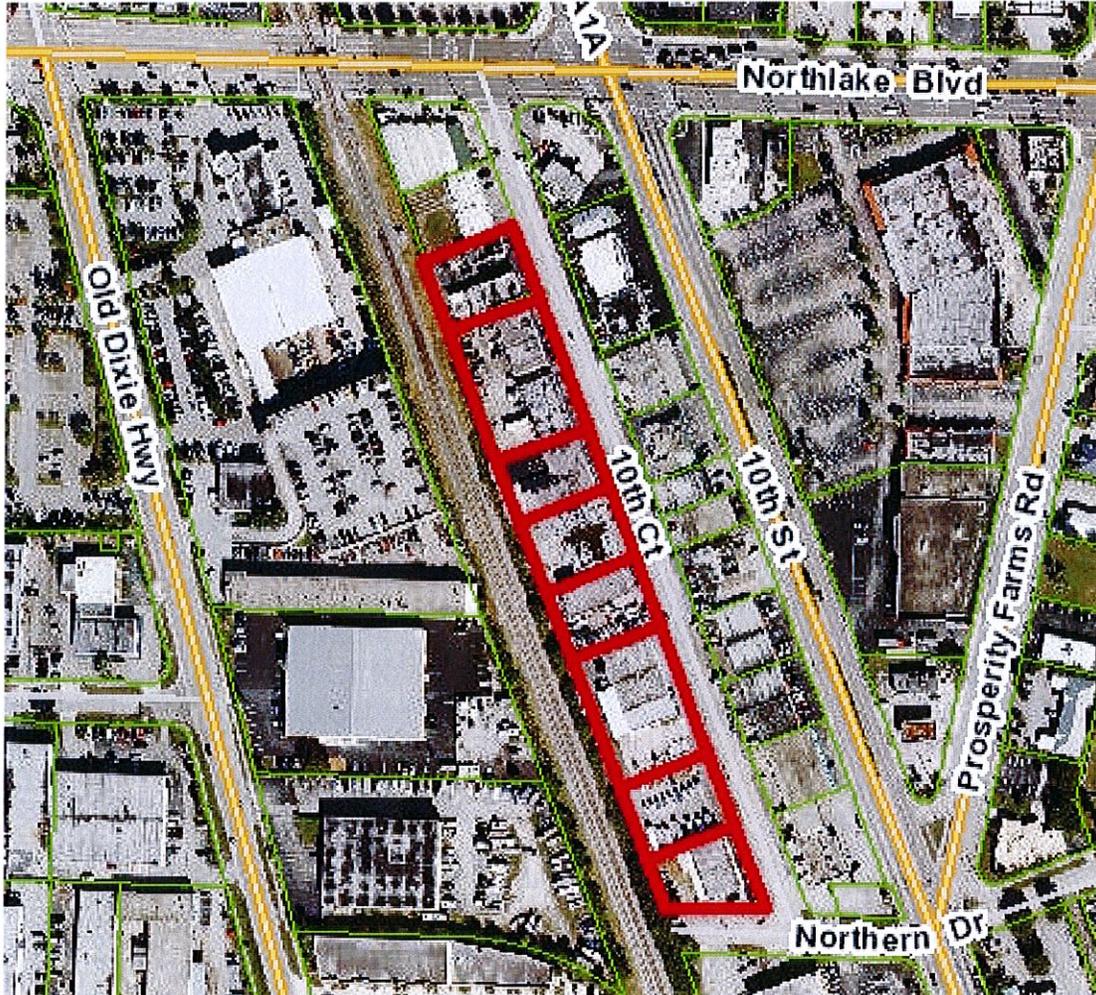
**(PCN: 36-43-42-20-04-132-0170)**  
LAKE PARK ADD 2 LT 17 BLK 132

**(PCN: 36-43-42-20-04-132-0181)**  
LAKE PARK ADD NO 2 LT 18 /LESS N 1.20 FT/ BLK 132

**(PCN: 36-43-42-20-04-132-0182)**  
LAKE PARK ADD 2 N 1.20 FT OF LT 18 & LTS 19 & 20 BLK 132

**(PCN: 36-43-42-20-04-132-0210)**  
LAKE PARK ADD NO 2 LT 21 BLK 132

**Exhibit "B"**  
**Location Map**



# LEGAL NOTICE OF PROPOSED ORDINANCES TOWN OF LAKE PARK

Please take notice that the Planning & Zoning Board on Monday, May 5, 2014 at 7:30 p.m., or as soon thereafter as can be heard, and the Town Commission on Wednesday, May 21, 2014 at 6:30 p.m. on first reading and Wednesday, June 4, 2014 at 6:30 p.m. on second reading for adoption, in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the rezoning of the following eight properties described by their respective property control number, from the Commercial-2 (C-2) Zoning District to the Commercial-4 (C-4) Zoning District. These properties are generally located on the west side of 10<sup>th</sup> Court, just south of Northlake Boulevard, in the Town of Lake Park, FL:

36-43-42-20-04-132-0120; 36-43-42-20-04-132-0130; 36-43-42-20-04-132-0140; 36-43-42-20-04-132-0160;  
36-43-42-20-04-132-0170; 36-43-42-20-04-132-0181; 36-43-42-20-04-132-0182; 36-43-42-20-04-132-0210

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, Town Clerk, Town of Lake Park, Florida **PUB:** The Palm Beach Post: Monday, April 14

# TAB 8



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2014

Agenda Item No. *Tab 8*

**Agenda Title:** An Ordinance to Amend the Town's Purchasing Policy and Procedures Codified at Chapter 2, Article V, Division 2 of the Town of Lake Park Code of Ordinances

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 1st READING
- NEW BUSINESS
- OTHER: \_\_\_\_\_

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *DSS* Date: *5/9/14*

*Bonnie McArthur-Surme*  
 Name/Title HUMAN RESOURCES DIRECTOR

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

**Summary Explanation/Background:**

From time to time, it is important that we look at the Town's policies and procedures to make sure that they are as current as they can possibly be. Most recently, staff has reviewed the Town's purchasing policies, which are codified at Chapter 2, Article V, Division 2 of the Town of Lake Park Code of Ordinances (Code), and has determined that the purchasing Ordinance needs to be "cleaned-up" in a variety of areas to reflect current best municipal purchasing practices. The Commission may find that looking at the proposed changes is rather cumbersome (and in many cases they are just housekeeping

changes). Therefore, below you will find a brief summary of what staff is proposing as far as changes to the purchasing ordinance, and why it is proposing them:

Section Modified	Why the Modification is Being Suggested
<ul style="list-style-type: none"> <li>• §2-244(a) Applications and Exclusions</li> </ul>	<p>Enables the Town to use other forms of payment for purchases (e.g., a field purchase order or a purchasing card) in addition to a request for disbursement.</p>
<ul style="list-style-type: none"> <li>• §2-244(a)(13) Applications and Exclusions</li> </ul>	<p>Repeals the exclusion of legal settlements from the requirements of the purchasing policies and procedures so as to require that any Court case wherein the Town is a party and in which the settlement involves a monetary settlement shall be approved by the Commission. This amendment is pursuant to the Town Manager's suggestion.</p>
<ul style="list-style-type: none"> <li>• §2-245 Definitions</li> </ul>	<p>“Change-order”: Amends the existing definition by requiring that change orders of \$10,000 be approved pursuant to Code §2-82 pertaining to the purchasing authority of the Town Manager.</p> <p>“Evaluation Committee”: Creates an Evaluation Committee whose purpose is to evaluate all bids and proposals for goods and services which exceed \$25,000, and adds this definition to the Code.</p> <p>Adds the following definitions to the Code:</p> <ul style="list-style-type: none"> <li>• “Estimate”</li> <li>• “Local Merchant”</li> <li>• “Originating Department”</li> <li>• “Palm Beach County Merchant”</li> <li>• “Piggyback”</li> <li>• “Purchasing Card”</li> </ul> <p>Clarifies the following existing terms:</p> <ul style="list-style-type: none"> <li>• “Minority Business Enterprise”</li> <li>• “Public Entity Crime”</li> <li>• “Quotation”</li> <li>• “Sole Source”</li> </ul>

Section Modified	Why the Modification is Being Suggested
<ul style="list-style-type: none"> <li>• § 2-247(a) – (d) Procurement Methods</li> </ul>	<p>Amends the purchasing thresholds so as to be consistent with §2-82 pertaining to the purchasing authority of the Town Manager. This also amends the title of this section from “Procurement Methods to “Procurement Thresholds”.</p>
<ul style="list-style-type: none"> <li>• §2-248(p) Competitive Sealed Bid Process</li> </ul>	<p>Amends the language pertaining to changes/amendments to bids so as to be consistent with §2-82 pertaining to the purchasing authority of the Town Manager.</p>
<ul style="list-style-type: none"> <li>• §2-249(e) Competitive Sealed Proposal Process. Request for Proposal (RFP) or Request for Information (RFI)</li> </ul>	<p>Adds language prohibiting lobbying by any Town official with regard to a proposal or bid prior to the time of award (cone of silence).</p>
<ul style="list-style-type: none"> <li>• §2-249(g)(1) Competitive Sealed Proposal Process. Request for Proposal (RFP) or Request for Information (RFI)</li> </ul>	<p>Repeals the right of the Town to conduct negotiations with two or more proposers who respond to a straight RFP for vendor services or contracts for products as such negotiation only pertains to proposals submitted pursuant to the Consultants Competitive Negotiation Act</p>
<ul style="list-style-type: none"> <li>• §2-249(j)(4) Competitive Sealed Proposal Process. Request for Proposal (RFP) or Request for Information (RFI)</li> </ul>	<p>Amends the language pertaining to the approval of all price proposals so as to be consistent with §2-82 pertaining to the purchasing authority of the Town Manager</p>
<ul style="list-style-type: none"> <li>• §2-250(b) Alternative Source Selection</li> </ul>	<p>Amends the language pertaining to sole source purchases so as to be consistent with §2-82 pertaining to the purchasing authority of the Town Manager.</p>
<ul style="list-style-type: none"> <li>• §2-250(c) Emergency Purchases</li> </ul>	<p>Amends the language pertaining to emergency purchases to reserve the right to make or authorize emergency purchases to the Town Manager or the Town Manager’s designee</p>
<ul style="list-style-type: none"> <li>• §2-250(e) Cooperative Purchases</li> </ul>	<p>Clarifies the language pertaining to cooperative purchases (piggybacking).</p>

Section Modified	Why the Modification is Being Suggested
<ul style="list-style-type: none"> <li>• §2-251(a)(5) Contract Document</li> </ul>	Establishes uniform insurance requirements for inclusion in contract documents.
<ul style="list-style-type: none"> <li>• §2-251(a)(7) Contract Document</li> </ul>	Adds a standard provision to be included in all bid or contract documents requiring a statement of compliance with the Public Entity Crimes Act.
<ul style="list-style-type: none"> <li>• §2-252(b) Protested Solicitations and Awards</li> </ul>	Clarifies the bid protest process.
<ul style="list-style-type: none"> <li>• §2-253(a) Suspension and Debarment</li> </ul>	Deletes this section because the Town does not maintain a vendor list.
<ul style="list-style-type: none"> <li>• §2-253(a)(6) Suspension and Debarment</li> </ul>	Deletes this section to remove ambiguous and redundant language pertaining to grounds for vendor debarment.
<ul style="list-style-type: none"> <li>• §2-253(b)(3) Suspension and Debarment</li> </ul>	Adds language pertaining to the placement of a vendor or its subcontractors on the convicted vendor list maintained by the State of Florida Department of Management Services as grounds for permanent debarment.
<ul style="list-style-type: none"> <li>• §2-253(e) Suspension and Debarment</li> </ul>	Deletes this section to remove the redundant definition of "public entity crime", which is defined in §2-245.
<ul style="list-style-type: none"> <li>• §2-256 Bid Preferences</li> </ul>	Creates a new section to provide for a bid preference for local merchants or certified women or minority business enterprises.
<ul style="list-style-type: none"> <li>• § 2-257(a) Conflict of Interest</li> </ul>	Clarifies the language pertaining to the standards of conduct for public officers and employees and incorporates by reference the Palm Beach County Code of Ethics and the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.

Section Modified	Why the Modification is Being Suggested
<ul style="list-style-type: none"> <li data-bbox="228 317 675 348">• §2-257(b) Conflict of Interest</li> </ul>	Deletes this section as such prohibition is contained in the Palm Beach County Code of Ethics which is incorporated by reference pursuant to §2-257(a).

In addition to the above substantive amendments, staff has made several non-substantive housekeeping clarifications, as well as grammatical and clerical corrections, which are identified throughout the attached Ordinance in underlined format.

Staff recommends approval of this Ordinance on first reading.

**Recommended Motion: I move to approve Ordinance \_\_\_\_-2014 on first reading.**

**ORDINANCE NO. 06-2014**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE AT CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING" TO AMEND SECTION 2-244 ENTITLED "APPLICATIONS AND EXCLUSIONS"; SECTION 2-245 AMENDING AND ADDING DEFINITIONS; SECTION 2-246 ENTITLED "ORGANIZATION"; SECTION 2-247 ENTITLED "PROCUREMENT"; SECTION 2-248 ENTITLED "COMPETITIVE SEALED BID PROCESS"; SECTION 2-249 ENTITLED COMPETITIVE SEALED PROPOSAL PROCESS. REQUESTS FOR PROPOSALS (RFP) OR REQUESTS FOR INFORMATION (RFI)"; SECTION 2-250 ENTITLED "ALTERNATIVE SOURCE SELECTION"; SECTION 2-251 ENTITLED "CONTRACT DOCUMENT"; SECTION 2-252 ENTITLED "PROTESTED SOLICITATIONS AND AWARDS"; SECTION 2-253 ENTITLED "SUSPENSION AND DEBARMENT"; SECTION 2-254 ENTITLED "INSPECTION AND TESTS"; SECTION 2-255 ENTITLED "EQUAL OPPORTUNITY/MINORITY AND WOMEN BUSINESS ENTERPRISES"; REMOVING SECTION 2-256 ENTITLED "CONFLICT OF INTEREST"; AND, ADDING NEW SECTION 2-256 "BID PREFERENCES"; 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 ("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**, the Town has codified a procedure governing the procurement of goods and services, in which the Town has established procedures and the methods of procurements to be used when the Town desires to purchase goods and services; and

**WHEREAS**, it is generally in the best interest of the Town to use competitive procurement methods in order to obtain the best price and maximize the value of public funds in procurements; and

**WHEREAS**, establishing procurement methods and procedures for Town purchases, will provide for the fair and equitable treatment of persons and entities involved in purchasing by the Town, and establish safeguards for maintaining a procurement system of quality and integrity; and

**WHEREAS**, Town staff has recommended to the Town Commission that it amend Chapter 2, Article V, Division 2, Sections 2-244, 2-245, 2-246, 2-247, 2-248, 2-249, 2-250, 2-251, 2-252, 2-253, 2-254, 2-255, and 2-256; and

**WHEREAS**, the Town Commission has reviewed the recommendations of Town staff, and has determined that amending Chapter 2, Article V, Division 2, Sections 2-244, 2-245, 2-246, 2-247, 2-248, 2-249, 2-250, 2-251, 2-252, 2-253, 2-254, 2-255, and 2-256 of the Town's Code of Ordinances is necessary to further the public health, safety and welfare.

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

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

**Section 2.** Chapter 2, Article V, Division 2, Sections 2-244, 2-245, 2-246, 2-247, 2-248, 2-249, 2-250, 2-251, 2-252, 2-253, 2-254, 2-255, and 2-256 of the Town's Code of Ordinances are hereby amended to read as follows:

**DIVISION 2. PURCHASING**

**Sec. 2-241. General purpose.**

The purpose of this division is to meet the following objectives:

- (1) Establish policies governing all purchases and contracts;
- (2) Encourage and promote fair and equal opportunity for all persons doing business with the town;

- (3) Obtain goods and services of satisfactory quality and quantity at reasonable cost for the town;
- (4) Permit the continued development of procurement policies and procedures through the promulgation of administrative regulations and internal procedures of purchasing and contracts;
- (5) Foster effective broad-based competition within the free enterprise system; and
- (6) Provide safeguards for the maintenance of a procurement system of quality and integrity.

**Sec. 2-242. Supplementary general principles of law applicable.**

(a) *Compliance with federal and state law.* The town shall comply with all applicable federal and state laws.

(b) *Principles of law and equity.* The principles of law and equity, including the Uniform Commercial Code of this state (F.S. chs. 670--680), laws relative to ethics, and laws relative to contract, agency, fraud, misrepresentation, duress, coercion, mistake or bankruptcy shall supplement the provisions of this division.

(c) *Access to procurement information.* Procurement information shall be a public record to the extent provided in F.S. ch. 119, and shall be available to the public as provided by law.

(d) *Preference to proposals for goods and services.* The town shall have the option to give preference to proposals for goods and services received from vendors whose businesses are based within the town where price, quality and other relative factors are comparable.

**Sec. 2-243. Requirement of good faith.**

The provisions of this division require all parties involved in the development, performance or administration of purchasing contracts of the town commission to act in good faith.

The town commission recognizes that fair and open competition is a basic tenant of public procurement; that such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically, and that documentation of the acts taken and effective monitoring mechanisms are important means of curbing any improprieties and establishing public confidence in the process by which commodities and contractual services are processed. The purchase of all commodities and services will be in accordance with town policy, codes, regulations and all applicable state statutes

**Sec. 2-244. Application and exclusions.**

(a) The provisions of this division shall apply to every purchase/procurement by the town, irrespective of their fund source, including state and federal assistance monies, except as otherwise specified by law. Items in this category shall be paid for through a

request for disbursement or other payment approval techniques. The provisions of this division shall not apply to:

- (1) Interlocal Agreements between the town commission and nonprofit organizations or governmental entities including the procurement, transfer, sale or exchange of goods and/or services.
- (2) Procurement Payment of dues and memberships in trade or professional organizations; subscriptions to periodicals; title insurance for real property; court reporter services; water, sewer and electrical utility services; copyrighted materials; patented materials; and fees and costs of job-related seminars and training.
- (3) Real property.
- (4) Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
- (5) Auditing services.
- (6) Lectures by individuals.
- (7) Goods and/or services given, or accepted by the town via grant, gift or bequest.
- (8) Goods purchased with petty cash in accordance with established town procedures.
- (9) Goods and/or services purchased under contract with the federal, state or any other municipal government or government agency or political subdivision providing the vendor extends the same terms and conditions of the contract to the town.
- (10) Items purchased for resale to the general public.
- (11) Permits (payable to governmental entities).
- (12) Approved travel expenses.
- ~~(13) Legal settlements. (However, any legal settlements over the amount of \$5,000.00 shall be approved by the town commission in a public meeting.)~~
- (143) Insurance.
- (154) Health services.
- (165) Conferences and travel.
- (176) Utilities bills.
- (187) Normal recurring disbursements not for the purpose of acquiring goods and services.

(b) The exclusions listed above do not preclude the town from procuring such goods and/or services using the procedures listed herein this division.

(c) The minimum requirements of this division do not preclude additional procedures from being taken as deemed appropriate by the town manager or town staff.

**Sec. 2-245. Definitions.**

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

*Agreement:* The written agreement between the Town of Lake Park and vendor covering the work to be performed; other contract documents are incorporated into or referenced in the agreement and made a part thereof as provided therein.

*Amendment:* A modification, deletion or addition to an executed contract by means of a formally executed document signed by both parties.

*Bid:* A formal written price offer by a vendor to the town to furnish specific goods and/or services in response to an invitation to bid.

*Bid award:* A contract and/or purchase order to the selected vendor to provide specific commodities and/or services to the town for which funds have been appropriated by the Town of Lake Park Commission.

*Bid criteria:* The basis upon which the town will rely to determine acceptability of a bid or proposal, as stated in the bid or the proposal, including, but not limited to, inspection, testing, quality, workmanship, delivery, price, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total cost or life cycle costs.

*Blanket purchase order:* A purchase order under which vendor agrees to provide goods and/or services to a purchaser on a demand basis.

*Certificate of contract completion:* A form which indicates that a project has been satisfactorily completed and the contractor has paid all labor, materials and other charges against the project in accordance with the terms of the contract.

*Certificate of insurance:* A document which shows proof of insurance, coverage, types and amounts.

*Change order:* A written instrument issued on or after the effective date of the formal written contract or purchase order which, when duly executed by the town and contractor, amends the contract documents to provide for a change in the work or in the provisions of the contract documents, or changes in contract price or contract time, or any combination thereof. A change order to a purchase order must be approved by the finance director and/or town manager for all changes that affect the original dollar amount by an increase of ten (10%) percent or more. Change orders of \$10,000.00 or

more require the approval of the town commission shall proceed pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

*Commodities:* Any tangible personal property other than services or real property.

*Consultants Competitive Negotiation Act (CNNA):* Acquisitions of architectural, engineering, landscape architectural or surveying and mapping services. (F.S. § 287:055).

*Consulting services:* All other services that do not fall under the definition of professional services for the Consultant Competitive Negotiation Act (CCNA).

*Consulting services contract:* A continuing contract to retain the services of a consultant(s). The authorization for performance of services by the consultant shall be in written form issued and executed by the town and signed by the consultant.

*Contract:* A deliberate verbal or written agreement between two or more competent parties to perform or not perform a specific act or acts, or any type of agreement (regardless of what it is called) for the procurement or disposal of goods, services or construction in exchange for money or other consideration. An authorized purchase order is a contract even though it is only signed by the town manager, finance director or designee.

*Debarment:* The exclusion, for cause, of a vendor or contractor from bidding and/or receiving a contract to do business with the town.

*Design-build:* The requirement for which a single contract with a design-build firm is entered into for the design and construction of a capital improvement construction project.

*Designee:* A duly authorized representative of a person, organization, or agency.

*Discrimination:* Any vendor ~~who~~that has been placed on the discrimination vendor list as defined by F.S. § 287.134, shall not be able to transact business with the town to the extent as specified in § 287.134 (2) (b).

*Emergency purchase:* Procurement made in response to certain emergencies or when the delay caused by complying with all governing rules, regulations, and/or procedures would be detrimental to the health, safety and welfare of the town and/or its citizens or would create a hardship on the reasonable conduct of business in a timely fashion. Lack of planning, or funding surpluses, do not justify emergency purchases.

*Estimate:* A stated expectation of price based upon time, quantity or other qualifiers.

*Evaluation committee:* A committee comprised of Town of Lake Park staff is hereby established for the purpose of evaluating all bids and proposals submitted in response to invitations for bids or requests for proposals for purchases with an estimated cost of \$25,000 or more. The evaluation committee shall have no less than three voting members and shall consist of the following:

- (1) The originating department director who may appoint up to three other members of the same department; and
- (2) The finance director who shall chair the evaluation committee as a non-voting member.

The town attorney shall provide advisory legal assistance as requested.

*Field purchase order:* A purchase of less than \$1,500.00 that does not require a purchase requisition or regular purchase order.

*Formal contract:* Represents a legal obligation on the part of each party to the formal contract, which results from both parties' signatures being affixed to the contract documents and some additional obligation imposed by law.

*Health services:* The procurement of any medical functions not covered by insurance, including but not limited to pre-employment physicals, random drug screening, medical consultations, and the contractual employment of the medical director for the county fire department.

*Invitation for bids:* All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids for the procurement of construction, commodities, and/or services.

*Letter of renewal:* A document, generated by either party, to renew or extend the contract in accordance with the terms of the original contract. Contract renewals will be requested by the ~~department head~~ department director of the originating department and prepared and approved by the town manager, finance director or designee and/or town commission where applicable per contract documents.

*Local merchant:* A merchant whose primary place of business is located within the municipal boundaries of the Town of Lake Park, Florida, and which has possessed a valid Town of Lake Park Business Tax Receipt for a minimum of one continuous year prior to the issuance of the invitation for bids or request for proposals.

*Mandatory bid amount:* The threshold dollar amount established as policy by the town commission at and above which the formal competitive sealed bid process shall be used, except as otherwise provided herein. The mandatory bid amount is \$25,000.00 as established by the town commission.

*Minority business enterprise:* ~~Any small business concern, which is defined as a minority business enterprise pursuant to~~ business certified by the Office of Supplier Diversity which meets the criteria outlined by F.S. § 288.703, as amended from time to time.

*Minority person:* Shall be defined as ~~ascribed~~ described by F.S. § 288.703, as amended from time to time.

*Nonresponsive bidder, proposer, or respondent:* Any vendor responding to an invitation to bid, request for proposals, or request for statement of qualifications who

that does not submit the required signed documents or submits incomplete requested documents and/or information.

*Notice to proceed:* A written notification from the town manager or finance director or designee to the contractor to establish commencement of the contractor's responsibilities under the provisions of the contract.

*Originating department:* The town department issuing the invitation to bid, request for proposals, or request for statement of qualifications.

*Palm Beach County Merchant:* A merchant whose primary place of business is located within the boundaries of Palm Beach County, Florida, and which has possessed a valid Palm Beach County Local Business Tax Receipt for a minimum of one (1) continuous year prior to the issuance of the invitation for bids or request for proposals.

*Person:* Any business, individual, union, committee, club, or organization, or group of individuals.

*Piggyback:* A method of procuring the same goods or services utilizing a contract issued by another public agency that has fulfilled the requirements of competitive solicitation.

*Procurement:* Buying, purchasing, renting, leasing or otherwise acquiring any commodities and/or services for public purposes in accordance with the law, rules, regulations and procedure intended to provide for the economic expenditure of public funds. It includes, but is not limited to, all functions which pertain to the obtaining of any supplies, materials, equipment and/or services including construction projects and capital improvement projects, as defined herein, required by the town.

*Professional services (PS):* A solicitation for responses for CCNA services which include architectural, engineering, landscape architectural, and registered land surveying and mapping services as defined and prescribed under F.S. § 287.055.

*Project manager:* A person designated by the town manager to ensure compliance with town codes, resolutions, procedures, and specification for contracts which he/she originates. The project manager, along with the Department—Head department director of the originating department is held accountable for contract compliance.

*Proposal:* An executed formal document submitted by a vendor to the town stating the goods and/or service offered to satisfy the need as described in a request for proposals (RFP), request for statement of qualifications (RFQ) or a request for information (RFI).

~~*Public entity crime:* Any vendor who has been convicted of a public entity crime as defined by F.S. § 287.133, shall not be able to transact business with the Town to the extent as specified in F.S. § 287.133 (2) (a).~~ A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids,

proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in F.S. § 287.017 for category two for a period of 36 months following the date of being placed on the convicted vendor list.

*Public notice:* The required notification or advertisement of an invitation to bid, request for proposal, or other competitive solicitation provided for in this division, to be given to prospective vendors for a reasonable/required period of time as determined by the town manager, which shall, at a minimum, include:

- (i) Posting public notice on the town's official website; and
- (ii) Notice in a newspaper of general circulation when required by applicable law.

The public notice shall describe the goods or services sought, and state the date, time and place of the bid/proposal/solicitation opening.

*Public record:* Upon award recommendation or ten days after opening, invitation to bid, request for proposals, request for statement of qualifications and request for information become public records and shall be subject to public disclosure consistent with F.S. ch. 119.

*Purchase order:* The town's document used to authorize a purchase transaction with a vendor, which contains provisions and/or descriptions for goods and/or services ordered. Acceptance of a valid purchase order by a vendor shall constitute a legally binding contract.

*Purchasing card:* A method of payment whereby charges are paid based on receipts or invoices at month end utilizing a supplier-specific credit card and not requiring a purchase order.

*Quotation:* Any ~~oral or written~~ informal offer by a vendor to the ~~T~~town to furnish specific goods and/or services at a stated price.

*Request for information (RFI):* A solicitation for response from interested and prospective vendors/contractors to provide information to determine specifications, qualifications and/or capabilities to satisfy a need rather than a firm specification and in which the respondent may be given latitude in order to develop a product and/or service which will fulfill the need. Upon receipt of responses to the RFI, the town may develop specifications for an invitation for bid or criteria for a request for proposal, either of which may be issued to qualified proposers ~~whethat~~ submitted responses to the RFI.

*Request for letters of interest:* A solicitation of responses from interested and prospective vendors to provide information and/or specifications in order to determine qualifications and/or capabilities to satisfy a need rather than a firm specification, and in which the vendor may be given latitude in order to develop a product and/or service which will fulfill the need.

*Request for proposal (RFP):* A solicitation of responses for commodities and/or services for which the scope of work, specifications or contractual terms and conditions cannot reasonably be closely defined. Evaluation of a proposal is based on prior established criteria wherein the RFP shall state the relative importance of price and other evaluation factors.

*Request for qualification (RFQ):* Solicitation for statement of qualifications pursuant to F.S. § 287:055, known as the Consultants Competitive Negotiation Act (CCNA).

*Requisition:* An internal document generated by the originating requesting department and forwarded to the town manager or finance director requesting purchase of commodities and/or services.

*Responsible bidder, proposer, or respondent:* A person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, ability, reliability, capacity, facilities, equipment, financial resources and credit which will assure good faith performance.

*Responsive bid:* A bid submitted by a responsive and responsible bidder, which conforms in all material respects to the invitation for bids.

*Responsive bidder:* A bidder ~~who~~ that has submitted a bid, which conforms in all material respects to the invitation for bids.

*Responsive proposal:* A proposal submitted by a responsive and responsible proposer, which conforms in all material respects to the request for proposal.

*Responsive proposer:* A proposer ~~who~~ that has submitted a proposal, which at a minimum conforms in all material respects to the request for proposal.

*Sales tax recovery:* An option, resulting from the town's tax exempt status, reserved by the town to purchase all, any, or none of the materials and equipment included in each contract agreement directly from the manufacturer or supplier.

*Sole source:* The only existing source of an item or service which meets the needs of the ~~user~~ originating department as determined and documented by a reasonable analysis of the marketplace. If in the process of a public bid, only one response is received, the town manager or finance director may proceed as a sole source purchase.

*Specification:* A concise statement of terms, conditions and a set of requirements to be satisfied by a product, material, service, or process used in an invitation for bids, request for proposals, and request for statement of qualifications. It may include a description of any requirement for inspecting, testing, or preparing a commodity, service, or construction item for delivery.

*Surety bonds:* A document from the contractor, which is issued to guarantee that an obligation will be fulfilled. The nature of the obligation determines the type of bond

that will be issued. The types of surety bonds include: license and permit bonds, public official bonds, bid, performance, labor, material and payment bonds.

*Suspension:* The temporary debarment of a vendor for a period not to exceed three years.

*Town:* When herein referenced refers to the Town of Lake Park.

*Warranty:* The representation, either expressed or implied, that a certain fact regarding the subject matter of a contract is presently true or will be true.

#### **Sec. 2-246. Organization.**

The finance department shall be the agency through which the town will conduct all of its procurement and contracting for all supplies, material, equipment, contractual services, professional and consultant services, construction and/or combination of goods and services. A properly completed purchase requisition should be completed and approved by the ~~appropriate department director of the originating department head~~ prior to submission to the finance department. When a field purchase order is used, a requisition need not be completed but the field purchase order should be approved by the department Head director, and a copy of the field purchase order promptly sent to the finance department.

#### **Sec. 2-247. Procurement methodsthresholds.**

(a) *Twenty-five thousand dollars or more estimated cost.* Any purchase with an estimated cost of \$25,000.00 or more except in an emergency situation (as determined by the town manager), or when involving single-source commodities (as determined by the finance director or town manager) must have an invitation to bid or request for proposal formally advertised in a newspaper of general circulation in the county, for a period of time as specified in Section 2-248(c) prior to the date set for submittal of bids or proposals. All purchases with an estimated cost of \$25,000 or more shall ~~require Town Commission approval.~~ proceed pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

(b) *Ten thousand dollars through \$24,999.99.* All purchases having a value between \$10,000.00 through \$24,999.99 must have at least three written quotes from vendors. The results should be summarized by the ~~cost center procuring the commodity or service~~ originating department, and the purchase reviewed by the finance director, and approved by the town manager. Three quotes are not required in emergency situations or when involving single-source commodities, as determined by the finance director ~~or~~ and the town manager. All purchases with an estimated cost of \$10,000.00 or more shall ~~require Town Commission approval.~~ proceed in pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

(c) *Fifteen hundred dollars through \$9,999.99.* All purchases having a value of \$1,500.00 through \$9,999.99 must have at least three phone quotes documented by the ~~procuring~~ originating department. The documentation should include the vendor name, phone number, contact person, and quoted price. The town manager, finance director or the designee's assistant must approve all purchases between the amounts of

\$1,500.00 and \$9,999.99. Appropriate quotes should be submitted to the finance department with the purchase requisition. All purchases having a value of between the amounts of \$1,500.00 and \$9,999.99 shall proceed in accordance with Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

(d) *One cent through \$1,499.99.* All purchases having a value between \$0.01 and \$1,499.99 may be made using a field purchase order (FPO). It is the responsibility of the ~~procuring~~originating department to ensure that items are obtained at a competitive price, and that the department has not exceeded the line-item budgetary appropriation for the items purchased. The ~~procuring~~originating department shall not use field purchase orders to make more than one purchase of the same item within five business days if the total cost is more than \$1,499.99.

(e) *Review of purchases.* The finance department may review purchases from time to time to ensure the validity of the purchase, including but not limited to, a confirmation of the need for the items purchased, verification of the department's report and its supporting documentation, the adherence to these purchasing procedures, and the overall integrity of the process used. One copy of each field purchase order shall be immediately forwarded to the finance department by the ~~user~~originating department after completion of the purchase.

(f) *Aggregate Annual Amounts.* All references to bids and purchases and amounts established for bid parameters shall be deemed to be aggregate annual amounts, to the extent ~~feasible~~feasibly by each department. The total annual expected value of the purchase is to be used to determine the type of bid process to be applied. There shall be no artificial division of orders, piecemeal orders or other plans of order diversion or pyramiding to avoid said requirement.

(g) *Unauthorized purchases prohibited.* Unless specifically identified and approved it shall be prohibited for any town employee to order the purchase of any goods or services or make a contract other than through the finance director unless otherwise provided herein. Any purchase or contract made contrary to the provisions hereof are not authorized and shall not be binding upon the town, even though said goods and/or services are used or consumed in support of the effort of the town.

#### **Sec. 2-248. Competitive sealed bid process.**

(a) *Threshold amount.* The threshold dollar amount established as policy by the town commission at and above which the competitive sealed bid process shall be used, except as otherwise provided herein shall be \$25,000.00.

(b) *Invitation for bids.* Shall include the specifications, scope of service, all terms and conditions applicable to the bid and shall set forth the evaluation criteria to be used to determine the award.

(c) *Publication of notice.* Public notice of the invitation to bid shall be published in a newspaper of general circulation in the county for a period of time, as determined herein, prior to bid submittal deadline, and posted on the Town of Lake Park official web site. The public notice shall state the place, date, and time of bid opening.

(1) For bids estimated to be from \$25,000.00 or more and expected to be under less than \$200,000.00, the public notice of the invitation to bid shall provide a minimum of 21 days for submission of bids.

(2) For bids estimated to be over more than \$200,000.00 public notice of the invitation to bid shall provide at least 30 days for submission of bids unless determined by the town manager or finance director to not be in the best interest of the town.

(d) *Bid submission.* Bids must be received, submitted in a sealed envelope no later than the time and date set forth as the bid submittal deadline and at the location specified in the invitation to bid. Any bids received later than the bid submittal deadline or at any other location than as specified in the invitation to bid ~~will~~ shall not be accepted and shall be returned unopened to the bidder. It shall be the bidder's sole responsibility to ensure that ~~their~~ its bid reaches the specified place for receipt of bids by the specified time deadline. The town shall bear no responsibility for any failure of the U.S. Postal Service, other courier service or town employee to successfully deliver a bid to the designated delivery location. It is noted that bidders shall be allowed to withdraw their bids at any time prior to bid opening.

(1) All bids and accompanying documentation received from bidders in response to an invitation to bid become the property of the town, and will not be returned to the bidders. In the event of a contract award, all documentation produced as part of the contract shall become the exclusive property of the town.

(e) *Bid acceptance and evaluation.* Bids shall be accepted from all qualified vendors except as otherwise provided herein and shall be evaluated based on the requirements set forth in the invitation for bid. Unsolicited alternates will not be considered.

The town may, at any time and in its sole discretion, reject all bids and/or re-advertise for bids using the same or different specifications and terms and conditions.

(f) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place specified in the invitation to bid. At the time of public opening, the town clerk or designee will officiate at all public bid opening of sealed bids, and shall announce and record the name of each bidder, the amount of each bid and such other relevant information as the town manager deems appropriate.

(g) *Public record.* Upon award recommendation or ten days after opening, bids become public records and shall be subject to public disclosure consistent with F.S. ch. 119.

(h) *Cancelling or postponing invitation to bid.* The town manager or finance director may, prior to bid opening, elect to cancel an invitation to bid or postpone the

date and/or time of bid submission or opening. In such situations, an addendum will be issued.

(i) *Withdrawal of bids.* A bidder can withdraw ~~their~~its bid up to the time listed for receipt of bids. If a bidder unilaterally withdraws ~~their~~its bid without permission after bid opening, the finance director may suspend the vendor from participating in future bids for up to three years.

(j) *Corrections to bids.* The following shall govern the corrections of information submitted in a bid when the information is a material factor in determining the responsiveness of the bid.

(1) Errors in extension of unit prices or in multiplication, division, addition or subtraction in a bid may be corrected by the finance director or designee prior to award. In such cases, the unit prices bid shall not be changed. When bidders quote in words and in figures on items on the bid sheet and the words and figures do not agree, the words shall govern and the figures shall be disregarded.

(2) Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from the low bidder after recommendation to award bid to the low bidder, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specifications or conditions contained in the invitation to bid.

(k) *Responsible bidder.* Factors to be considered in determining whether the standard of responsibility for bidders/proposers has been met include whether, in the town's determination, a prospective vendor/contractor has:

(1) Appropriate financial, material, equipment, facility, and personnel resources, experience, knowledge and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements as demonstrated by the vendor's submitted bid documents.

(2) A satisfactory record of performance on similar projects as set forth by the vendor's submitted bid documents and as verified by the town.

(3) A ~~satisfactory~~ record of integrity- that is satisfactory to the town.

(4) ~~Qualified legally~~ Documented that it is legally established to conduct business and to contract with the town.

(l) *Responsive bidder.* A bid shall be considered responsive only if it conforms to the requirements of the invitation for bids concerning pricing, surety, insurance, specifications of the commodities or services requested, inclusion of required documents and signed forms and any other matter unequivocally stated in the invitation for bids.

(m) *Tie bids.* If two or more bidders are tied, the tie may be broken and the successful bidder selected by the following criteria presented in order of importance and consideration:

- (1) Quality of the items or services bid if such quality is ascertainable.
- (2) Delivery time if provided in the bids by the bidders.
- (3) Certification of a "Drug-Free Workplace Program" which meets criteria established in F.S. § 287.087.
- (4) Physical location of the vendors with the following award preferences in the following priority order of priority for purposes of tabulating and/or ranking proposals:
  - i. ~~A Town of Lake Park vendor~~ local merchant (first priority).
  - ii. ~~A Palm Beach County vendor~~ merchant (second priority).
  - iii. ~~A Florida vendor~~ merchant (third priority).
  - iv. A minority business enterprise certified pursuant to the provisions of F.S. § 288.703, as amended from time to time.
- (5) ~~If the above criteria are impossible to determine with any reasonableness or do not resolve the issue it is impossible with any reasonableness to determine if any of the above criteria have been met, or if application of the above criteria do not resolve the issue,~~ the award will be given to that bidder whose bid was received earliest in time by the town as indicated by the time clock stamp impressed upon the bid envelope of each bidder.

(n) *Bid award.* Award will ordinarily be made to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. Notice of intent to award, along with a tabulation of the bid/proposal results, shall be posted by the town clerk on the town's official website five business days prior to the commission award. All bidders, proposers, offerors or contractors affected by the proposed award of contract will also be notified by the town clerk at the time of posting, via telefax or other means, of the intended award. The award shall be effective upon approval of by the town commission and upon issuance of a purchase order, execution of a contract, or written notice of award by the finance director or town manager. The town may reject any bid prior to such issuance. In the event only one bid is received, the town may award to the sole bidder if the bid is deemed to be reasonable and in the best interests of the town or to request new bids. In the event all bids exceed budgeted funds, the finance director, with direction of the town manager, in cooperation with affected the department director of the originating department, is authorized, when time or economic considerations preclude re-solicitation to negotiate an adjustment of the

bid price and/or bid specifications with the low responsive and responsible bidder in order to bring the bid within the amount of budgeted funds.

(o) *Rejection or award of bids.*

(1) The town reserves the right to accept or reject any and all bids and/or to make award to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid and whose award will, in the opinion of the town, be in the best interest of and most advantageous to the town.

(2) Factors to be considered in determining whether the standard of responsibility has been met include whether, ~~in the town's determination,~~ a prospective vendor/contractor has provided:

a. Appropriate financial, material, equipment, facility, and personnel resources, experience, knowledge, and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements; as demonstrated by the vendor in the bid documents;

b. A satisfactory record of performance on similar projects; as specifically set forth in the bid submitted by the vendor/contractor and verified by the town;

c. A satisfactory record of integrity; ~~that is satisfactory to the town;~~

d. ~~Qualified legally~~ Documentation that the vendor/contractor is a legally established business entity, is in good standing, and is able to conduct business in the state of Florida and to contract with the town; and

e. ~~Supplied a~~ All necessary information in connection with the inquiry concerning responsibility including but not limited to any current licenses, permits, insurance, or organization papers required. official documentation of its legal status.

The prospective vendor/contractor shall supply the above information requested by the town concerning the responsibility of such vendor/contractor or documentation to the town as part of the bid documents it submits to the town pursuant to the town's invitation to bid. If ~~such~~ vendor/contractor fails to supply the requested ~~such~~ information the town shall consider the bid documents submitted to be not responsive to the invitation to bid ~~base the determination of responsibility upon any available information or may and find the prospective vendor/contractor nonresponsive if such information is not submitted within the time specified by the Finance Director.~~

(3) The town may conduct a prequalification process to evaluate ~~in which~~ the responsibility of potential vendors/contractors is ~~evaluated~~ and may then limit acceptance of bids or proposals to those vendors/contractors deemed qualified in such process.

(p) *Changes and amendments.* The finance director and/or town manager may authorize changes/amendments for construction, and goods and/or services within the overall scope of the project or procurement of up to a cumulative amount of ten percent or \$10,000.00, whichever is lower, pursuant to § 2(10) of Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager. If the amendment/change order exceeds the maximum amounts herein, the amount of the amendment/change order must be approved by the town commission. If the change is outside the scope of the original project or procurement as determined by the finance director and/or town manager, a new invitation to bid must be issued, unless an emergency or sole source situation exists. Should an emergency or sole source situation exist, a new contract with the existing contractor may be negotiated and presented to the town commission for approval, provided such contractor is qualified and available to perform on the new project, or is capable of securing the services of a qualified subcontractor. Extensions of time frames for completion of contracts may be authorized by the finance director and/or town manager.

**Sec. 2-249. Competitive sealed proposal process. Requests for proposal (RFP) or requests for information (RFI).**

When it is determined by the town manager that the use of competitive sealed bidding is either not practical or not advantageous to the town, the competitive proposal process may be used as an alternative to the competitive bid process.

- (a) *Public notice.* Public notice of the request for proposal or request for statement of qualification shall be given in the same manner as provided for competitive sealed bidding except all RFP or RFQ require a minimum of 21 days for submission of proposals unless determined by the finance director to be not in the best interest of the town.
- (b) *Evaluation factors.* The request for proposals shall state the relative importance of price and other evaluation factors as listed in the request for proposal.
- (c) *Submission.* Proposals must be received no later than the specified time and date and at the location specified for submission in the request for proposal (RFP) or request for statement of qualifications (RFQ). No proposal shall be accepted after such time or at any other location than specified; any proposal received later or at any other location than specified shall be returned unopened.
- (d) *Proposal cancellation or postponement.* The town manager, finance director or designee may, prior to the RFP or RFQ due date, elect to cancel or postpone the date and/or time for submission or opening. In such situations an addendum will be issued.
- (e) *Discussion with responsible proposer and revisions to proposals.* As provided in the request for proposals, discussions may be conducted with any responsible proposer who that submits a proposal determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Proposer

shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no exchange of information regarding the content or feasibility of the proposals ~~by to~~ competing vendors.

A proposer or bidder shall not communicate with any town elected or appointed official or employee other than a person listed in the bid or contract documents as the contact person for a particular bid or contract prior to the time an award decision has been made by the town. Any communication between the proposer or bidder and the town shall be to the employee listed in the bid or contract documents and shall be solely for the purposes of obtaining information or clarification necessary to develop a responsive, accurate proposal or bid. If a proposer or bidder fails to observe this restriction on communications, it shall be grounds for disqualifying the offending proposer or bidder from consideration for award of the proposal or bid.

- (f) *Proposal evaluation.* Award shall be made to the most responsive, responsible proposer whose proposal is determined to be the most advantageous to the town in accordance with the evaluation criteria contained in the RFP/RFQ; ~~e~~ Evaluation of proposals may be made in a multi-step selection process as set forth in the RFP or RFQ.
- (g) *Award.* Notice of the intent to award, along with a tabulation of the bid/proposal results, shall be posted by the town clerk on the town's official website five business days prior to the commission award. All bidders, proposers, offerors or contractors affected by the proposed award of contract will also be notified by the town clerk at the time of posting, via telefax or other means, of the intended award.
- ~~(1) The town reserves the right to conduct negotiations with two or more proposers who respond to an RFP.~~
- ~~(2)~~(1) Negotiations involving the Consultants Competitive Negotiation Act (CCNA) will be conducted by a team selected by the town manager.
- (h) *Proposal vs. bid.* All of the guidelines specified for invitation to bid will apply to request for proposals unless otherwise stated in the guidelines for request for proposals.
- (i) *Consultant services.* Consultant ~~S~~services for services other than for architecture, engineering, landscape architectural or surveying and mapping services are acquired in compliance with policies outlined in invitation to bid and/or request for proposal.

(1) Architectural, engineering, landscape architectural or surveying and mapping services are acquired using F.S. § 287.55, known as the Consultants Competitive Negotiation Act (CCNA).

(2) Design build contracts shall be established in compliance with F.S. § 287.055, known as the Consultants Competitive Negotiation Act (CCNA).

(j) *Continuing consultant services.* The Consultant's Competitive Negotiation Act (CCNA) does not provide criteria for negotiating a contract for continuing consultant services. The town has established selection criteria among consultants under continuing consultant services contracts. Consultant services required for any project, which is within the scope of a continuing service contract with the town, which services are within the scope of the Consultant Competitive Negotiations Act, shall be awarded as follows:

(1) ~~The town manager and department head in charge of the project for which such services are required~~ director of the originating department shall determine which of the service providers then under continuing contract with the town are potentially capable of providing the required services.

(2) The town manager or finance director shall then request that each such provider submit a proposed scope of services and a fee quotation. The ~~department head~~ director of the originating department shall review the proposals received. In the event he/she determines it to be in the best interest of the town, prior to completing his/her review, to enter into negotiations with any service provider which has submitted a proposal with respect to the proposed scope of services, the proposed fee, or both, in order to have the project completed in the most efficient and economical manner possible, upon the conclusion of any such negotiations, the ~~department head~~ director shall complete review of the proposals.

(3) Upon completion of the proposals review, the ~~department head~~ director of the originating department shall prepare and submit to the finance director and town manager his/her recommendation as to which service provider should, in his/her professional judgment, receive authorization to perform the work. In making such determination he/she shall take into account factors set forth in F.S. § 287.055 (4)(b), with respect to service providers then under continuing contracts with the town and the price for which the services are to be rendered.

(4) ~~The town manager will be the approving authority for all price proposals under \$10,000.00; for all price proposals over \$10,000.00 the town manager will review and make his/her recommendation to the town commission for approval pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.~~

**Sec. 2-250. Alternative source selection.**

(a) *Small purchases.* Any purchase for an amount less than the mandatory bid amount may be made in accordance with those procedures promulgated in the Code; provided, however, no purchase shall be artificially divided so as to constitute a purchase for an amount less than the mandatory bid amount.

(b) *Sole source purchases.* The town manager may make or authorize a purchase without competitive bid when the ~~appropriate department head~~ director of the originating department has documented in writing that such good and/or service is the only item that meets the need and is available through only one source of supply. Sole source purchases greater than ~~\$5,000.00~~ \$10,000.00 must be approved by the ~~Town Manager.~~ In addition, all sole source purchases exceeding the mandatory bid amount \$10,000.00 shall be approved by the Town Commission. pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager. Written determinations documenting sole source purchases shall be retained for a period of at least three years.

(c) *Emergency purchases.* The town manager ~~or the finance director or designee~~ may make or authorize emergency purchases as defined herein. The appropriate department head ~~director of the originating department~~ shall document in writing that such goods and/or services need to be purchased on an emergency basis. Emergency purchases of ~~\$10,000 or more~~ above the town manager's purchasing authority shall be approved by the town commission at the next regularly scheduled commission meeting. Written determinations documenting emergency purchases shall be retained for a period of at least three years.

(d) *Authority to waive bidding.* Bidding may be waived when it is determined to be not practicable or advantageous for the town as declared by the town commission.

(e) *Cooperative purchases ("piggybacking").* ~~Notwithstanding any requirements of this division, the Town Manager or the Finance Director may purchase goods and/or services under contract with the federal, state, or municipal governments or any other governmental agency or political subdivision providing the vendor extends the same terms and conditions of the contract to the Town.~~ Cooperative purchasing or piggybacking is only allowed for the purchase of the same product or service and limited only to variances in the quantity and or minor features of a product or service. The town may cooperatively purchase or piggyback from vendors or contractors who have been selected after a competitive process and selected by other governmental entities who are subject to competitive solicitations by Florida law. The vendor or contractor shall confirm in writing that it will provide the goods or services to the Town based upon the terms of the contract which is the subject of the cooperative purchasing . The Town and vendor or contractor shall enter into a contract which incorporates the terms of the cooperative purchasing contract. CooperativeSuch purchases shall be subject to the approval levels specified in § 2-247.

(f) *Field purchase orders.* Field purchase orders may be utilized for purchases of less than \$1,500.00. Field purchase orders do not require the preparation of a purchase requisition by the ~~procuring~~ originating department or the approval of the

finance director prior to the procurement of a commodity and/or service. The ~~procuring~~originating department is responsible for ensuring that a competitive price is received for the commodity and/or service ordered, and that the budgetary appropriation for the commodity and/or service purchased is not over ~~expanded~~expended. The town manager or the finance department shall determine the integrity of such purchases.

(g) *Construction services.* The procurement of construction services by the town shall be acquired in accordance with the competitive sealed bid process outlined in § 2-248.

(1) Bid security shall be required for all competitive sealed bidding for construction contracts when the total cost of construction is estimated by the town manager or the finance director to exceed \$200,000.00. Bid security shall be an original bid bond executed by a surety company admitted and authorized to do business in the State of Florida. Cash, a certificate of deposit, treasurer's check, or a certified cashier's check satisfactory to the town may be tendered in lieu of the bid bond. Nothing contained herein shall prevent the town from requiring bid security on construction contracts ~~under~~ of less than \$200,000.00 as determined in the discretion of the town manager to be in the best interest of the town. Bid security shall be in an amount deemed sufficient by the town manager to ~~insure~~ ensure bid compliance but in no event shall the bid security be less than five percent of the bid amount.

(2) Bids or proposals which are submitted without the required bid security shall be rejected.

(3) Any person, firm or entity ~~whethat~~ enters into a written construction contract with the town which is for \$200,000.00 or more, shall, before commencing the work, execute and deliver to the town within the time specified by the contract or procurement documents, a payment and performance bond, each in the amount equal to or greater than 100 percent of the total contract price, unless the amount of the bonds is reduced to a lesser amount as determined by the town commission, but in no event shall the amount of each bond be less than 100 percent of the total contract price. The bonds shall be issued by a surety insurer authorized to do business in the State of Florida as a surety. The required bonds shall also be recorded in the public records of Palm Beach County. At the discretion of the town commission, any person or entity entering into a construction contract which is for \$200,000.00 or less may be exempted from executing the payment and performance bond.

(4) In lieu of the bond required by this section, a contractor may file with the town an alternative form of security in the form of cash, a money order, a certified check, a cashier's check, an irrevocable letter of credit, or a security of a type listed in F.S. Chapter 625, pt. 1L. Any such alternative form of security shall be for the same purpose and be subject to the same conditions as those applicable to the bond required by this section. The determination of the value of an alternative form of security shall be made by the town manager.

(5) The bond must state on its front page: the name, principal business address, and phone number of the contractor, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity, and a description of the project sufficient to identify it, such as a legal description or the street address of the property being improved, and a general description of the improvement. Such bond shall be conditioned upon the contractor's performance of the construction work in the time and manner prescribed in the contract and promptly making payments to all persons defined in F.S. § 713.01, as amended, who furnish labor, services, or materials for the prosecution of the work provided for in the contract.

(6) If at any time after the execution of the contract and the surety bonds, the town deems the surety or sureties upon such bonds to be unsatisfactory or, if for any reason such bonds cease to be adequate to cover the requirements of the contract, the town may require the contractor, at its sole expense and within five days after the receipt of notice from the town, to furnish an additional bond in such form and amount and with such surety as shall be satisfactory to the town. In such event, no further payment to the contractor shall be deemed to be due under the contract until such new or additional security shall be furnished in manner and form satisfactory to the town as to protect the interests of the town and ensure the payment of persons supplying labor and materials under the contract. Final payment of all construction projects shall be approved by the town manager after certification of completion from the community development director.

(7) Nothing herein shall prohibit the town from deleting line items within the invitation to bid and purchasing said items directly from a supplier in an amount not exceeding the bid amount per line item of the successful bidder, without further bidding, in an effort to benefit from the town's tax exempt status.

#### **Sec. 2-251. Contract document.**

(a) *General provisions.* Every procurement of contractual services shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services, which provisions and conditions shall not be limited to:

(1) A provision that bills for fees or other compensations for services or expenses be submitted in detail sufficient for a proper pre-audit and post-audit thereof.

(2) A provision allowing unilateral cancellation by the agency for the refusal by the contractor to allow public access to all documents, papers, letters, or other material subject to the provisions of F.S. ch. 119 and made or received by the contractor in conjunction with the contract.

(3) Where feasible, a provision dividing the contract into units of deliverables, which shall include, but not be limited to, reports, findings, and drafts, that must be received and accepted in writing by the contract manager prior to payment.

(4) A provision specifying the criteria and the final date by which such criteria must be met for completion of the contract.

(5) A provision specifying that the vendor (contractor) shall maintain the following insurance coverages in the amounts specified below during the term of the contract and any extensions thereof:

a. Workers' compensation insurance for all employees of the contractor for statutory limits in compliance with applicable state and federal laws. Notwithstanding the number of employees or any other statutory provisions to the contrary, coverage shall extend to all employees of the contractor and all subcontractors. Employers liability limits shall be not less than \$1,000,000.00 each accident; \$1,000,000.00 disease-policy limit; and \$1,000,000.00 disease-each employee.

b. Comprehensive general liability of \$1,000,000.00, per occurrence, premises and operations, independent contractors, products and completed operations, personal and advertising injury, XCU coverage, and a contractual liability endorsement \$2,000,000.00 aggregate.

c. Business auto liability of \$1,000,000.00 per occurrence or combined single limit for bodily injury and property damage liability. This insurance shall be an "any-auto" policy including hired and non-owned auto liability coverage.

The town shall be included as an additional named insured under the general liability and automobile liability policies and a waiver of subrogation against the town shall be included in all workers' compensation policies. Current valid insurance policies meeting the requirements herein identified shall be maintained during the term of the contract, and any extensions thereof. A current certificate of insurance issued not more than 30 calendar days prior to the submission of the bid documents demonstrating the required coverages shall be submitted with the proposer or vendor's bid documents. There shall be a 30 day notification to the town in the event of cancellation or modification of any stipulated insurance policy. It shall be the responsibility of the contractor to ensure that all subcontractors are adequately insured or covered under their policies.

All certificates of insurance shall be subject to the town's verification and approval as part of the town's evaluation of the bid or proposal. The town may require the contractor or vendor to provide a complete certified copy of the insurance policy(ies). If the contractor or vendor includes the installation of machinery and/or equipment into an existing structure, the comprehensive general liability policy must include an endorsement covering same, including installation and transit.

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

All required insurance shall preclude any underwriter's rights of recovery or subrogation against the town with the express intention of the parties being that the required coverages protect both parties as the primary insurance for any and all losses covered by the above described insurance.

Violation of the terms of such insurance requirements shall constitute a material breach of the contract by the contractor and the town, at its sole discretion, may cancel the contract and all rights, title and interest of the contractor shall thereupon cease and terminate.

(5)(6) Where applicable, a provision specifying that the contract may be renewed on a yearly basis for a maximum of two years after the initial contract, the terms under which the cost may change as determined in the invitation to bid or request for proposals; and that renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of appropriate funds.

(7) A provision specifying that the execution of the contract does not violate the Public Entity Crimes Act (F.S. § 287.133), and certifying that the vendors or its subcontractor(s) under the contract have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within 36 months from the date of submitting the bid or proposal for the contract.

(b) *Signing of written agreement.* The written agreement shall be signed by the town manager and/or the mayor and an authorized representative of the contractor prior to the rendering of any contractual service, except in the case of a valid emergency as certified by the town manager.

#### **Sec. 2-252. Protested solicitations and awards.**

(a) *Right to protest.* Any actual, or prospective, bidder or proposer ~~whethat~~ is allegedly aggrieved in connection with the solicitation or pending award of a contract may protest to the town's finance director.

(b) *Notice.*

(1) A written notice of bid protest (e.g., letter, etc.) that a bid protest will be filed must be submitted to the office of the finance director no later than 5:00 p.m. Eastern Time local time, three business days from the time of initial posting of notice of intent to award. The notice of bid protest must be in writing, and must identify the protestant and the solicitation involved, and shall include a factual summary of the basis of the protest.

(2) ~~Formal bid protest submission.~~ The formal written protest must then be filed at the office of the finance director no later than 5:00 p.m. Eastern Time local time, within five business days after the date of filing the notice of bid protest. The formal written bid protest shall contain at a minimum the following information:

- a. Identification of the name, address and contact information of the ~~protester~~protestant and the solicitation involved;
- b. A clear, brief, statement of the facts, legal arguments and other grounds on which the protest is based;
- c. Identification of any applicable statutes, or ordinance(s), or other legal authority(ies) which the ~~protester~~protestant deems applicable to the ~~{protest}~~solicitation involved; and
- d. ~~Clearly state~~ A clear statement, in writing, of the specific nature of the relief requested by ~~protester~~ protestant.
- e. Any additional written or physical materials, objects, statements, and arguments, which the ~~protester~~ protestant deems relevant to the issues raised in the request for review.

The protestant shall mail a copy of the notice of protest and the formal written protest to ~~any person with whom the protestant is in dispute~~ the finance director, and shall provide the town manager with evidence of such mailing.

(3) ~~A~~The formal written protest is considered filed with the town when it is received by the finance director. ~~Accordingly, a protestand~~ is not timely filed unless it is received by the finance ~~Department~~ director within the times specified above. Failure to file a written notice of bid protest and subsequent formal written protest within the time period specified shall result in relinquishment of all rights of protest by the vendor and abrogation of any further bid protest proceedings.

(4) These protest procedures shall be the sole remedy for challenging an award of bid or proposal. Bidders and proposers are prohibited from attempts to influence, persuade or promote through any other channels or means. Such attempts shall be cause for suspension in accordance with subsection 2-253(a).

(c) *Authority to resolve.* The finance director shall attempt to resolve the protest in a fair and equitable manner, and shall render a written decision within 10 business days to the protestant. The protestant may appeal such decision, in writing to the finance director within five business days of the date of the written decision, whereby a protest committee, comprised of the finance director, town manager, town attorney, and the department ~~head~~director of the ~~using~~originating department, shall have the authority to settle and resolve the protest.

(d) *Proceedings.* The finance director shall serve as the presiding officer of the protest committee in a nonvoting capacity. The town clerk shall give reasonable notice to all substantially affected persons or businesses prior to the date scheduled to consider the appeal of the protest.

(1) At or prior to the protest proceeding, the protestant may submit any written or physical materials, objects, statements, affidavits, and arguments which the protestant deems relevant to the issues raised.

(2) In the proceeding, the protestant, or its representative or counsel, may also make an oral presentation of the evidence and arguments. However, neither direct nor cross examination of witnesses will be permitted, although the presiding officer and other protest committee members may make whatever inquiries deemed pertinent to a determination of the protest.

(3) The judicial rules of evidence shall not apply and the protest committee shall base its decision on such information adduced in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.

(4) A quorum of the committee consists of a majority of protest committee members. A decision shall be rendered by a majority vote of the committee members in attendance.

(5) If it is deemed that the solicitation or award is in violation of law or the procedures outlined in this resolution, the solicitation or award shall be cancelled or revised.

(6) If it is determined that the solicitation or award should be upheld, the finance director shall promptly issue a decision on behalf of the protest committee in writing stating the reason for the action with a copy furnished to the protestant and all substantially affected persons or businesses. The decision shall be final and conclusive as to the town. Any party may arrange for the proceedings to be stenographically recorded, and shall bear the expense of such recording. The proceedings shall be open to the general public.

(e) *Stay of procurement during protests.* In the event of a timely protest, the finance director shall not proceed further with the solicitation or with the pending award of the contract until the finance director, with the advice of the town attorney and after consultation with the using department director of the originating department makes a determination that the award of the contract without delay is necessary to protect substantial interests of the town.

(f) *Reservation of powers to settle actions pending before the courts.* Nothing in this section is intended to affect the existing powers of the town commission to settle actions pending before the courts.

(g) *Damages.* In the event of ~~the court upholding that a court of competent jurisdiction upholds~~ the protestant's claim, the court awarded damages on behalf of the protestant shall be solely limited to bid/proposal preparation costs.

### **Sec. 2-253. Suspension and debarment.**

~~(a) **AUTHORITY.** The Finance Director may suspend or debar for cause the right of a vendor to be included on a vendor list and any bid or response from that vendor rejected; provided, however, the Commission shall have the power to waive or lift such suspension or debarment.~~

(ba) *Suspension.* A vendor may be suspended for a period not to exceed two years as determined by the finance director based upon the following:

(1) Vendor defaults or fails to fully comply with the conditions, specifications, or terms of a any current or previous bid, quotation, proposal or contract with the town;

(2) Vendor commits any fraud or misrepresentation or provides false information in connection with a bid, quotation proposal or contract with the town;

(3) Vendor is charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(4) Vendor is charged by a court of competent jurisdiction with the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a town government contractor. If charges are dismissed or the vendor found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to town;

(5) Vendor becomes insolvent, has proceedings in bankruptcy instituted against it, or compounds its debts or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property;

~~(6) Vendor commission or any act or omission to perform any act which is grounds for debarment;~~

(7) Vendor violates the ethical standards set forth in local, state, or federal law;

(8) Vendor fails to comply with the minority or women business enterprise participation or minority or women business enterprise requirements of an awarded contract; or

(9) Any other cause the finance director determines to be so serious and compelling as to materially and adversely affect responsibility of a business to perform as a town government contractor, including but not limited to suspension by another governmental entity for substantial cause.

(eb) *Debarment.* A vendor may be permanently debarred for the following:

(1) Default or failure to fully comply with the conditions, specifications, drawings, or terms of a bid, proposal or contract with the town twice in any three-year period.

(2) Conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the vendor's commercial enterprise stated in subsections (b)(3) and (b)(4) of this section. If the conviction or judgment is reversed through the appellate process, the debarment shall be

removed immediately upon written notification and proof of final court disposition from the vendor to the town.

(3) Placement of the vendor or its subcontractor(s) on the convicted vendor list maintained by the State of Florida Department of Management Services within thirty-six months from the date of submittal of the bid or proposal.

(d) *Decision.* After the finance director has determined there is cause to suspend or debar a vendor, the finance director shall notify the vendor in writing of the debarment or the period of suspension and the reasons for the action taken.

~~(e) *Public entity crime.* Any vendor who has been convicted of a public entity crime, as defined by F.S. § 287.133, shall not be able to transact business with the town to the extent as specified in F.S. § 287.133(3)(a).~~

(f)(d) *Finality of decision.* The suspension or debarment shall be final and conclusive unless the suspended or debarred vendor initiates protest proceedings pursuant to section 2-252 within 21 days after the date of notification.

#### **Sec. 2-254. Inspections and tests.**

(a) The finance director or ~~appropriate department head~~ department director of the originating department may inspect, or arrange for the inspection of, all deliveries of supplies, materials, equipment or contractual services to determine conformance with specifications set forth in the order of contract.

(b) Any using originating department which has the staff and facilities for adequate inspection may be authorized by the finance director to inspect deliveries made to it.

(c) The finance director shall have the authority to require chemical and/or physical tests or samples submitted with bids and, samples of deliveries which are necessary to determine their quality and conformance with the specifications. For such tests, the finance director shall have the authority to make use of any facilities of the town where such tests may be competently performed or an outside laboratory may be utilized. Should the product fail such testing, the town may require the vendor to pay the town for any expense incurred in testing.

#### **Sec. 2-255. Equal opportunity/minority and women business enterprise.**

(a) The town shall use its best efforts to ensure that minority and women businesses shall have an equitable opportunity to participate in the town's procurement process and that no business shall be excluded from participation in, denied benefits of, or be otherwise discriminated against in connection with the award and performance of any contracts with the town because of race, color, religion, natural origin, age, sexual orientation, gender, marital status, handicap or physical impairment.

(b) This division shall be read consistently with the Florida Civil Rights Act, F.S. ch. 760, and shall not repeal existing or subsequently enacted town minority/women business enterprise ordinances.

**Sec. 2-256. Bid preferences.**

The town shall provide one of the following bid preferences:

- (1) To local merchants that are within five percent of the lowest bid submitted; or
- (2) To certified minority business enterprises or women business enterprises that are within five percent of the lowest bid submitted.

~~— (b) The Finance Director, every member of the Finance Director's staff, and any employee of the Town engaged in the procurement of goods and/or services are prohibited from accepting or receiving any money, rebate, gift or anything of value or any promise of future reward or compensation, from any person, firm or corporation to which any purchase or contract may be awarded. This prohibition shall not apply to holiday gifts with a value of \$25.00 or less.~~

**Sec. 2-2567. Conflict of interest.**

~~(a) The standards of conflict conduct for public offices, officers and employees, government and attorneys as set forth in the Palm Beach County Code of Ethics and the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees F.S. §112.313 Part III are hereby adopted and incorporated herein by reference as if fully set forth herein.~~

~~(b) The Finance Director, every member of the Finance Director's staff, and any employee of the Town engaged in the procurement of goods and/or services are prohibited from accepting or receiving any money, rebate, gift or anything of value or any promise of future reward or compensation, from any person, firm or corporation to which any purchase or contract may be awarded. This prohibition shall not apply to holiday gifts with a value of \$25.00 or less.~~

**Secs. 2-2587--2-280. Reserved.**

**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 renumbered or re-lettered 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.

p:\docs\26508\00001\doc\1iu6784.doc

# RESOLUTION

# TAB 9



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2014

Agenda Item No. *Tab 9*

**Agenda Title: AN APPLICATION FOR FOUR (4) PARK AVENUE DOWNTOWN DISTRICT WAIVERS TO THE PARKING SPACE REGULATIONS APPLIED FOR BY FRED VECCHIONE OF VECCHIONE CONSTRUCTION, ACTING AS THE AGENT FOR SUE-ELLEN MOSLER GAMBLE TRUST (OWNER) FOR THE PROPERTIES LOCATED AT 700 AND 748 PARK AVENUE.**

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: *5/19/14*

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

<b>Originating Department:</b>  Community Development	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> → Staff Report → Cross and Joint Access Easement Agreement → Resolution __-__-14 → Legal Ad → Revised Site Renovation Plan (reduced version – <i>entire plan packet available in the Dropbox</i> )
<b>Advertised:</b> Date: 04-25-2014 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone: <i>ND (includes certified mail requirement)</i> or Not applicable in this case _____ <b>Please initial one.</b>

**Summary Explanation/Background:**

This agenda item proposes four waiver requests for a property located within the Park Avenue Downtown District, better known as the PADD. It is important to note that the Town Code identifies all variances from the PADD as “waivers”. Therefore, parties located within the PADD who are unable to meet certain development regulations must request a waiver rather than a variance.

This waiver request application has been initiated by Fred Vecchione of Vecchione Construction (“the Applicant”), on behalf of Sue-Ellen Mosler Gamble Trust, the property owner of 700 and 748 Park Avenue.

The 700 block between 7<sup>th</sup> Street and 8<sup>th</sup> Street along Park Avenue occupies three buildings: 700, 748, and 754 Park Avenue. Although the buildings are physically connected, each building is on a separate legal

parcel. 700 Park Avenue has an access point off of 7<sup>th</sup> Street and Park Avenue, while 754 Park Avenue has an access point off of 8<sup>th</sup> Street and Park Avenue. 748 Park Avenue does not have any direct access points. For many years, the three sites informally shared these access points without the recording of an official Cross and Joint Access Agreement. In fact, the original parking configuration for 700 and 748 Park Avenue shows 45 degree angled parking stalls facing east, demonstrating dependence on the 754 Park Avenue access point off of Park Avenue and 8<sup>th</sup> Street.

In April of 2013, the property owner of 754 Park Avenue placed dividers along the property line separating his Property from 748 Park Avenue, and given that a Cross and Joint Access Agreement was never formally executed, nothing could prevent the property owner from doing so. Consequently, this prevented the patrons of 700 and 748 Park Avenue from accessing the points of ingress and egress within the 754 Park Avenue property boundaries. The parking configuration for 700 and 748 Park Avenue was no longer sustainable and the unclear traffic flow created a hazardous situation for motorists and pedestrians.

Understanding that the two property owners had no plan to enter into a Cross and Joint Access Agreement between each other, Mr. Fred Vecchione, Agent for the property owner of 700 and 748 Park Avenue, approached the Town with a proposed revision to the parking lot. His revision included a change of direction for the parking stalls set at 45 degrees facing east, to be modified to 90 degrees. It also implemented the placement of parallel parking spaces, as seen on the visuals provided with this agenda packet.

The revision resulted in the reduction of the number of parking spaces, as well as the reduction in the stall size and drive aisle width, however, it allowed the Applicant's site to be self-sufficient, relying only on the access point within the 700 Park Avenue boundaries. Even though 700 and 748 Park Avenue are currently under the same ownership, the Applicant also created a Cross and Joint Access Agreement between 700 and 748 Park Avenue in order to secure this parking and traffic circulation pattern in the future. Based on the preliminary approval in 2013, the Town issued a temporary permit for the Applicant to temporarily reconfigure the site and make the traffic circulation pattern clear for its patrons.

In order to legitimize this new parking configuration, the Applicant is requesting a total of four waivers. The revised parking lot plan proposes a reduction of 9 parking spaces from the original plans for 700 and 748 Park Avenue. As a result, there will be a total of 64 parking spaces instead of a combined 73 spaces for 700 and 748 Park Avenue. The plan also calls for a reduction of the parking stall width from 10 feet to 9 feet, and depth from 18 ½ feet to 17 feet. Lastly, the plan proposes a reduction of the drive aisle width from the 24 feet to 23 feet. At the May 5, 2014 Planning & Zoning Board meeting, it was recommended that this particular waiver request to reduce the drive aisle width from 24 feet to 23 feet be modified. The Board recommended that the drive aisle width remain at the Code required 24 feet and that the parallel parking spaces be granted a reduced width waiver instead to allow a 9 foot width instead of the Code required 10 foot width.

Staff, the Town's contracted Engineer, and Palm Beach County Fire Rescue have reviewed this waiver request application based on the waiver criterion addressed in Section 78-70 and is recommending APPROVAL.

**Recommended Motion: I move to APPROVE Resolution \_\_\_-14.**



**TOWN LAKE OF PARK  
TOWN COMMISSION  
Meeting Date: May 21, 2014**

**STAFF REPORT**

**AN APPLICATION FOR FOUR (4) PARK AVENUE DOWNTOWN DISTRICT  
WAIVERS TO THE PARKING SPACE REGULATIONS APPLIED FOR BY  
FRED VECCHIONE OF VECCHIONE CONSTRUCTION, ACTING AS THE  
AGENT FOR SUE-ELLEN MOSLER GAMBLE TRUST (OWNER) FOR THE  
PROPERTIES LOCATED AT 700 AND 748 PARK AVENUE, TO AUTHORIZE:**

- (1) A REDUCTION OF 9 PARKING SPACES FROM THE ORIGINALLY APPROVED PLANS (73 TO 64) FOR THE PROPERTIES LOCATED AT 700 AND 748 PARK AVENUE.
- (2) A MODIFICATION OF THE PARKING STALLS RESULTING IN A WIDTH OF 9 FEET INSTEAD OF A WIDTH OF 10 FEET AS REQUIRED BY TABLE 78-70-6(B).
- (3) A MODIFICATION OF THE PARKING STALLS RESULTING IN A DEPTH OF 17 FEET INSTEAD OF A DEPTH OF 18 FEET, 6 INCHES AS REQUIRED BY TABLE 78-70-6(C).
- (4) A MODIFICATION OF A ONE FOOT REDUCTION IN THE DRIVE AISLE WIDTH SEPARATION BETWEEN PARKING SPACES RESULTING IN THE DRIVE AISLE BEING REDUCED TO 23 FEET FROM 24 FEET AS REQUIRED BY TABLE 78-70-6(D).

**BRIEF HISTORY OF APPLICATION:** For many years the properties located at 700-748 Park Avenue (the "Site"), could be accessed from the west off of 8<sup>th</sup> street or Park Avenue in an easterly direction through the parking lot of the former Park Avenue Barbeque property located at 754 Park Avenue. However, there was no written easement, license, or agreement executed between the subject Site and the neighboring property whereby the property owner of the subject Site was entitled to always be able to rely upon this access as being permanently available access. Last year, the property owner of 754 Park Avenue closed access through its property to the subject Site from west to east. Records indicate that the Town never required a Cross Access Agreement between the property owners, and chose to rely upon an informal access arrangement which allowed for a traffic pattern for the subject Site. Based upon this informal access agreement approach from the west, the Town approved the design of 45 degree angled parking spaces facing eastward for the subject Site.

Because the west to east access to the subject Site was no longer available after the adjacent owner closed off access, the Owner restriped the parking lots of 700 and 748 Park Avenue to change the vehicular access and circulation pattern to and through the subject Site. By doing so, the Owner can no longer comply with

the number and the dimensional criteria for parking spaces set forth in the Town Code. The Community Development Department previously issued a "temporary permit" authorizing the Owner's modifications to the parking lot and the dimensions of the parking stalls. In order to receive a "permanent" authorization for the parking lot and stalls, the Owner must secure the approval of waivers to the Code from the Town Commission.

The reconfiguration of the vehicular access and circulation and the dimensions and striping of the parking stalls have been reviewed by the Town's contracted Engineer and Palm Beach County Fire Rescue, and they have no objections. Based upon the use of the parking lot under the configuration approved under the temporary permit during the past year, some minor alterations to the drive aisles and parking areas are recommended. Specifically, the Town's contracted Engineer recommends a wider turning radius at the entrance to the subject Site, and modifications to directional signage, existing bollards and to the handicap access spaces. These modifications are reflected on the Applicant's plans and have been approved as to technical requirements by the Town's contracted Engineer and the Palm Beach County Fire-Rescue Department.

**Staff Recommendation: APPROVAL**

**Planning and Zoning Board Recommendation (May 5, 2014): APPROVAL** with one condition of approval: *(1) drive aisle be enlarged to the Code required 24 foot width, and the waiver be granted for a 9 foot parallel parking stall width instead.* The Board also asked staff to look into including a striped pedestrian crosswalk connection on the northeast corner of the site. Staff reviewed this possibility with the Applicant and given the close proximity of the public sidewalk which is available and the limited land area dedicated to circulation onsite, determined this additional striping was not feasible.

**BACKGROUND:**

Applicant:	Fred Vecchione - Vecchione Construction
Owner:	Sue-Ellen Mosler Gamble Trust
Address/Location:	700-748 Park Avenue
Net Acreage:	700 Park Avenue - 1.2196 748 Park Avenue - 0.1722
Legal Description:	700 Park Ave - KELSEY CITY LTS 1 TO 17 INC BLK 10 748 Park Ave - KELSEY CITY LTS 18, 19 & E 10 FT OF LT 20 BLK 10
Existing Zoning:	Park Avenue Downtown District (PADD)
Future Land Use:	Downtown

**Adjacent Zoning**

North:	Park Avenue Downtown District (PADD)
South:	Public
East:	R1A- Residence District
West:	Park Avenue Downtown District (PADD)

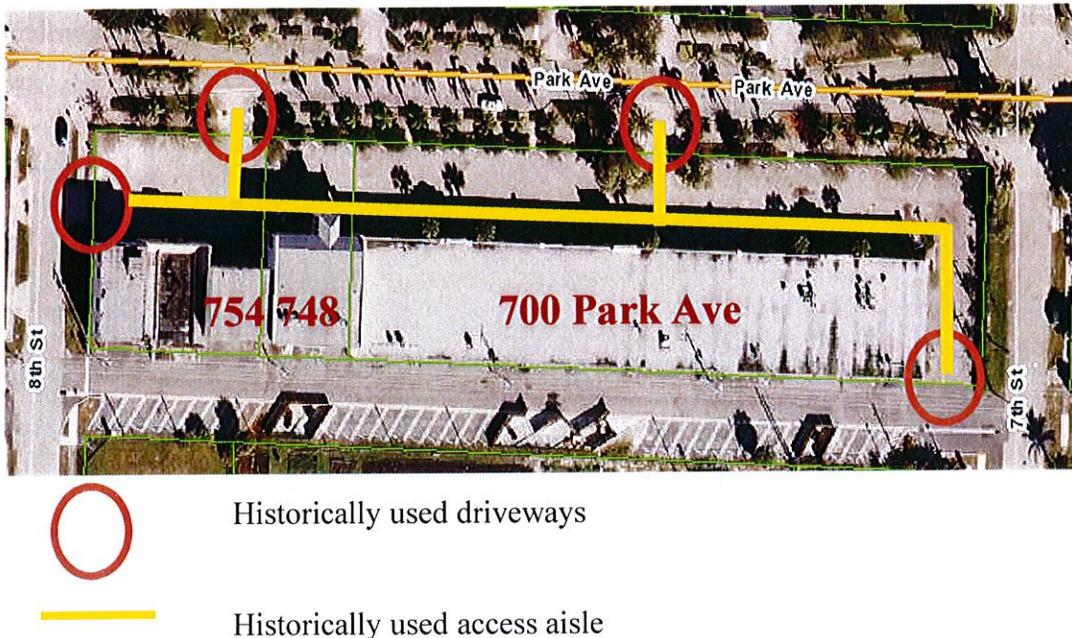
**Adjacent Existing Land Use**

North:	Downtown
South:	Public
East:	Singe-Family
West:	Downtown

## I. SUMMARY OF REQUEST

Prior to April 2013, the traffic circulation pattern between the two properties of 700 and 748 (the "Site") , and 754 Park Avenue went from 8<sup>th</sup> Street and Park Avenue, west to east, as shown below.

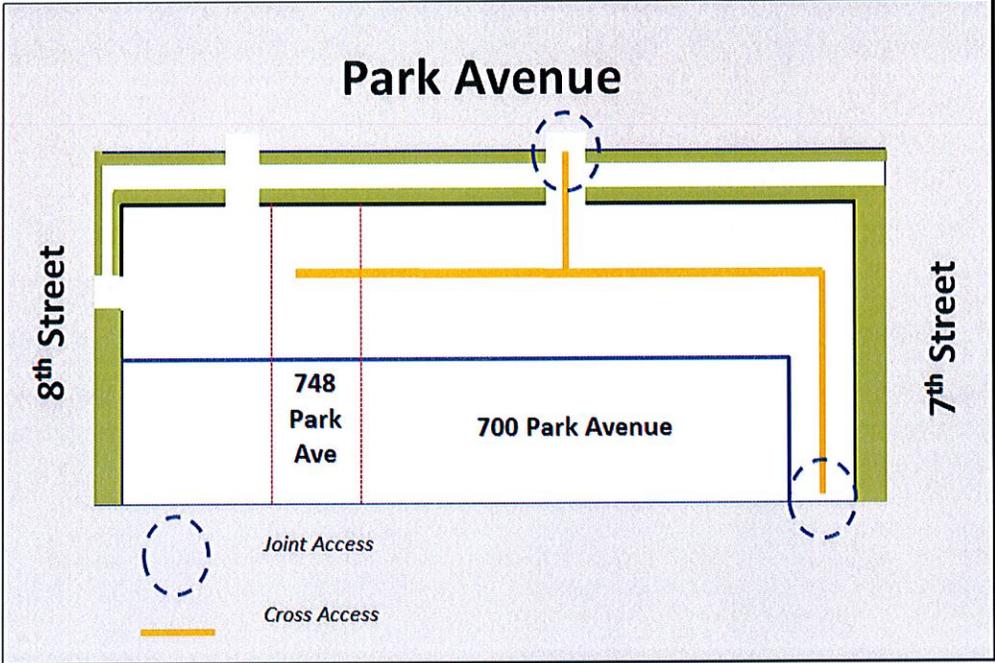
**Figure 1. Ariel Image of Property**



The Site, which is physically connected to 754 Park Avenue (formerly Park Avenue Barbeque) informally shared the two driveways at 754 Park Avenue which provided two points of ingress and egress to the Site. The Site's traffic circulation and parking configuration was wholly dependent upon the use of the driveways of 754 Park Avenue; however, the two property owners never executed a Cross and Joint Access Easement Agreement upon which the Owner of the Site could rely for legal access.

In April of 2013, the owner of 754 Park Avenue closed the access through his property by placing dividers between his property and the Site. As a result, the traffic circulation for the Site no longer worked. Moreover, because the Site's parking stalls were configured at 45 degree angles to facilitate the flow of traffic into the Site, the parking spaces were striped facing an easterly direction. In order to provide for the efficient flow of traffic and parking on the Site, the Owner proposed a new traffic circulation plan. The Town issued a "temporary permit" authorizing the reconfiguration of the traffic circulation and parking on the Site. The proposed plan required the Site change the direction of the parking stalls nearest to the west property line to 90 degrees and parallel parking. This resulted in a reduction of parking spaces, a reduction of the width and depth of parking stalls, the reduction of the width of the Site's drive aisle, and a slight reduction of the Site's landscaped area. The new traffic circulation and points of ingress and egress to the Site are shown in Figure 2 on the following page.

Figure 2: Image of proposed traffic circulation



The Owner is requesting four waivers, which if approved, would convert the “temporary” plan into a permanent traffic circulation and parking plan. The Town’s Community Development Department staff, the Town’s contracted Engineer, and Palm Beach County Fire Rescue Department have all reviewed and recommend approval of the plans. .

## II. APPLICANT'S WAIVER REQUEST

The Applicant is requesting four waivers from the Parking Space/Dimensional Requirements as follows:

Waiver Request	Town Code Section	Requirement	Proposed
1	78-142-1	Overall Site: 151 spaces required using a "retail" parking calculation in our current general parking code Section 78-142, however the originally approved site plan(s) for 700 Park Avenue and for 748 Park Avenue were approved with a total of 73 combined parking spaces. <sup>(1)</sup>	64 spaces
2	Table 78-70-6(B)	Parking Stall: 10 feet in width for 90 degree parking spaces	9 feet
3	Table 78-70-6(C)	Parking Stall: 18 feet 6 inches in depth for 90 degree parking spaces	17 feet
4	Table 78-70-6(D)	Drive Aisle between 90 degree parking spaces: 24 feet in aisle width	23 feet

- (1) Pursuant to Ordinance 27-2001 approved on January 2, 2002, the Town Commission eliminated the parking requirements in the PADD. While this was done with the intent to promote business growth, it did not reference any elimination to applying Section 78-142 of the Town Code which is the Town's general parking Code applying to ALL Districts. It also did not eliminate the general parking space dimensions in Table 78-70-6 of the PADD District. Therefore, the overall site consisting of 700 and 748 Park Avenue was originally approved with 65 combined spaces with the probable understanding that the parking requirements were eliminated in the PADD. Staff believes the general parking Code in Section 78-142, as it relates to the required number of spaces, still applies, especially since the PADD includes dimensional requirements for these spaces, as well as uses that rely on parking for their everyday operations. It is unreasonable to assume that a 30,000+ square foot building, built as "retail" space could be approved with as little as one (1) parking space without any additional Code references to mitigation methods such as valet, public parking, and so on. Right now, Town Code Section 78-142 applies to the PADD as a PADD development regulation, until which time it is properly addressed in the Town Code. Additionally, because both 700 and 748 Park Avenue rely on each other's parking spaces and drive aisle connection, a Cross and Joint Access Easement agreement has also been executed, accepted by the Town Attorney, and will be recorded upon final approval of this request (attached).

### III. ANALYSIS OF 12 CRITERIA WHICH MUST BE MET FOR WAIVERS

The 12 criteria which must be met for a waiver of the requirements of regulations set forth in the Park Avenue Downtown District (PADD) are set forth in Code Section 78-70(i)(7). An applicant must meet all 12 criteria to receive a waiver.

**CRITERIA A: The application is consistent with the comprehensive plan.**

**STAFF RESPONSE:**

The Applicant's proposed modifications align with the Town's goal of ensuring that each parcel has a safe and efficient system of internal traffic circulation. See Policy 1.9 of the Future Land Use Element of the Comprehensive Plan which states,

*"At the time of redevelopment and through cross-access and shared access agreements, the Town shall discourage excessive curb cuts including the control of connections and access points of driveways and roads to roadways on arterial and major collector streets within the confines of the Town's roadway network.*

**Criteria met.**

**CRITERIA B: The application is consistent with the regulations of the Park Avenue Downtown District.**

Section 78-70(a) lists the purpose and intent of the PADD :

- (1) Urban development which is reflective of early master plans for a neighborhood and community commercial area;
- (2) Buildings and structures of a human scale which, in conjunction with public investments, help to create a sense of place;
- (3) Downtown development and redevelopment which offer a mixture of retail, personal service, commercial, office, and residential uses;
- (4) A pedestrian-oriented development pattern;

- (5) Concentration of certain types of uses, including live performance theaters, restaurants, arts and crafts, etc., which will attract both residents and nonresidents for specialty shopping and entertainment;
- (6) Attracting a variety of uses which serve the needs of residents and nonresidents;
- (7) Zoning regulations, consistent with the town comprehensive plan, which support the reestablishment and redevelopment of an urban center;
- (8) Limitations on certain uses which do not support or enhance the pedestrian nature of the area;
- (9) Uses offering goods and services that will attract both town residents and visitors from outside the town; and
- (10) Uses offering goods and services that will possess a family orientation.

**STAFF RESPONSE:** The Application is consistent with the intent of the PADD.

**Criteria met.**

**CRITERIA C:                   The application furthers the Town's goal to establish a neighborhood and community-serving urban center**

**STAFF RESPONSE:**  
The Site has provided and will continue to provide neighborhood and community-serving commercial goods and services. The location of the Site and the services offered by the Site satisfy the intent of the PADD.

Therefore, approval of the waivers allows the Site to continue to provide neighborhood and community goods and services fulfilling the Town's goal; whereas not approving the requests will deter it by creating an unsafe traffic situation in the heart of the PADD.

**Criteria met.**

**CRITERIA D: The application furthers the Town's goal to create a pedestrian-friendly environment**

**STAFF RESPONSE:**

The approval of the waivers allows the Site to maintain a pedestrian-friendly environment.

**Criteria met.**

**CRITERIA E: The application furthers the architectural and site design elements of the Park Avenue Downtown District.**

**STAFF RESPONSE:**

The Site's architectural features will not change and the proposed parking lot modifications will not impact the degree to which the Site is compatible with the intent of the PADD.

**Criteria met.**

**CRITERIA F: The application demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved or proposed, and which are not applicable to other lands, structures, or buildings in the Park Avenue Downtown District**

**STAFF RESPONSE:**

The special conditions and circumstances are that the Town previously allowed the design of traffic circulation and parking on the Site without first ensuring that the Owner had legal authority to agree to the plan approved by the Town Commission. Since the neighboring owner no longer permits access through his property, the Owner is required to develop a new plan to provide access and parking to the Site.

**Criteria met.**

**CRITERIA G:**           **The application demonstrates that the special conditions and circumstances do not result from the actions of the applicant.**

**STAFF RESPONSE:**

This Application seeks to correct a traffic situation that was not caused by the Applicant. See above.

**Criteria met.**

**CRITERIA H:**           **The application demonstrates that granting the waiver requested will not confer upon the applicant any special privilege that is denied by this section to other lands, buildings, or structures in the Park Avenue Downtown District**

**STAFF RESPONSE:**

The Applicant is seeking the four waivers because the access to the Site upon which the Town relied has been closed.

**Criteria met.**

**CRITERIA I:**           **The application demonstrates that literal application of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties within the Park Avenue Downtown District**

**STAFF RESPONSE:**

A literal application of the provisions of the Code would require the Owner to remove existing structures. This would unfairly deprive the Owner of some portion of her property.

**Criteria met.**

**CRITERIA J:**           **The application demonstrates that the waiver requested is the minimum waiver that will make possible the reasonable use of the land, building, or structure**

**STAFF RESPONSE:**

The waivers are the minimal deviations as determined by Staff and the Town's contracted Engineer. The removal of

landscaping is also necessary and can be approved administratively. Only the minimum removal that is required to incorporate the proposed traffic circulation plan is being proposed. To mitigate the impact of the loss of landscaping, the Applicant is relocating some trees and planting new plants into existing landscaped areas.

**Criteria met.**

**CRITERIA K: The application demonstrates the request for waiver is not based solely upon economic reasons.**

**STAFF RESPONSE:**

The application for waivers is not based upon economic reasons.

**Criteria met.**

**CRITERIA L: The application demonstrates the request for waivers will be in harmony with the general intent and purpose of the Park Avenue Downtown District, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.**

**STAFF RESPONSE:**

The Applicant's requests are harmonious with the intent and purpose of the PADD. Approval of the waivers will not produce an unsafe area or in any way produce a situation that is detrimental to the public health, safety, and welfare.

**Criteria met.**

**IV. STAFF RECOMMENDATION: APPROVAL with the following condition:**

- (1) Drive aisle be enlarged to the code required 24 foot width, and the waiver be granted for a 9 foot parallel parking stall width instead.*

Prepared By/Return To:  
Jared Quartell, Esq.  
11770 US Highway 1, Suite 406  
North Palm Beach, FL .33408

COMMUNITY  
APR 09 2014  
RECORDING

**JOINT ACCESS AND CROSS ACCESS EASEMENT AGREEMENT**

This JOINT ACCESS AND CROSS ACCESS EASEMENT AGREEMENT (the "Agreement") is made and entered into as of this 2 day of MARCH 2014, by Sue-Ellen Gamble Mosler, Trustee of the Sue-Ellen Gamble Mosler Living Trust u/a/d October 1, 2008, having an address of P.O. Box 530137 Lake Park, FL 33403 ("Owner").

**RECITALS:**

WHEREAS, the Owner is the fee simple owner of the two parcels of property located in the Town of Lake Park, Palm Beach County, Florida (as both a geographic location and a governmental entity, the "Town"), described as:

Lots 1 through 17, inclusive, Block 10, Lake Park (f/k/a Kelsey City) According to the plat thereof, as recorded in the office of the Clerk of the circuit court in and for Palm Beach County, Florida in plat Book 8, Page 15 (a.k.a. 700 Park Ave., Lake Park, FL); and

Lots 18 and 19 and the easterly 10 feet of Lot 20, Block 10, Lake Park (f/k/a Kelsey City, Florida, according to the Plat thereof, as recorded in the office of the Clerk of the circuit court in and for Palm Beach County, Florida in Plat Book 8, Page 27 (a.k.a. 748 Park Ave., Lake Park, FL)

WHEREAS, the above described properties consist of two (2) tax parcels subject to potential separate conveyance, such parcels bearing Parcel Control Numbers 36-43-42-20-01-010-0010 and 36-43-42-20-01-010-0180 (referred to herein collectively as the "Parcels" or "Properties" and individually as "Parcel").

WHEREAS, the square footage and type of uses of the buildings on each Parcel are such that in order to accommodate same it is necessary to have all ingress and egress ways and parking spaces within the Properties be open for use in connection with both of the Parcels. as required by the Town.

WHEREAS, the Owner in accordance with the requirements of the Town, has agreed to grant and declare access and parking rights to be used in common by occupants of both buildings and their present and future owners, tenants, and visitors and such owners' and tenants' employees, guests, service and supply providers and other invitees (collectively, the "Easement Beneficiaries").

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, and in accordance with the Town's requirements, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Recitals. The foregoing recitals are true and are hereby incorporated by reference and agreed to.

2. Easement Grant.

The Owner does hereby grant and declare that all means of ingress and egress, including driveways, drive aisles, and parking spaces located within and upon each Parcel shall be subject to a perpetual but non-exclusive easement in favor of the other Parcel for such vehicular and pedestrian ingress and egress and vehicular parking as shown on the drawing attached hereto and incorporated herein as Exhibit "A". Such ingress and egress shall consist of external joint access to and from both Parcels to and from Park Avenue and for the internal cross access between the two Parcels.

Neither Owner nor any future owner(s) of the Properties shall erect any curbs, fences, bollards, landscaping or other obstruction of any kind or which would prevent, hinder or interfere in any way with the free flow and passage of vehicular and pedestrian traffic, or the continued availability of parking spaces, without charge, of a sufficient quantity to satisfy applicable Town code requirements, except for temporary interruptions for maintenance, repair or replacement purposes or approved special events.

THE FOREGOING EASEMENTS ARE NOT INTENDED AND SHALL NOT BE CONSTRUED AS A DEDICATION OF THE PROPERTIES FOR PUBLIC USE.

3. Maintenance. In the event that the Parcels shall become separately owned, each owner shall be solely responsible for maintaining its respective Parcel in accordance with all Town requirements and so as to accommodate the uses described herein.

4. Miscellaneous.

A. If any term or provision of this Agreement or the application thereof to any person or circumstance should to any extent be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement and the application of such term or provision to persons or circumstances other than those which have been held invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. Without limiting the generality of the foregoing, in the event of any actual or claimed invalidity of this Agreement or the easement rights granted herein by virtue of the fact that both Parcels are benefited and burdened by the easements, are presently under one (1) ownership, then said easement rights shall be deemed "springing easements" coming into being upon a severance of ownership of the two Parcels; provided, however, that this Agreement shall immediately constitute a separate covenant and restriction running with the land to the benefit of the Town and the general public which shall come into effect upon its recordation and remain in full force and effect until amended and/or terminated as provided herein.

B. The failure of either party to enforce its rights under this Agreement shall not constitute a waiver of such rights. Any party hereto may waive the benefit of any provision or condition for its benefit contained in this Agreement.

C. The provisions of this Agreement may only be amended or terminated by an instrument signed and acknowledged by the then-owner(s) of the Properties, approved by the

Town and duly recorded in the Public Records of Palm Beach County.

D. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The venue of any litigation or administrative proceeding shall be exclusively in Palm Beach County, Florida. The enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any covenant herein, either to restrain or prevent such violation or proposed violation by an injunction, either prohibitive or mandatory, or to obtain any other relief.

E. This Agreement is intended to be and shall constitute a covenant running with the land described herein for the benefit of the Town and the general public and shall be binding on the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, Sue-Ellen Gamble Mosler, Trustee of the Sue-Ellen Gamble Mosler Living Trust u/a/d October 1, 2008 has executed this Agreement as of the date first written above.

*Sue Ellen Gamble Mosler, trustee*  
Sue-Ellen Gamble Mosler, Trustee of the Sue-Ellen Gamble Mosler Living Trust u/a/d October 1, 2008

Signed in the presence of:

*SUE-ELLEN GAMBLE Mosler, trustee*

Print Name:

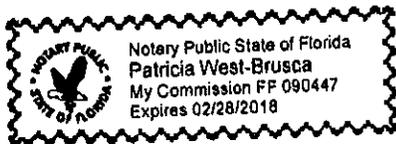
\_\_\_\_\_  
Print Name:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 2 day of March 2014, by Sue-Ellen Gamble Mosler, Trustee of the Sue-Ellen Gamble Mosler Living Trust u/a/d October 1, 2008 on behalf of the corporation, ( ) who is personally known to me OR ( ) who produced \_\_\_\_\_ as identification.

*Patricia West Brusca*  
Notary Signature

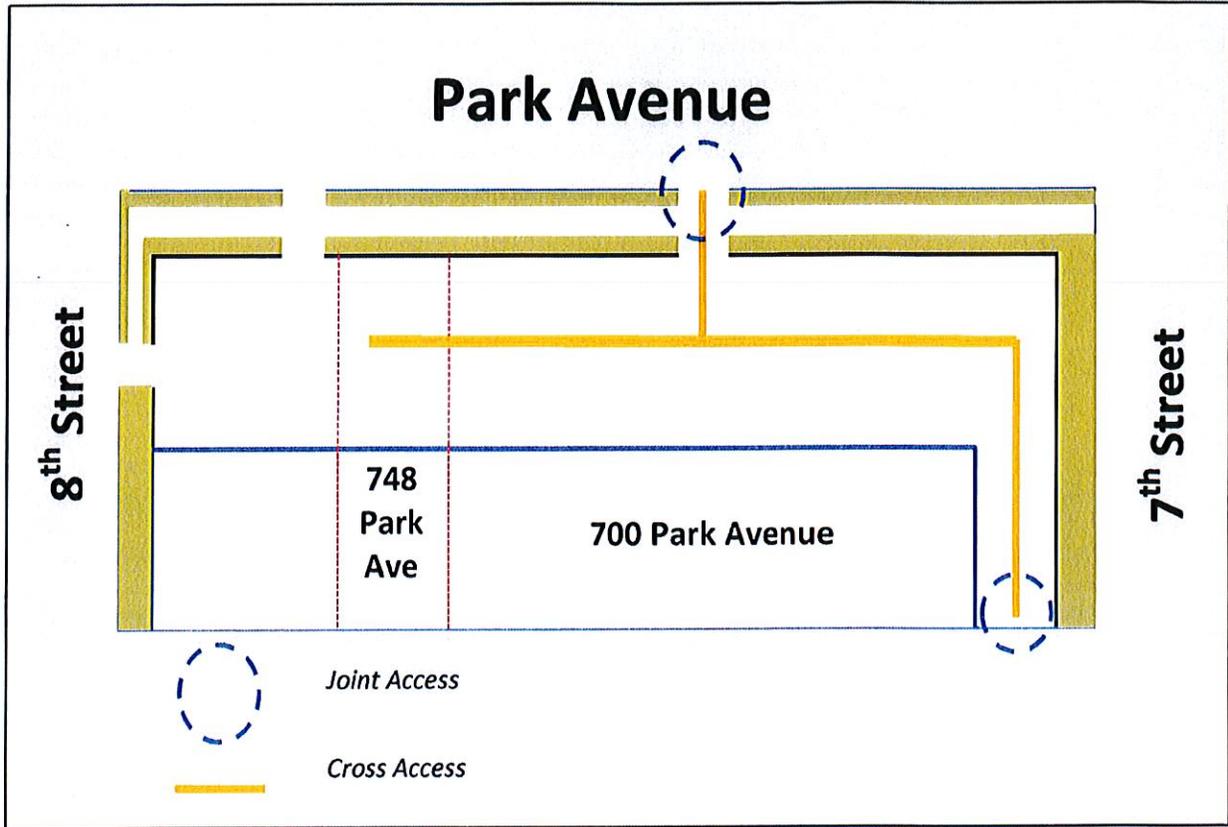
*Patricia West-Brusca*  
Print Notary Name



NOTARY  
PUBLIC State of  
Florida at Large

My Commission Expires:

Exhibit "A"



**RESOLUTION NO. 15-05-14**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE RENOVATION PLAN AND AUTHORIZING WAIVERS TO THE PARK AVENUE DOWNTOWN DISTRICT PARKING SPACE REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Sue-Ellen Mosler Gamble Trust is the owner (the “Owner”) of the properties located at 700 and 748 Park Avenue (the “Subject Property”) in the Town of Lake Park, Florida (the “Town”); and

**WHEREAS**, Fred Vecchione of Vecchione Construction, as agent for the Owner (the “Applicant”) submitted a landscape and site renovation plan and engineering plans (collectively referred to as the “Site Plan” showing the reconfigured parking spaces, and the ingress and egress through the parking lot of the Subject Property (the “Application”); and

**WHEREAS**, the Applicant has also requested four waivers to the parking space regulations of the Park Avenue Downtown District (PADD); and

**WHEREAS**, the Town’s Planning and Zoning Board voted to recommend to the Town Commission that it approve of the requested waivers to the PADD so as to authorize the Owner’s development of the Subject Property in accordance with the Site Plan with a modification to one of the waivers; and

**WHEREAS**, the Town’s Planning and Zoning Board recommended as a condition of approval to approve a waiver to reduce the width of the parallel parking space from 10 feet to 9 feet and keep the drive aisle width at 24 feet instead of the proposed 23 feet; and

**WHEREAS**, the Town Commission has conducted a quasi-judicial hearing to consider the Application; and

**WHEREAS**, at this hearing the Town Commission considered the evidence presented by the Town staff, the Applicant, the Owner, and other interested parties and members of the public as to the Application’s consistency with the Town’s Comprehensive Plan; and

**WHEREAS**, at this hearing, the Town Commission considered the evidence presented by the Town staff, the Applicant, the Owner and other interested parties and members of the public regarding whether the Application meets the Town’s Land Development Regulations of the Town Code; and

**WHEREAS**, the Town Commission has determined that the conditions incorporated herein are necessary in order for the Application to be consistent with the Town's Comprehensive Plan and to meet the Town's Land Development Regulations.

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

**Section 1.** The whereas clauses are hereby incorporated as the findings of fact and conclusions of law of the Town Commission.

**Section 2.** The following conditions and waivers shall apply to the Owner, its successors and assigns:

1. The Owner shall construct the improvements consistent with:
  - a. Landscape and Site Renovation Plan prepared by Neal, Smith & Associates, signed and sealed April 7, 2014 and received and dated by the Department of Community Development on April 9, 2014; and
  - b. Engineering Plans referenced as Sheets 1 through 4, and prepared by DiFonte Consulting, Inc., signed and sealed April 7, 2014 and received and dated by the Department of Community Development on April 9, 2014.
2. Pursuant to the recommendation of the Planning and Zoning Board and the Town Commission to replace the drive aisle waiver request with a reduction in the parallel parking stall width of 9 feet instead, the following Waivers to the PADD parking space regulations are hereby granted:
  - a. A reduction of 9 parking spaces from the originally approved plans (73 reduced to 64); and
  - b. A reduction of the width of the 90-degree parking stalls from 10 feet to 9 feet; and
  - c. A reduction of the depth of the 90-degree parking stalls from 18 feet, 6 inches to 17 feet; and
  - d. A reduction of the width of the parallel parking stalls from 10 feet to 9 feet.

**Section 3.** This Resolution shall take effect upon adoption.

**RECEIPT**

Ad Name: 482671A Ad ID: 482671 Original Ad ID:

Start: 04-25-2014  
Stop: 04-25-2014  
Issues: 1  
Words: 297  
Dimension... 1 X 66  
Color:

**Editions:**  
PB Post  
PB Post Web

**LEGAL NOTICE OF PROPOSED  
PARK AVENUE DOWNTOWN  
DISTRICT WAIVERS  
TOWN OF LAKE PARK**

Please take notice that the Planning & Zoning Board on Monday, May 5, 2014 at 7:30 p.m., or as soon thereafter as can be heard, and the Town Commission on Wednesday, May 21, 2014 at 6:30 p.m., in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the Park Avenue Downtown District Waivers for 700 and 748 Park Avenue. The request is being initiated by Fred Vecchione of Vecchione Construction, acting as "Agent" on behalf of Sue-Ellen Mosler Gamble Trust, "Property Owner" for the following four waiver requests:

- (1) A REDUCTION OF 9 PARKING SPACES FROM THE APPROVED PLAN (73 TO 64) FOR THE PROPERTIES LOCATED AT 700 AND 748 PARK AVENUE.
- (2) PARKING STALLS WITH A WIDTH OF 9 FEET INSTEAD OF A WIDTH OF 10 FEET AS REQUIRED BY TABLE 78-70-6(B).
- (3) PARKING STALLS WITH A DEPTH OF 17 FEET INSTEAD OF A DEPTH OF 18 FEET, 6 INCHES AS REQUIRED BY TABLE 78-70-6(C).
- (4) A ONE FOOT REDUCTION IN THE DRIVE AISLE WIDTH SEPARATION BETWEEN PARKING SPACES TO 23 FEET FROM 24 FEET AS REQUIRED BY TABLE 78-70-6(D).

If a person decides to appeal any decision made by the Planning & Zoning Board or the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.  
Vivian Mendez, Town Clerk, Town of Lake Park, Florida  
PUB: The Palm Beach Post  
4-25/2014 #238868

Ad shown is not actual print size.

S-EGM PROPERTIES  
 748-B PARK AVENUE  
 LAKE PARK, FLORIDA 33403

CIVIL ENGINEERING PLANS  
 FOR  
 WEST PARKING LOT MODIFCATIONS TO  
 700<sup>748</sup> PARK AVENUE  
 LAKE PARK, FLORIDA 33403

DCI PROJECT NO. 13008



LOCATION MAP  
 NTS

SEC. 20, TWP. 42, RGE. 43

INDEX OF DRAWINGS

- 1 TITLE SHEET
- 2 - 3 PAVING, GRADING & DRAINAGE PLAN
- 4 PAVING, GRADING & DRAINAGE  
 DETAILS & NOTES

FINAL CONSTRUCTION PLANS  
 MARCH 17, 2014

PREPARED BY:



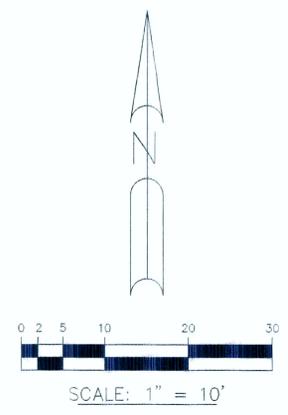
**DIFONTE CONSULTING, INC.**  
 2089 APPALOOSA TRAIL  
 WELLINGTON, FLORIDA 33414  
 TEL. & FAX.: (561) 792-7551  
 WWW.DIFONTE.COM  
 CERTIFICATE OF AUTHORIZATION: 8432

Eugene A. DiFonte  
 FL PE No. 41885

4/7/14  
 Date

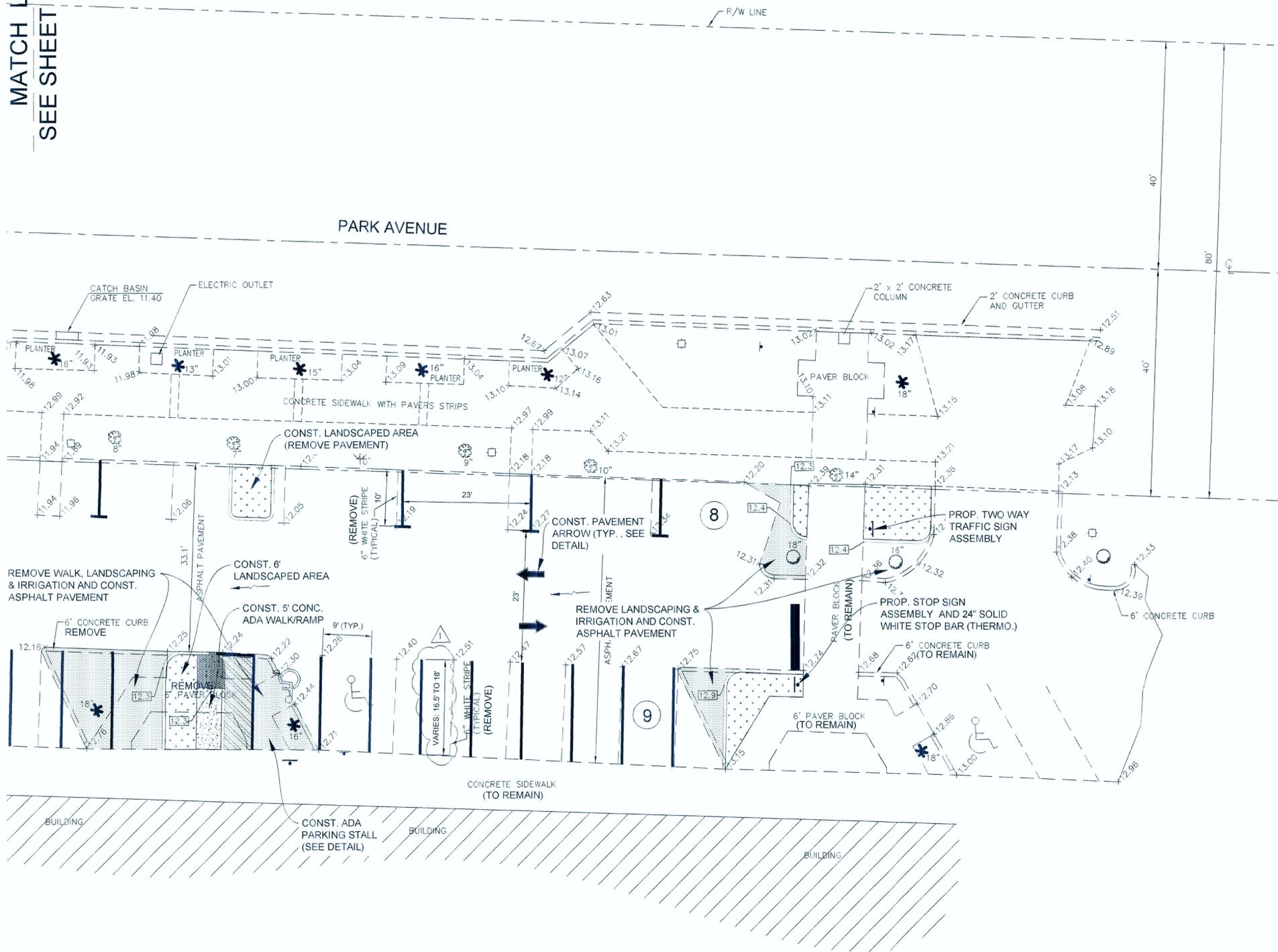
Community  
 APR 9 2014  
 Department

TOPO LEGEND	
METAL POST	⊘
SIGN	+
OAK TREE	⊗
PALM TREE	*
UNKNOWN TREE	○
METAL LIGHT POLE	□



PAVING, GRADING & DRAINAGE LEGEND	
19.0	PROPOSED ELEVATIONS
16.0	OVERLAND FLOW LINES
X	EXISTING ELEVATIONS
---	PROPOSED CURBING
[Pattern]	PROP. ASPHALT PAVEMENT
[Pattern]	PROP. CONCRETE PAVEMENT
[Pattern]	PROP. LANDSCAPE AREA

MATCH LINE  
SEE SHEET 2 OF 4



DIFONTE CONSULTING, INC.  
2089 APPALDOSA TRAIL  
WELLINGTON, FLORIDA 33414  
TEL. & FAX.: (561) 792-7551  
WWW.DIFONTE.COM  
CERTIFICATE OF AUTHORIZATION: 8432



Seal:  
*Eugene A. DiFonte*  
4/17/14  
Eugene A. DiFonte  
FL PE No. 41885

SEGMENT PROPERTIES  
700 PARK AVENUE, LAKE PARK, FLORIDA 33403  
WEST PARKING LOT IMPROVEMENTS  
PAVING & GRADING PLANS

Revisions:  
1 TOLP ENG.  
03/17/14

Designed By: EDF  
Drafted By: EAD  
Checked By: EDF  
Date: MAR. 17, 2014

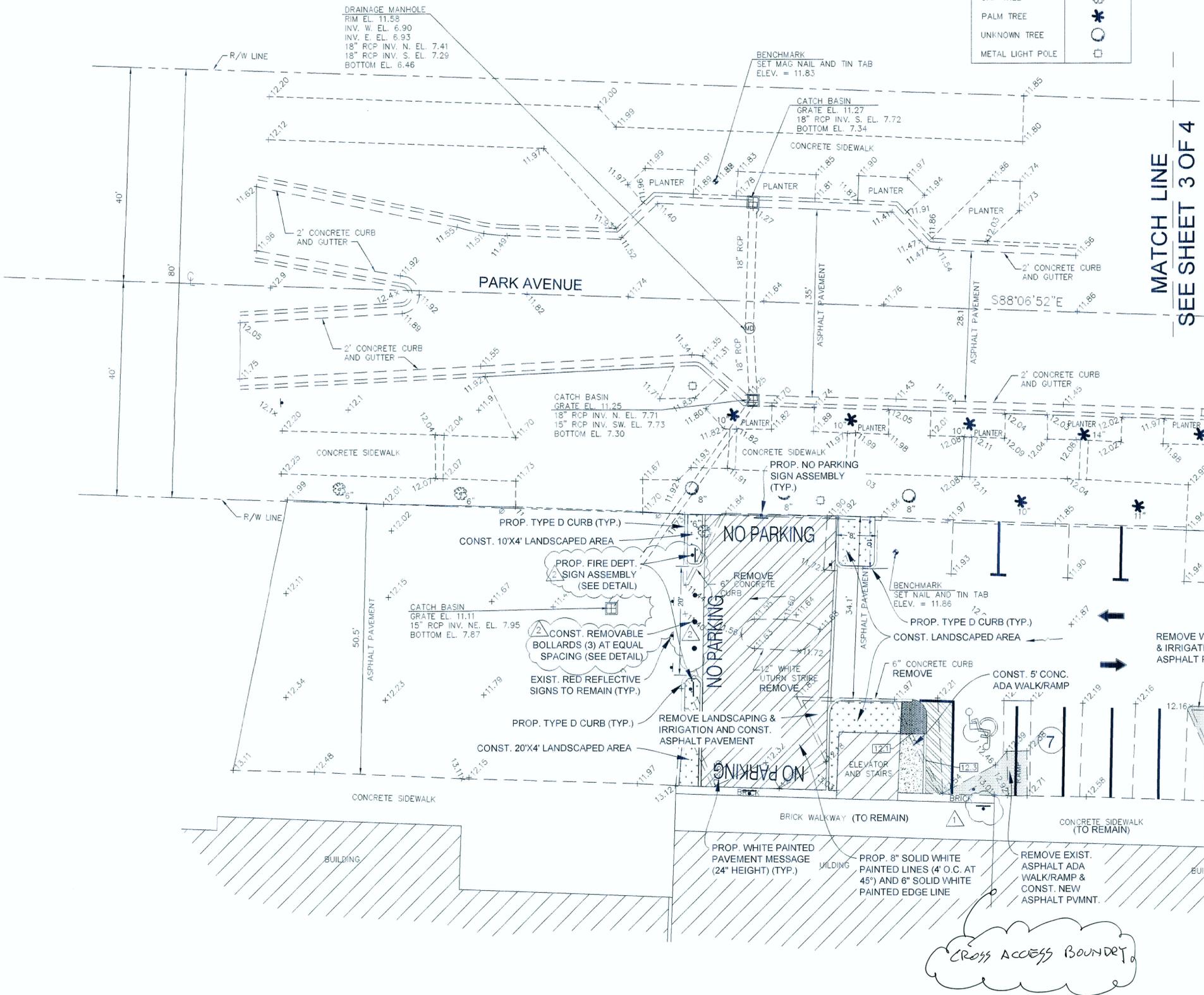
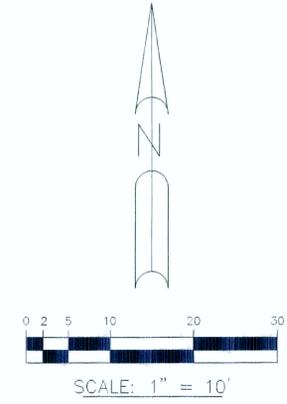
Project No:  
DCI13008

Sheet No: 3  
Of: 4

APR 09 2014

TOPO LEGEND	
METAL POST	⊗
SIGN	+
OAK TREE	⊗
PALM TREE	⊗
UNKNOWN TREE	⊗
METAL LIGHT POLE	⊗

PAVING, GRADING & DRAINAGE LEGEND	
19.0	PROPOSED ELEVATIONS
—	OVERLAND FLOW LINES
x 16.0	EXISTING ELEVATIONS
—	PROPOSED CURBING
[Pattern]	PROP. ASPHALT PAVEMENT
[Pattern]	PROP. CONCRETE PAVEMENT
[Pattern]	PROP. LANDSCAPE AREA



**GENERAL NOTES**

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, 2010 EDITION (FDOT STANDARD SPECIFICATIONS).
- ALL PAVING AND RELATED WORK SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE STANDARDS OF THE FDOT.
- THE CONTRACTOR SHALL PROTECT ALL PERMANENT REFERENCE MONUMENTS AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID DAMAGE TO SURVEY MARKERS DURING CONSTRUCTION.
- ALL UNSUITABLE MATERIAL SUCH AS MUCK, MARL, AND DEBRIS SHALL BE REMOVED FROM THE LIMITS OF CONSTRUCTION AND LEGALLY DISPOSED.
- THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE ENGINEER PRIOR TO ANY SITE WORK BEING PERFORMED. JOB SITE SUPERINTENDENT AND APPROPRIATE MANAGEMENT PERSONNEL SHALL BE IN ATTENDANCE.
- ALL ELEVATIONS REFER TO N.G.V.D. '29 (MSL).
- AS A CONDITION PRECEDENT TO SUBSTANTIAL COMPLETION, THE CONTRACTOR SHALL PROVIDE THE ENGINEER, RECORD DRAWINGS OF THE PROJECT DEPICTING CONSTRUCTED CONDITIONS. THE RECORD DRAWINGS SHALL BE SIGNED AND SEALED BY A FLORIDA REGISTERED PROFESSIONAL SURVEYOR AND MAPPER ACCEPTABLE TO THE ENGINEER. SUFFICIENT QUANTITIES OF PLANS ARE TO BE PROVIDED FOR THE OWNER, THE ENGINEER AND REGULATORY AGENCIES.
- THE CONTRACTOR IS ADVISED THAT OTHER SITE WORK WILL BE PERFORMED CONCURRENT WITH THIS WORK, SUCH AS, BUT NOT LIMITED TO, LANDSCAPING, IRRIGATION AND ELECTRICAL. THIS WORK IS NOT SHOWN ON THE CIVIL PLANS, HOWEVER, THE CONTRACTOR IS RESPONSIBLE TO COORDINATE WITH THE OTHER DISCIPLINES.
- THESE PLANS HAVE BEEN REVIEWED FOR COMPLIANCE WITH PALM BEACH COUNTY FIRE CODE. COMPLIANCE IS THE RESPONSIBILITY OF THE PERMIT APPLICANT. DATED: MARCH 17, 2014; REVIEWED BY: PEDRO SEGOVIA

**PAVING AND GRADING NOTES**

- TYPE S ASPHALTIC CONCRETE SURFACE COURSE SHALL MEET THE REQUIREMENTS OF SECTION 351 OF THE FDOT STANDARD SPECIFICATIONS BEFORE CONSTRUCTION OF ASPHALT SURFACE. A JOB MIX FORMULA SHALL BE SUBMITTED FOR APPROVAL TO THE ENGINEER.
- PRIME COAT SHALL BE APPLIED IN CONFORMANCE WITH SECTION 300 OF THE FDOT STANDARD SPECIFICATIONS.
- BASE MATERIAL SHALL MEET THE REQUIREMENTS OF APPLICABLE SECTIONS AS APPROPRIATE OF THE FDOT STANDARD SPECIFICATIONS AND DENSITY AS DETERMINED BY AASHTO T-180.
- BEFORE ANY CONSTRUCTION OF THE BASE MATERIAL, A CHEMICAL AND SIEVE ANALYSIS OF THE MATERIAL SHALL BE SUBMITTED TO THE ENGINEER.
- SUBGRADE SHALL BE COMPACTED IN ACCORDANCE WITH THE FDOT STANDARD SPECIFICATIONS.
- SUBGRADE SHALL BE FREE OF MUCK, STUMPS, ROOTS, UNDERBRUSH, VEGETATIVE MATTER, GARBAGE, TRASH OR ANY MATERIAL THAT WILL NOT PROVIDE A SUITABLE STABLE, CLEAN SUBGRADE.
- ANY MUCK ENCOUNTERED ON THE SITE MUST BE COMPLETELY REMOVED TO 10 FEET OUTSIDE THE EDGE OF ANY PROPOSED PAVEMENT OR STRUCTURE.
- WHERE GUMBO OR OTHER PLASTIC CLAY ARE ENCOUNTERED, THEY SHALL BE REMOVED FROM WITHIN THE PROJECT SITE UP TO ONE FOOT BELOW THE COMPACTED SUBGRADE, EXTENDING HORIZONTALLY TO BEYOND THE EDGE OF PROPOSED PAVEMENT.
- PAVEMENT MARKINGS AND GEOMETRICS SHALL BE IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS AND PALM BEACH COUNTY TYPICAL NO. T-P-10-001.
- THE SEQUENCE OF CONSTRUCTION SHALL BE SUCH THAT ALL UNDERGROUND INSTALLATIONS OF ANY KIND, INCLUDING IRRIGATION AND ELECTRICAL CONDUITS, THAT WILL REMAIN UNDER THE PROPOSED PAVEMENT OR WITHIN 10 FEET OF ITS EDGES SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF THE BASE.
- ALL CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 3000 P.S.I. AT 28 DAYS, UNLESS SPECIFIED OTHERWISE.
- THE CONTRACTOR SHALL UTILIZE CONSTRUCTION METHODS AND DEVICES SUCH AS TURBIDITY CURTAINS AND FLOATING SILT BARRIERS WHERE NECESSARY IN ORDER TO COMPLY WITH ALL STATE AND LOCAL WATER QUALITY STANDARDS.
- THE CONTRACTOR IS DULY ADVISED THAT THE ELEVATIONS SHOWN ON THE PLANS ARE FINISHED GRADES (COMPACTED IN PLACE).

**DIFONTE CONSULTING, INC.**  
 2089 APPALOOOSA TRAIL  
 WELLINGTON, FLORIDA 33414  
 TEL. & FAX: (561) 792-7551  
 WWW.DIFONTE.COM  
 CERTIFICATE OF AUTHORIZATION: 8432



Seal:  
  
 Eugene A. DiFonte  
 FL PE No. 41885

**S-EGM PROPERTIES**  
 700 PARK AVENUE, LAKE PARK, FLORIDA 33403  
 WEST PARKING LOT IMPROVEMENTS  
 PAVING & GRADING PLANS

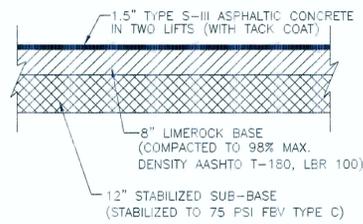
Revisions:  
 1. TOLP ENG. 03/17/14  
 2. PBC FIRE DEPT. 03/17/14  
 3. TOLP P&Z 04/04/14

Designed By: EDF  
 Drafted By: EAD  
 Checked By: EDF  
 Date: MAR. 17, 2014

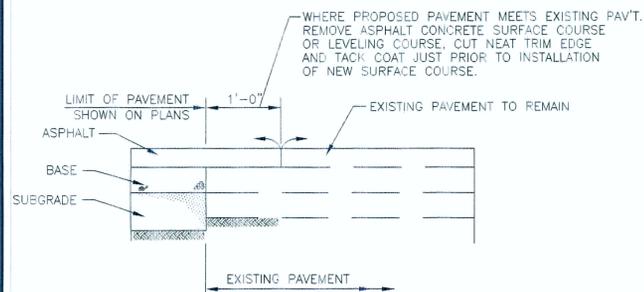
Project No:  
 DCI13008

Sheet No: 2  
 Of: 4

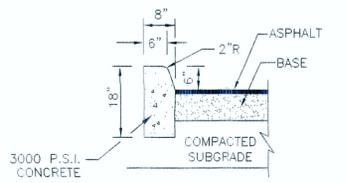
APR 3 2014  
 09:00 AM



TYPICAL PAVEMENT SECTION  
N.T.S.

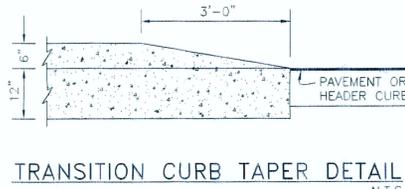


PAVEMENT MATCHING DETAIL  
N.T.S.

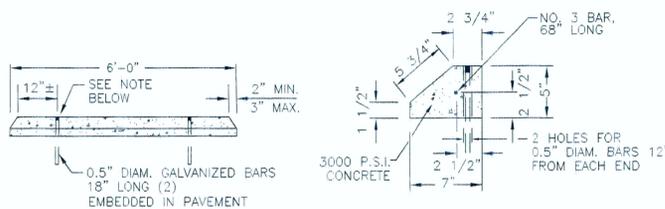


TYPE "D" CONCRETE CURB  
N.T.S.

REFER TO FOOT INDEX 500 FOR ADDITIONAL INFORMATION.

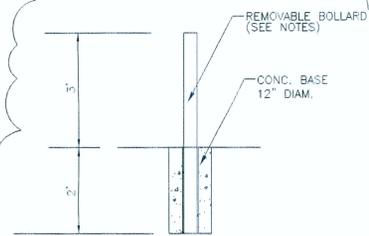


TRANSITION CURB TAPER DETAIL  
N.T.S.



WHEEL STOP DETAIL  
N.T.S.

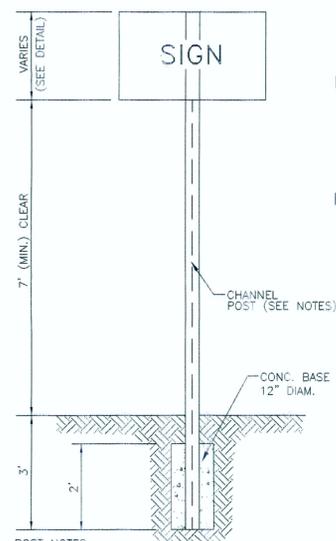
NOTE: BARS TO BE DRIVEN 3/4 INCHES BELOW TOP OF WHEEL STOP AND GROUT FILLED FLUSH WITH TOP OF WHEEL STOP.



POST NOTES:  
1. 4.5" OD STEEL POST WITH RED PAINTED FINISH, 40 LB MAX POST WEIGHT AS MANUFACTURED BY TRAFFICGUARD (NON-LOCKING DROP IN SERIES) MODEL RFP4548R & D14 OR APPROVED EQUAL.  
2. GROUND SLEEVE AND FILLER PIECE TO BE HOT DIPPED GALVANIZED.  
3. SLEEVE TO BE FLUSH WITH PAVEMENT WHEN POST IS REMOVED.

CONC. BASE NOTES:  
1. TYPE I CONCRETE, 3000 P.S.I. (MIN.)

REMOVABLE BOLLARD POST DETAIL  
N.T.S.



TYPICAL ACCESSIBLE SIGN  
N.T.S.

1. TOP PORTION OF FTP 20-06 SHALL HAVE A REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOL AND BORDER.
2. BOTTOM OF FTP 20-06 SHALL HAVE A REFLECTIVE WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER.
3. FTP 22-06 SHALL HAVE A REFLECTIVE WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER.

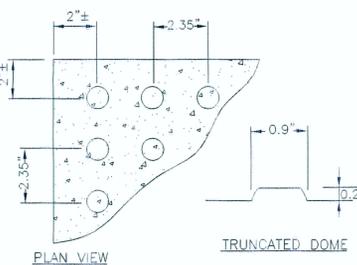
POST NOTES:

1. STEEL FLANGED CHANNEL POST WITH BAKED GREEN ALKYD FINISH PER A.S.T.M.-A-123 WITHOUT ANCHOR PLATES. POST TO CONFORM WITH CURRENT FOOT STANDARDS FOR SINGLE COLUMN GROUND SIGNS.
2. POSTS WITH MULTIPLE SIGNS TO CONFORM WITH FOOT INDEXES AND STANDARDS.

CONC. BASE NOTES:

1. TYPE I CONCRETE, 3000 P.S.I. (MIN.)

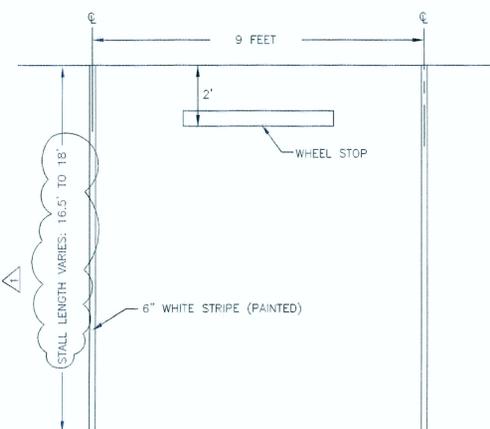
TYPICAL POST DETAIL  
N.T.S.



RAMP DETECTIBLE WARNING  
N.T.S.

NOTES:

1. THE WEARING SURFACE TO BE YELLOW.
2. TRUNCATED DOMES SHALL BE PREMANUFACTURED INSERTS MADE FROM VITRIFIED POLYMER AND ALUMINUM OXIDE COMPOSITE MATERIAL AS MANUFACTURED BY ARMOR-TILE OR APPROVED EQUAL.
3. WEARING SURFACE TO BE 24 INCH WIDE AT CURB RAMPS AND 36 INCHES WIDE WHEN PARALLEL TO ROADWAYS OR OTHER TRAVEL WAYS.

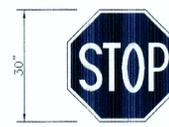


TYPICAL 90° PARKING STALL STRIPE  
N.T.S.



FTP-20-06

TYPICAL ACCESSIBLE SIGN  
N.T.S.



R1-1  
STOP SIGN  
N.T.S.

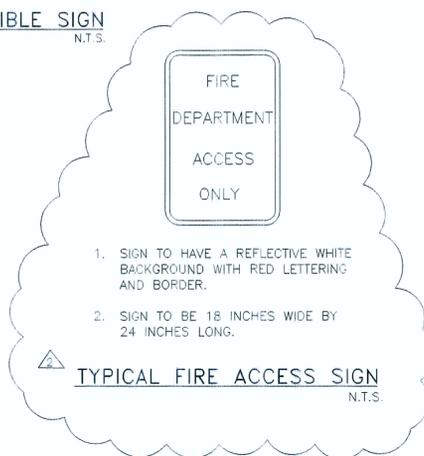
STOP SIGN: R1-1 MUTCD 30"x30" (HIGH INTENSITY) WHITE LETTERS & BORDER ON RED BACKGROUND



R8-3A

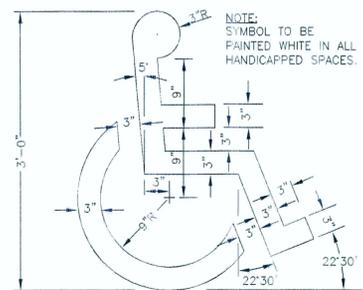
1. SIGN TO HAVE A REFLECTIVE WHITE BACKGROUND WITH RED LETTERING AND BORDER.
2. SIGN TO BE 24 INCHES WIDE BY 30 INCHES LONG.

NO PARKING SIGN  
N.T.S.



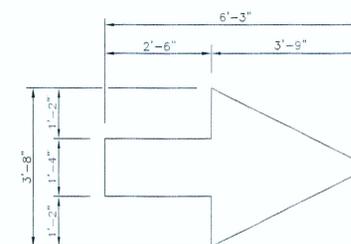
TYPICAL FIRE ACCESS SIGN  
N.T.S.

1. SIGN TO HAVE A REFLECTIVE WHITE BACKGROUND WITH RED LETTERING AND BORDER.
2. SIGN TO BE 18 INCHES WIDE BY 24 INCHES LONG.



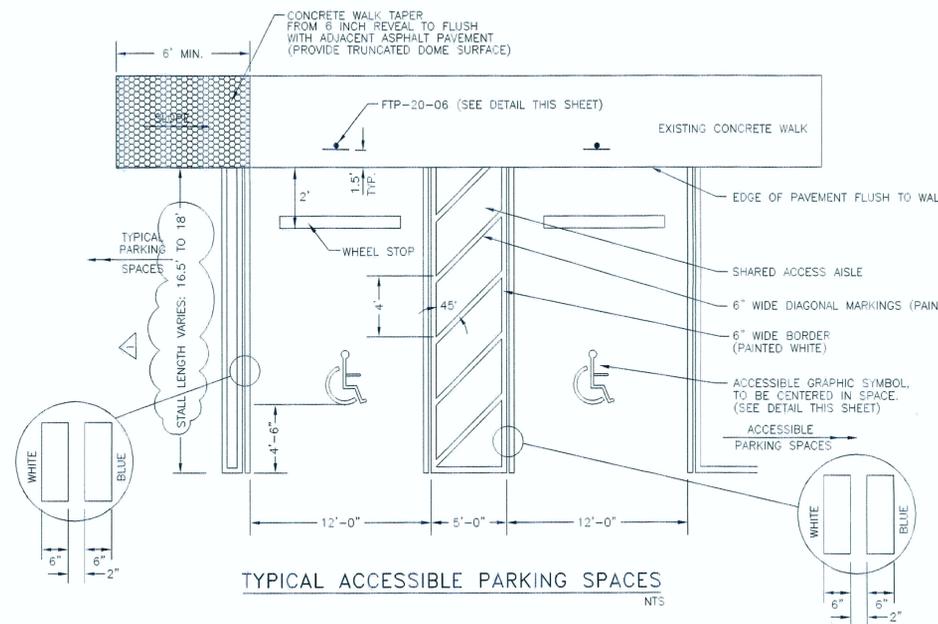
PAINTED ACCESSIBLE SYMBOL  
N.T.S.

NOTE: SYMBOL TO BE PAINTED WHITE IN ALL HANDICAPPED SPACES.

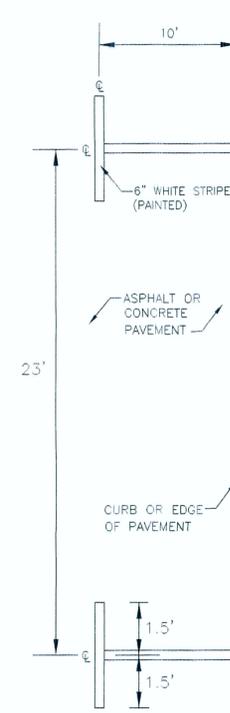


TYPICAL PAVEMENT DIRECTIONAL ARROW  
N.T.S.

NOTES: 1. SYMBOL TO BE THERMOPLASTIC ON ASPHALT AS PER SPECIFICATIONS.  
2. PAVEMENT ARROWS TO COMPLY WITH FOOT STANDARDS PER INDEX 17346.



TYPICAL ACCESSIBLE PARKING SPACES  
N.T.S.



TYPICAL PARALLEL PARKING STALL  
N.T.S.

SIGNING/PAVEMENT MARKING NOTES:

1. ALL STRIPING TO BE THERMOPLASTIC IN ACCORDANCE WITH SECTION 711 OF THE FDOT SPECIFICATIONS.
2. THERMOPLASTIC STRIPING SHALL BE APPLIED IN ACCORDANCE WITH SECTION 711 OF THE FDOT SPECIFICATIONS.
3. ALL TRAFFIC SIGNS SHALL BE CONSTRUCTED OF HIGHLY REFLECTIVE MATERIAL AND BE "STANDARD" SIZE AS ESTABLISHED IN THE MANUAL OF HIGHWAY SIGNS PUBLISHED BY THE U.S. DEPARTMENT OF TRANSPORTATION.
4. PAVEMENT MARKINGS AND GEOMETRICS SHALL BE IN ACCORDANCE WITH THE MUTCD FOR STREETS AND HIGHWAYS AND PBC TYPICALS FOR PAVEMENT MARKINGS, SIGNING & GEOMETRICS NUMBER T-P-13.

DIFONTE CONSULTING, INC.  
2089 APPALOOSA TRAIL  
WELLINGTON, FLORIDA 33414  
TEL. & FAX: (561) 792-7551  
WWW.DIFONTE.COM  
CERTIFICATE OF AUTHORIZATION: 8432

Seal:  
*Eugene A. DiFonte*  
4/1/14  
Eugene A. DiFonte  
FL PE No. 41885

S-EGM PROPERTIES  
700 PARK AVENUE, LAKE PARK, FLORIDA 33403  
WEST PARKING LOT IMPROVEMENTS  
PAVING & GRADING DETAILS AND NOTES

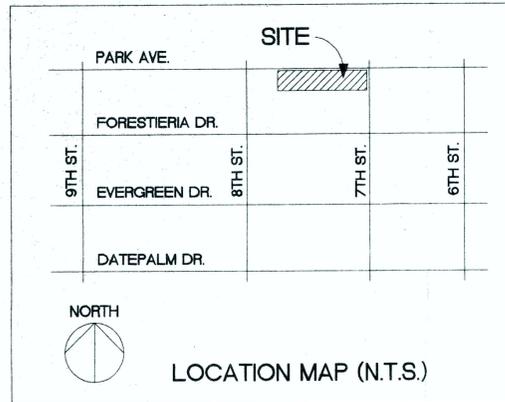
Revisions:  
1. TOLP. ENG. 03/17/14  
2. PBC FIRE DEPT. 03/17/14

Designed By: EDF  
Drafted By: EAD  
Checked By: EDF  
Date: MAR. 17, 2014

Project No:  
DC113008

Sheet No: 4  
Of: 4

APR 9 2014  
Consistency  
Revised/Revised

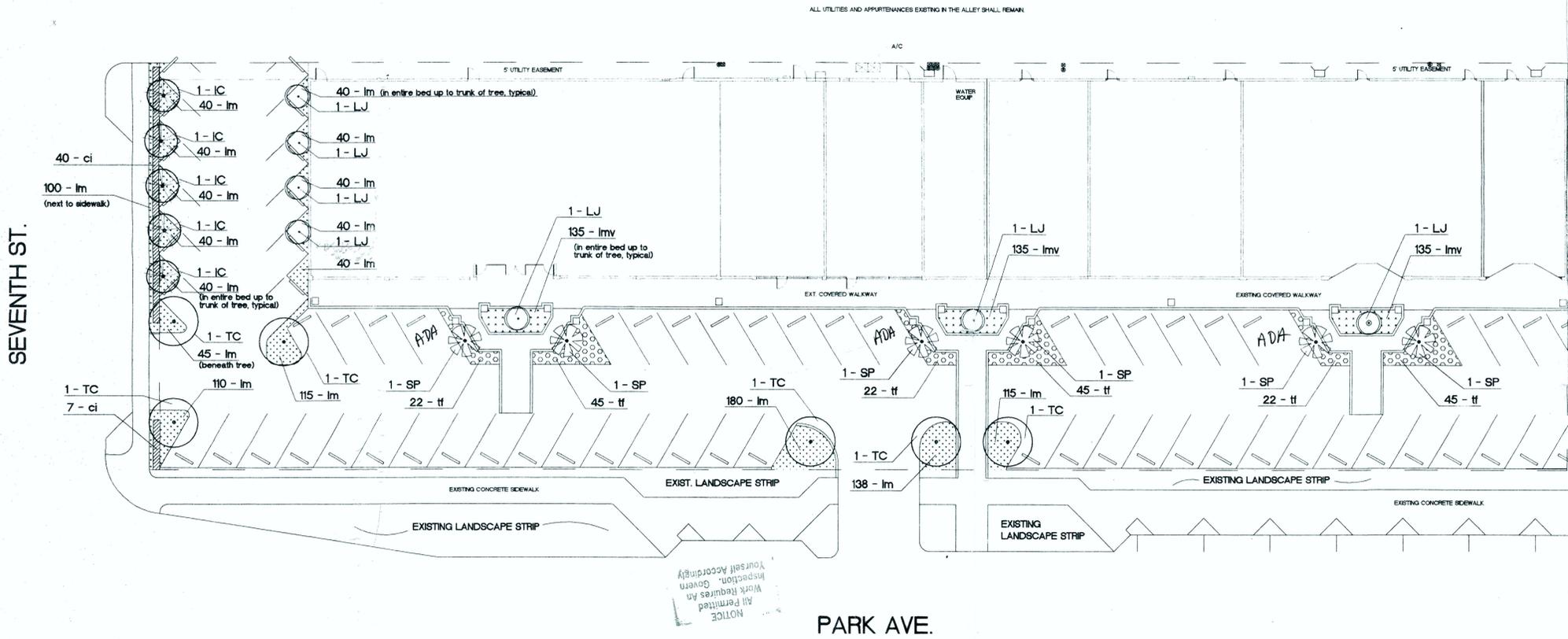


**PROPOSED IRRIGATION NOTE**

1. ALL LANDSCAPE VEGETATION SHALL RECEIVE 100% AUTOMATIC IRRIGATION COVERAGE.
2. AN AUTOMATIC RAIN SENSOR GAUGE WITH SYSTEM SHUT-OFF SWITCH SHALL BE USED.
3. IRRIGATION WATER SHALL NOT BE THROWN UPON NON-PERVIOUS AREAS NOR BUILDINGS NOR WALKS.
4. THE FUTURE IRRIGATION CONTRACTOR SHALL VERIFY THE IRRIGATION LOAD AND REQUIREMENTS.

PROPOSED LANDSCAPING KEY					
SYM.	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
IC	5	ILEX CASSINE	DAHOON HOLLY	9' HT. OA: 45-GAL.	
LJ	3	LIGUSTRUM JAPONICUM	JAPAN PRIVET 'RECURVIFOLIUM'	7' HT. X 7' SPR: 45-GAL.	
SP	6	SABAL PALMETTO	SABAL PALM	16' HT. OA: BOOTED.	
TC	6	TABEBUIA CARAIBA	SILVER TRUMPET	12' HT. X 6' SPR: 3' CAL: B+B.	
ci	47	CHRYSOBALANUS ICACO	RED TIP COCOPLUM	3-GAL: 36" HT: FULL.	24' O.C.
lmv	405	LIRIOPE MUSCARI 'VARIEGATED'	AZTEC GRASS	1-GAL: 12' MIN. HT: FULL.	12' O.C.
lm	1,203	LIRIOPE MUS. 'EVERGREEN GIANT'	EVERGREEN GIANT	1-GAL: 12' MIN. HT: FULL.	12' O.C.
tf	401	TRIPSACUM FLORIDANA	GAMA GRASS	3-GAL: FULL.	24' O.C.

*Note: Contractor shall obtain a list of the plants to be installed in beds and around tree trunks from the landscape architect and submit the same for review and approval.*



TOTAL SITE: 53,125.7 SQ. FT.  
 IMPERVIOUS AREA: 48,097.7 SQ. FT.  
 LANDSCAPE SPACE: 5,028 SQ. FT.

*Total # of parking spaces: 65 (inclusive of 3 ADA spaces)*

**PROPOSED SITE LANDSCAPE PLAN**  
*Most Recently Approved Parking Area:  
 Landscape Plan for 700 Park Avenue*

**NOTES:**  
 SITE PLAN, DIMENSIONS, AND BASE DATA PREPARED AND PROVIDED BY DANIEL L. BOOTH, ARCHITECT  
 NO DATE  
 LEGAL DESCRIPTION  
 Refer to architectural plans for property legal description.  
 DO NOT DIG ANYWHERE ON SITE UNTIL UTILITY LOCATOR REPRESENTATIVES ARE CONTACTED AND ALL UTILITIES ARE MARKED. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE AND LIABLE FOR HAVING ALL UTILITIES MARKED PRIOR TO DIGGING ANYWHERE ON SITE.

NOTICE  
 All Permitted Work Requires An Inspection. Govern Yourself Accordingly

SHEET OF PERMIT SET  
 DO NOT REMOVE

**LAND STEWARDSHIP COMPANY**  
 (LSC-00043)  
 LANDSCAPE ARCHITECTURE URBAN DESIGN  
 200 Desoto Road  
 West Palm Beach Florida 33405  
 (561) 588-8990  
 fax: (561) 582-2925

**700 PARK AVENUE**  
 LAKE PARK, FL.

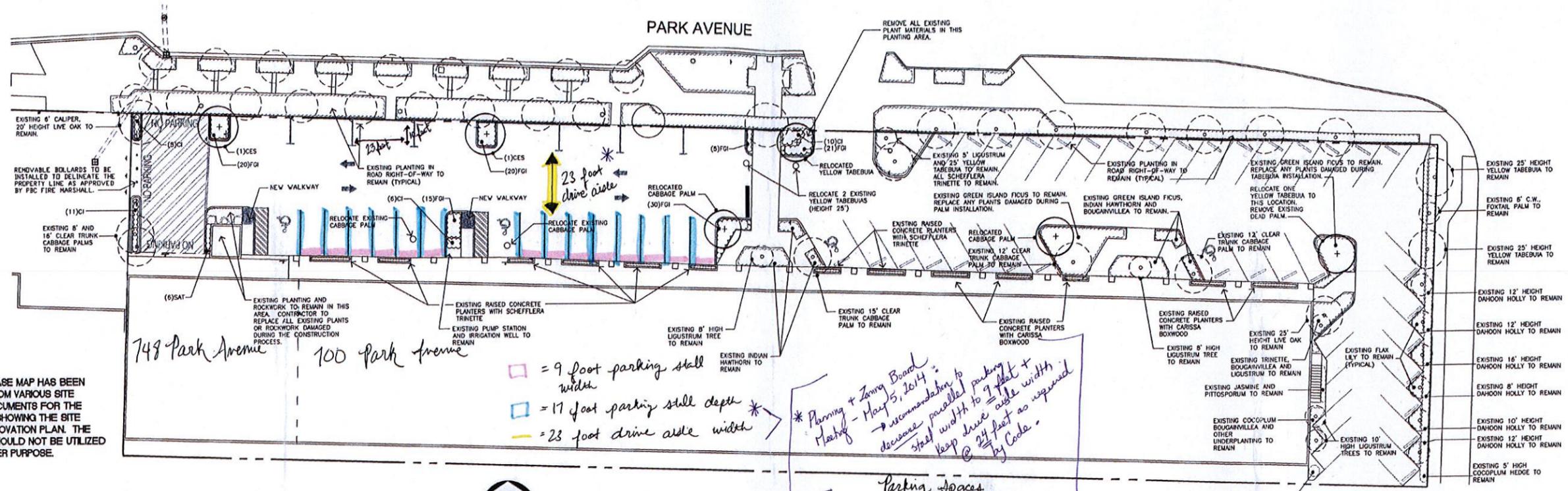
Date: 2/15/99  
 Project No.: 99106  
 Drawn By: JCL  
 Checked By:

Revisions:  
 (Date / Item)  
 11-05-99  
 NEW SITE PLAN  
 NEW LANDSCAPE

**700 PARK AVENUE**  
 LAKE PARK, FLORIDA  
**LANDSCAPE PLAN**

*[Signature]*  
 11/10/99

Drawing No.: **L-1**



NOTE: THIS BASE MAP HAS BEEN PREPARED FROM VARIOUS SITE PLANNING DOCUMENTS FOR THE PURPOSE OF SHOWING THE SITE PLANTING RENOVATION PLAN. THE PLAN BASE SHOULD NOT BE UTILIZED FOR ANY OTHER PURPOSE.

□ = 9 foot parking stall width  
 □ = 17 foot parking stall depth  
 — = 23 foot drive aisle width

\* Planning + Zoning Board Meeting - May 5, 2014  
 → recommendation to decrease stall width to 9 feet + 24 feet as requested by Code.

**Parking Spaces**  
 Originally Approved:  
 700 Park Avenue: 65 spaces  
 748 Park Avenue: 8 spaces  
 Total: 73 spaces  
 Proposed # of spaces: 64 spaces total

**LANDSCAPE DATA**

TOTAL SITE AREA	60,779 SQ. FT.
PREVIOUS IMPERVIOUS AREA	57,521 SQ. FT.
PREVIOUS PLANTING AREA	3,258 SQ. FT.
PROPOSED IMPERVIOUS AREA	57,751 SQ. FT.
PROPOSED GROUND SURFACE PLANTING AREAS	2,873 SQ. FT.
RAISED PLANTERS	155 SQ. FT.
PROPOSED TOTAL PERVIOUS AREA	3,028 SQ. FT.

PRIOR TO BRINGING ANY PLANT MATERIALS TO THE SITE, THE CONTRACTOR SHALL PROVIDE PHOTOGRAPHS OF EACH OF THE TYPES OF PLANT MATERIAL TO BE PROVIDED FOR THE APPROVAL OF THE OWNER AND THE ARCHITECT. EACH PHOTOGRAPH SHALL BE OF A TYPICAL PLANT FROM THE SPECIFIC BLOCK OF PLANTS TO BE PROVIDED BY THE CONTRACTOR. APPROVED PHOTOGRAPHS WILL SERVE AS THE STANDARD FOR ACCEPTANCE OF OTHER PLANTS OF THE SAME SPECIES DELIVERED TO THE SITE.

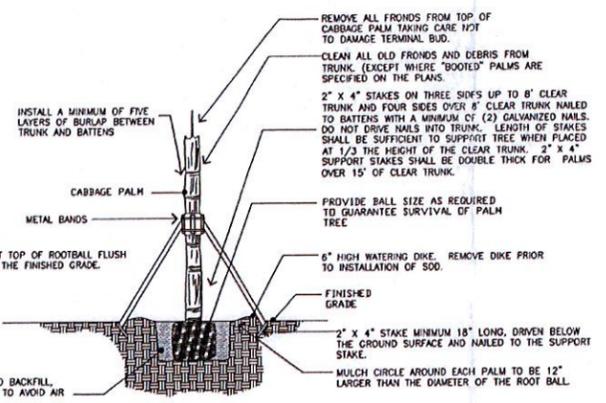
**PROPOSED PLANT LIST (original)**

KEY	QUANTITY	DESCRIPTION	HEIGHT	SPREAD	SPACING	COMMENTS
<b>TREES</b>						
CE	2	CODICARPUS ERECTUS VARIETY 'SERICEUS' (SILVER BUTTWOOD)	12'	5' X 5'	-----	SINGLE TRUNK, 5' C.W., CONTAINER GROWN, 2.5' DBH
<b>SHRUBS</b>						
CI	32	CHRYSALARIUS ICAGO (RED TIPPED COCOPLUM)	24'	18' X 18'	2' DC	3 GAL. MIN. FULL TO GROUND, RED TIPPED VARIETY ONLY
SAT	6	SCHEFFLERA ARBICOLA 'TRINETTE' (TRINETTE SCHEFFLERA)	24'	18' X 18'	2' DC	3 GAL. MIN. FULL TO GROUND
<b>GROUND COVERS</b>						
FGI	111	FICUS MICROCARPA VARIETY 'GREEN ISLAND' (GREEN ISLAND FICUS)	12'	15' X 15'	2' DC	3 GAL. MIN. FULL TO GROUND, DENSE

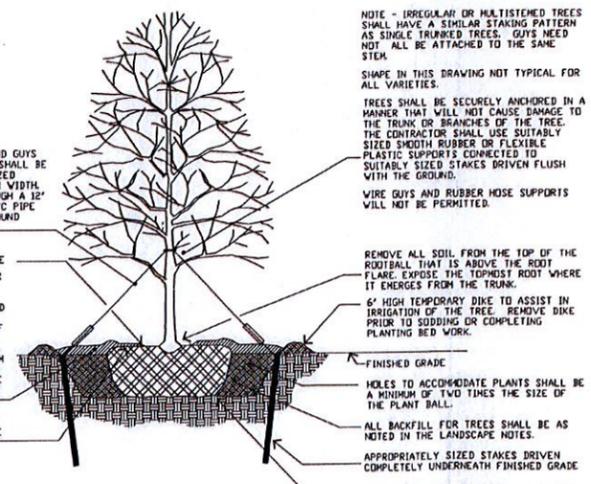
**PARTIAL LIST OF MISCELLANEOUS ITEMS**

- PLANTING SOIL
- FERTILIZER
- FINISHED GRADING
- HERBICIDES
- TREE GUYS
- EXISTING TREE PRUNING
- RELOCATION AND MAINTENANCE OF EXISTING TREES

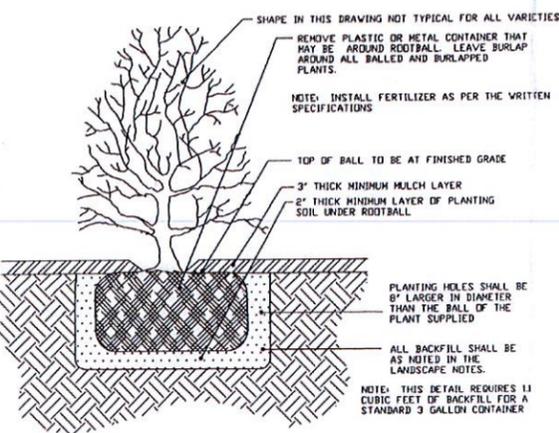
- LANDSCAPE NOTES:**
- ALL PLANT MATERIAL SHALL BE FLORIDA NUMBER ONE OR BETTER UNLESS OTHERWISE SPECIFIED.
  - ALL PLANTING BEDS ARE TO BE COVERED WITH A 3" THICK LAYER OF MELALEUCA MULCH'S PRODUCED BY 'FORESTRY RESOURCES' OR EQUIVALENT.
  - ALL BACKFILL FOR TREES AND SHRUBS SHALL BE ATLAS 5050 MIX OR EQUIVALENT.
  - ALL PLANT MATERIAL SHALL BE INSTALLED WITH AGRIFORM PLANTING TABLETS AS PER THE MANUFACTURER'S RECOMMENDATIONS.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE APPLICATION OF A PRE EMERGENT HERBICIDE WITHIN ALL PLANTING BEDS PRIOR TO BEGINNING THE MULCHING OPERATION.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL WEEDS FROM THE PLANTING BEDS UNTIL THE FINAL ACCEPTANCE OF THE WORK BY THE OWNER.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EXISTING PLANT MATERIALS NECESSARY TO IMPLEMENT THE PROJECT CONSTRUCTION PLANS.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR (TO ORIGINAL OR BETTER CONDITION) OF ANY EXISTING LAWNS OR PLANTING AREAS THAT ARE DISTURBED DURING THE CONSTRUCTION PROCESS THAT ARE NOT OTHERWISE INDICATED ON THE DRAWINGS.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SUCCESSFUL RELOCATION OF THE TWO CABAGE PALMS AND TWO YELLOW TABERBUAS INDICATED ON THE PLANS. THE WORK SHALL INCLUDE ALL NECESSARY ROOT PRUNING, CROWN PRUNING, WATERING, SOILS, FERTILIZERS, IRRIGATION, MAINTENANCE AND OTHER ITEMS NECESSARY FOR THE SUCCESSFUL RELOCATION OF THE TREES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY TREE THAT DOES NOT SURVIVE THE TRANSPLANTING PROCESS WITH TREES THAT ARE EQUAL IN SIZE AND QUALITY AS THE EXISTING TREES. IN NO CASE IS THE CONTRACTOR TO REMOVE THE TREES WITHOUT MAKING THE RELOCATION ATTEMPT.



**2 CABBAGE PALM INSTALLATION DETAIL**  
L-1 NOT TO SCALE



**4 TREE INSTALLATION DETAIL**  
L-1 NOT TO SCALE



**3 SHRUB INSTALLATION DETAIL**  
L-1 NOT TO SCALE

**NEAL, SMITH & ASSOCIATES**  
700 PINE TREE LANE  
WEST PALM BEACH, FLORIDA 33408  
787.586.9633

**LANDSCAPE ARCHITECTURE**  
SITE PLANNING

---

**PLANTING PLAN FOR PARKING LOT IMPROVEMENTS**  
S-EGM PROPERTIES / 700 PARK AVENUE  
LAKE PARK, FLORIDA  
700 PARK AVENUE

---

DRAWN: RCS  
CHECKED: RCS  
DATE: 2-11-14  
SCALE: AS NOTED

---

REVISIONS

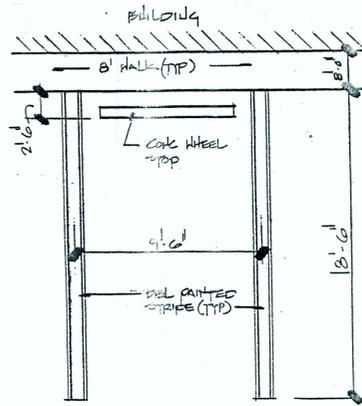
---

Community  
APR 09 2014  
development

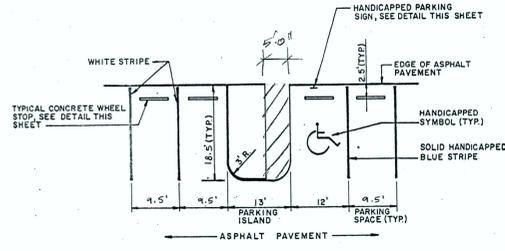
---

L-1  
OF

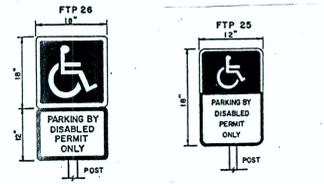
*Signature*  
4.7.14



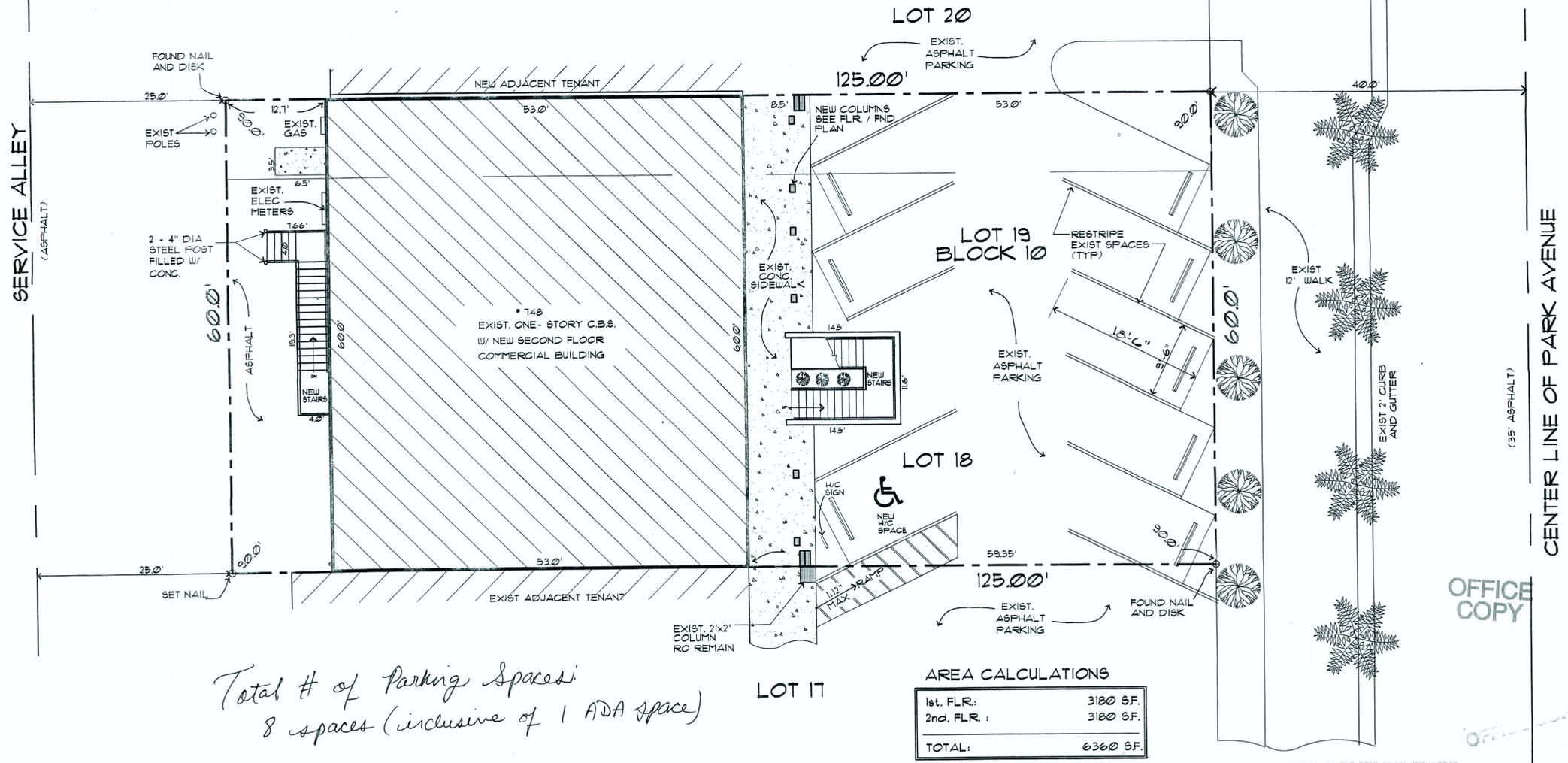
TYPICAL PARKING SPACE  
N.T.S.



TYPICAL HANDICAPPED-PARKING SPACE PLAN  
N.T.S.



HANDICAPPED PARKING SIGN DETAIL  
N.T.S.



Total # of Parking Spaces:  
8 spaces (inclusive of 1 ADA space)

AREA CALCULATIONS

1st. FLR.:	3180 SF.
2nd. FLR.:	3180 SF.
TOTAL:	6360 SF.

REVIEWED, TO THE BEST OF MY KNOWLEDGE AND BELIEF, FOR STANDARD BUILDING CODES COMPLIANCE. ISSUANCE OF THIS PERMIT SHALL NOT CONSTITUTE PERMISSION TO VIOLATE BUILDING, ZONING OR LICENSING REQUIREMENTS.  
DATE: 4-22-07  
SCALE: 1/8" = 1'-0"



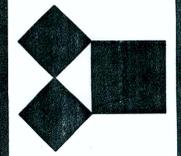
**SITE PLAN** - Most Recently Approved Parking Area Plan for 748 Park Avenue

Date: 29 OCTOBER 2002  
Checked by:  
Drawn by: CAB  
Revisions: 01 DECEMBER 2002

ALL DEAD DESIGN ARRANGEMENTS AND PLANS INDICATED OR REFERENCED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF THIS OFFICE AND ARE LOANED TO YOU FOR YOUR USE AND DEVELOPMENT FOR USE ON AND IN CONNECTION WITH THE SPECIFIC PROJECT NOTED ON EACH SHEET. DESIGN ARRANGEMENTS OR PLANS SHALL BE USED BY OR CONTROLLED BY THE PROJECT PART OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF ARCHITECT OF RECORD.

SITE PLAN FOR:  
**MINI MAC BUILDING**  
748 PARK AVENUE  
LAKE PARK, FLORIDA

Stephen A. Yeckes Architect,  
772 U.S. Highway One, North Palm Beach, Florida 33408  
561 626 0402



Project Number: 0287  
**SP-1**  
SITE PLAN

748 PARK AVENUE

OFFICE COPY

OFFICE COPY

4/25/07

# **NEW BUSINESS**

# TAB 10



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2014

Agenda Item No. *Tab 10*

**Agenda Title: REQUEST BY BARKLEY'S CANINE CLUB TO ELIMINATE CONDITION #6 OF RESOLUTION 21-08-13 REQUIRING A NOISE STUDY FOR THE PREVIOUSLY APPROVED ANIMAL SERVICE ESTABLISHMENT, SPECIAL EXCEPTION USE, LOCATED AT 524 NORTHLAKE BOULEVARD.**

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING
  - NEW BUSINESS
  - OTHER: MODIFICATION TO RESOLUTION 21-08-13
- CONSENT AGENDA
  - OLD BUSINESS
  - ORDINANCE ON \_\_ READING

Approved by Town Manager *DS* Date: *5/18/14*

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

<b>Originating Department:</b>  Community Development	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> → Resolution 13-04-14 → Resolution 21-08-13
<b>Advertised:</b> Date: Paper: <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u><i>ND</i></u> or Not applicable in this case _____  <b>Please initial one.</b>

**Summary Explanation/Background:**

At the August 21, 2013 Town Commission meeting, the Town Commission approved by Resolution 21-08-13 a special exception use for an Animal Service Establishment located at 524 Northlake Boulevard. One of the conditions of approval set forth in the Resolution was Condition #6 which reads as follows:

*"Within six months of the effective date of the Resolution approving the Animal Service Establishment, the Applicant shall submit to the Community Development Department a letter from a sound professional indicating the results of a four-week noise study as it relates to the Applicant's business. The study shall compare the noise levels from the business with the decibel levels established in the Town Code. In the event the study reveals that the uses are creating noise which exceeds the decibel levels established in the Code, the Applicant shall employ methods such as the use of sound barrier material such as "bark-block" and/or other*

*approved insulation to mitigate the noise such that the establishment is operating within the decibel levels permitted by Code."*

Over the past two months, staff discussed this condition with the owner of the property, Mr. Truc Phan Nguyen and the business operator, Ms. Cindy Hackle. The compliance date for Condition #6 was set for February 21, 2014 and on March 19, 2014 the property was cited for not complying with the above condition. The property is currently scheduled for the June 5, 2014 Special Magistrate Hearing.

Ms. Hackle informed staff that while she understands the reason behind Condition #6, the establishment simply cannot afford a noise study at this time as it will cost in the thousands of dollars. Town Staff has not received any complaints on Barkley's Canine Club and has actually received many compliments relating to the exceptional services offered to pet owners. This being said, even though the use has carried forward without any documented issues, only the Town Commission can eliminate Condition #6. Should the Town Commission choose to eliminate Condition #6, the Town Code will still allow for the proper enforcement of the Town's noise Code.

Resolution 21-08-13 included additional conditions and the status of those conditions are as follows:

- Condition #1: The Animal Service Establishment shall be limited to the boarding of dogs. → **SATISFIED**
- Condition #2: No animal having a disease harmful to humans shall be boarded or maintained in the facility. → **ACKNOWLEDGED BY APPLICANT; NO COMPLAINTS RECEIVED**
- Condition #3: The outdoor area shall be limited to 1,150 square feet and no part of the outdoor area be may located within 55 feet of any adjacent residential property line. → **SATISFIED**
- Condition #4: If the outdoor area is constructed using a chainlink fence, the fabric shall include a green mesh to screen the area from public view. → **SATISFIED with a very dark green mesh**
- Condition #5: The outdoor area in or adjacent to a residential use shall not be used between the hours of 1:00 pm and 7:00 am for outdoor activity/ recreation purposes, with the exception of dog toilet necessities. → **ACKNOWLEDGED BY APPLICANT; NO COMPLAINTS RECEIVED**

Condition #6 (see above request)

Condition #7: The Animal Service Establishment shall have flushing drains which shall be connected to an approved sanitary facility and other physical elements to properly dispose of the waste products generated by the business.  
→ **SEACOASY UTILITY AUTHORITY REVIEWED THE PLUMBING PLANS AND SATISFIED THE PROPERTY WITHOUT ANY ADDITIONAL INSPECTIONS REQUIRED.**

Condition #8: The facility shall be operated with air conditioning and heat so that the windows and doors can remain closed at all times, except when employees, patrons, and guests are entering and leaving the facility.  
→ **ACKNOWLEDGED BY APPLICANT**

Staff recommends that Condition #6 be eliminated as a condition of Resolution 21-08-13 with the understanding that staff will continue to monitor Barkley's Canine Club's operation and enforce the noise regulations as established in the Town Code.

**Recommended Motion:** I move to APPROVE Resolution \_\_\_-14.

**RESOLUTION NO. 13-05-14**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 21-08-13 TO ELIMINATE CONDITION #6 THEREOF FOR THE ANIMAL SERVICE ESTABLISHMENT SPECIAL EXCEPTION USE LOCATED AT 524 NORTHLAKE BOULEVARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the property having the address of 524 Northlake Boulevard, Lake Park, Florida (the Subject Property) and owned by Tra and Truc Phan Nguyen (Owners) was approved for the Special Exception Use of “Animal Service Establishment” pursuant to Resolution 21-08-13 on August 21, 2013; and

**WHEREAS**, the Subject Property is operated as Barkley’s Canine Club; and

**WHEREAS**, the Subject Property is located within the Town’s C-1 Business District, and

**WHEREAS**, the Town Commission included as Condition #6 of Resolution 21-08-13 the requirement that the operator of Barkley’s Canine Club submit a noise study so as to ensure that the business would not exceed noise levels within this Zoning District as established in the Town Code; and

**WHEREAS**, the operator of Barkley’s Canine Club has not provided the Community Development Department with a noise study as required by Condition # 6 to the Resolution, however, so far there have not been any documented complaints regarding noise at the Canine Club;

**WHEREAS**, the Town’s Community Development Department has recommended to the Town Commission that Condition #6 be eliminated with the understanding that the Community Development Department staff will monitor the Canine Club’s operation and enforce the noise regulations as established in the Town Code.

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

**Section 1:** The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

**Section 2:** The Town Commission hereby amends Resolution 21-08-13 to eliminate Condition #6 thereof.

**Section 3:** The Owner and Operator of Barkley’s Canine Club and their successors and assigns shall remain subject to all other conditions previously adopted pursuant to Resolution 21-08-13.

**Section 4:** This Resolution shall become effective upon adoption, and together with Resolution 21-08-13 shall constitute the Development Order governing the Subject Property.

**RESOLUTION NO. 21-08-2013**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR AN ANIMAL SERVICE ESTABLISHMENT INCLUSIVE OF AN OUTDOOR AREA FOR DAYTIME USE TO BE LOCATED AT 524 NORTHLAKE BOULEVARD; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE USE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Barkley's Canine Club, ("Applicant") is proposing to operate an Animal Service Establishment at 524 Northlake Boulevard (the "Subject Property") in the Town of Lake Park, Florida (Town); and

**WHEREAS,** the Subject Property is owned by Tra and Truc Phan Nguyen ("Owners");  
and

**WHEREAS,** the Subject Property is located within the Town's C-1 Business District,  
and

**WHEREAS,** the Applicant has submitted an application seeking authorization to operate the Special Exception use of Animal Service Establishment ( the "Application") including the components of a boarding-kennel and an outdoor area for daytime use only at 524 Northlake Boulevard; and

**WHEREAS,** the Town's Planning and Zoning Board has reviewed the Application and has recommended to the Town Commission that it approve the Application; and

**WHEREAS,** the Town Commission has conducted a quasi-judicial public hearing to consider the Application; and

**WHEREAS,** at this hearing, the Town Commission considered the evidence presented by the Town staff, the Applicant, and other interested parties and members of the public, regarding the Application's consistency with the Town's Comprehensive Plan, the special exception criteria set forth in Section 78-184, and other provisions of the Town's Land Development Regulations which are applicable; and

**WHEREAS,** at this hearing the Town Commission determined that certain conditions are necessary in order for the Application to be consistent with the Town's Comprehensive Plan, and to meet the special exception criteria of Section 78-184 and the Town's Land Development Regulations.

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

**Section 1:** The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

**Section 2.** The Town Commission hereby approves the request for an Animal Service Establishment Special Exception use, which includes the components of a boarding kennel and an outdoor area for daytime use subject to the following conditions:

1. The Animal Service Establishment shall be limited to the boarding of dogs. Farm animals such as pigs and chickens or exotic animals such as snakes are expressly prohibited.
2. No animal having a disease harmful to humans shall be boarded or maintained in the facility
3. The outdoor area shall be limited to 1,150 square feet and no part of the outdoor area may be located within 55 feet of any adjacent residential property line.
4. If the outdoor area is constructed using a chainlink fence, the fabric shall include a green mesh to screen the area from public view.
5. The outdoor area in or adjacent to a residential use shall not be used between the hours of 10:00 p.m. and 7:00 a.m for outdoor activity/recreation purposes, with the exception of dog toilet necessities.
6. Within six months of the effective date of the Resolution approving the Animal Service Establishment, the Applicant shall submit to the Community Development Department a letter from a sound professional indicating the results of a four-week noise study as it relates to the Applicant's business. The study shall compare the noise levels from the business with the decibel levels established in the Town code. In the event the study reveals that the uses are creating noise which exceeds the decibel levels established in the Code, the Applicant shall employ methods such as the use of sound barrier material such as "bark-block" and/or other approved insulation to mitigate the noise such that the establishment is operating within the decibel levels permitted by Code.

7. The Animal Service Establishment shall have flushing drains which shall be connected to an approved sanitary facility and other physical elements to properly dispose of the waste products generated by the business.
8. The facility shall be operated with air conditioning and heat so that the windows and doors can remain closed at all times, except when employees, patrons, and guests are entering and leaving the facility.

**Section 3:** The Owners, Applicant and their successors and assigns shall be subject to the conditions of approval included in Section 2.

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

The foregoing Resolution was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and upon being put to a roll call vote, the vote was as follows:

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

The Town Commission thereupon declared the foregoing Resolution NO. 21-08-13 duly passed and adopted this 21 day of August, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: James Dubois  
JAMES DUBOIS  
MAYOR

ATTEST:

Vivian Mendez  
VIVIAN MENDEZ  
TOWN CLERK



Approved as to form and legal sufficiency:

BY: Thomas J. Baird  
THOMAS J. BAIRD  
TOWN ATTORNEY

# TAB 11



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2014

Agenda Item No. *Tab 11*

Agenda Title: Commission Discussion on Possible Revisions to Chapter 10- Environment, Article IV Noise Control of the Code of Ordinances

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *DSS* Date: *5/8/14*

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

<b>Originating Department:</b>  <b>Commissioner Michael O'Rourke</b>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b>  <b>Chapter 10- Environment, Article IV- Noise Control</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <i>DSS</i> <b>Please initial one.</b>

Summary Explanation/Background:

At the May 7, 2014 Town Commission meeting, Commissioner O'Rourke asked that the Town's Noise Control Ordinance be placed on the agenda for purposes of discussing various options for modifying this section of the Code. A copy of Chapter 10- Environment- Article IV- Noise Control is attached in order to hold this discussion.

Recommended Motion:

No motion is necessary at this time as this is a discussion item only.

Lake Park, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> **Chapter 10 - ENVIRONMENT** >> **ARTICLE IV. NOISE CONTROL** >>

---

#### ARTICLE IV. NOISE CONTROL <sup>151</sup>

Sec. 10-151. Policy.

Sec. 10-152. Acoustical terminology.

Sec. 10-153. Definitions.

Sec. 10-154. Noise disturbance prohibited.

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

Sec. 10-156. Noise sensitive zones.

Sec. 10-157. Specific prohibitions.

Sec. 10-158. Exemptions from permissible sound levels.

Sec. 10-159. Noise measurement procedure.

Sec. 10-160. Procedure for motor vehicle noise.

Sec. 10-161. Exemptions.

#### **Sec. 10-151. Policy.**

In furtherance of the mandate of the people, as expressed in Article II, Section 7 of the Constitution of the State of Florida (Fla. Const. art. II, § 7), it shall be the policy of the town to conserve and protect its natural resources and scenic beauty and adequate provision shall be made by ordinance for the abatement of loud, excessive and unnecessary noise.

*(Ord. No. 18-1990, § 1, 10-3-1990; Code 1978, § 15-1)*

#### **Sec. 10-152. Acoustical terminology.**

All acoustical terminology and all definitions thereof shall be that contained in ASA S1.1-1960, as amended, American Standard Acoustical Terminology of the American National Standards Institute (ANSI). Any tests for sound measurements shall be conducted pursuant to procedures and standards prescribed by ANSI or other nationally recognized standards.

*(Ord. No. 18-1990, § 1, 10-3-1990; Code 1978, § 15-2)*

#### **Sec. 10-153. Definitions.**

For the purpose of this article, whenever any of the following words, terms or definitions are used herein they shall have the meanings respectively ascribed to them in this section except where the context requires otherwise:

*Authorized emergency vehicle* means vehicles of the county fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, and the department of transportation as are designated or authorized by the department or the chief of police of an incorporated city or any sheriff of any of the various counties.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

*Decibel* means a unit for measuring the intensity of a sound, the mathematical formula for which is expressed as the volume of a sound which is equal to ten times the logarithm of the ratio of the intensity of the sound to the intensity of a specified standard sound, abbreviated "dBA."

*Emergency work* means work made necessary to restore property to a safe condition following a natural disaster or public calamity; or work required to protect persons or property from imminent danger caused by hurricanes, tornados, floods or other natural disasters or public calamity; or work by private or public utilities when installing or restoring utility service.

*Fixed source* means a machine or device capable of creating a noise level at the property line upon which it is located, including but not limited to industrial and commercial process machinery and equipment, pumps, fans, air conditioning apparatus, refrigeration machines or pool heaters.

*Fluctuating noise* means a noise in which the loudness varies with time. This is expressed technically as a noise whose sound pressure level varies significantly and exceeds the ambient noise level.

*Holidays* means New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas.

*Impulsive noise* means a very short duration noise. An impulsive noise is a noise characterized by brief exertions of sound pressure which significantly exceed the ambient sound pressure.

*Motorcycle* means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

*Motor-driven cycle* means any motorcycle, and any motor scooter with a motor which produces not to exceed five-brake horsepower, including every bicycle with a motor attached.

*Motor vehicle* means any vehicle which is self-propelled.

*Noise disturbance* means any sound which:

- (1) Endangers or injures the safety or health of humans or personal or real property;
- (2) Exceeds any dBA limit established pursuant to this article;
- (3) Is loud and raucous;
- (4) Tends to annoy a substantial number of persons in the community; or
- (5) Is plainly audible and causes or tends to cause an adverse psychological or physiological effect on human beings.

*Noise sensitive zone* means any area within the town, designated by the town as such, for the purpose of ensuring quiet.

*Period of observation* means the time interval during which acoustical data and facts are obtained. All periods of observation made hereunder shall be determined with regard to the character of the noise being measured, and the particular instrument used to make the measurement, and shall be made in accordance with the standards contained in ANSI S1.13-1971 as amended on the American National Standards Institute or its updated version.

*Sound* means a temporal and spatial oscillation in pressure, or other physical quantity in a medium with internal forces causing compression and rarefaction of that medium, and propagating at finite speed to distant points.

*Sound pressure level* means the sound pressure level, in decibels, of a sound 20 times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure. The reference is 0.0002  $\mu$ bar. The sound pressure level may be evaluated using FLAT, A, B or C scales as defined by the American National Standards Institute and shall be labeled dB, dBA, dBB or dBC, respectively. The A-weighted sound pressure level measured with fast response on an instrument meeting American National Standards Institute specifications or its successor bodies, except that only the A-weighting and fast dynamic response need be provided, shall be called the "sound level."

*Steady noise* means a nonfluctuating noise or a noise the level of which remains essentially constant during the period of observation.

*Zoning district* means any of the several designated categories in the zoning code of the town (chapter [78](#)).

(Ord. No. 18-1990, § 1, 10-3-1990; Code 1978, § 15-3)

Cross reference— Definitions generally, § 1-2.

#### Sec. 10-154. Noise disturbance prohibited.

No person shall make, continue or cause to be made or continued any noise disturbance as defined herein.

(Code 1978, § 15-4; Ord. No. 18-1990, § 1, 10-3-1990)

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

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

TABLE 1

*Sound Levels by Receiving Land Use*

Receiving Land Use	Time	Sound Level Limit dBA
Conservation	6:00 a.m.—7:00 p.m.	55
	7:00 p.m.—6:00 a.m.	50
Residential	7:00 a.m.—10:00 p.m.	55
	10:00 p.m.—7:00 a.m.	50
Commercial/Residential and Downtown	7:00 a.m.—10:00 p.m.	55
	10:00 p.m.—7:00 a.m.	50
Commercial	At all times	60
Commercial/Light Industrial	At all times	65

Public Buildings/Grounds and Other Public Facilities	7:00 a.m.–10:00 p.m.	60
Recreation and Open Space	10:00 p.m.–7:00 a.m.	55

(Code 1978, § 15-5; Ord. No. 18-1990, § 1, 10-3-1990; Ord. No. 07-2012, § 2, 5-2-2012)

### Sec. 10-156. Noise sensitive zones.

It shall be unlawful to create any noise disturbance on any street or any adjacent area within 500 feet of any hospital or within 500 feet of any school, institution of learning, public park, church or courtroom in the town during the period of use thereof, where such noise causes interference with the workings of such facility or disturbs or annoys the persons using such facility. There shall be no conviction for violation of this provision, however, unless signs bearing an appropriate warning legend are posted and displayed in a conspicuous manner on the streets approaching facilities.

(Ord. No. 18-1990, § 1, 10-3-1990; Code 1978, § 15-6)

### Sec. 10-157. Specific prohibitions.

The following specific acts, and the causing thereof, are declared to be in violation of this article notwithstanding the noise levels set forth in [section 10-155](#):

- (1) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, compact disc or similar device which produces, reproduces or amplifies sound:
  - a. Between the hours of 7:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone (except for activities open to the public and for which a permit has been issued by the town);
  - b. In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on public right-of-way or public space, or in a boat on public waters;
  - c. In such a manner as to create a noise disturbance to any person other than the operator of a device, when operated by any passenger on a common carrier; or
  - d. In such a manner or at such a level that would disturb or annoy a substantial number of persons in the community within any residentially zoned area of the town at any time.
- (2) *Loudspeaker/public address systems.*
  - a. Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 8:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone; or
  - b. Using or operating for any commercial purpose any loudspeaker, public address system or similar device for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (3)

- Street sales.* Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the town, except by permit issued by the town.
- (4) *Animals and birds.* Owning, possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary or within a noise sensitive zone.
  - (5) *Loading and unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 7:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone. Any properties lying west of Old Dixie Highway in the commercial districts shall be exempt from the hours of the provision above.
  - (6) *Vehicle or motorboat repairs and testing.* Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.
  - (7) *Explosives, firearms and similar devices.* The use or firing of explosives, firearms or similar devices which create impulsive noise so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way without first obtaining a permit issued by the town.
  - (8) *Powered model vehicles.* Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary in a public space or within a noise sensitive zone between the hours of 7:00 p.m. and 7:00 a.m. the following day. Maximum sound levels in a public space during the permitted period of operation shall conform to those set for residential land use in [section 10-155](#) and shall be measured at a distance of four feet from any point on the path of the vehicle. Maximum sound levels for residential property and noise sensitive zones, during the permitted period of operation, shall be governed by sections [10-155](#) and [10-156](#), respectively.
  - (9) *Domestic power tools.* Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 7:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
  - (10) *Engines, generators, pumps, motors and other machinery.* Operating or permitting the operation of any engines, generators, pumps, motors or other machinery, including air conditioning and air-handling equipment, so as to cause a noise disturbance at any time.
  - (11) *Vehicle defect or condition of load.* It shall be unlawful for any person to operate a motor vehicle or motor-propelled boat so out of repair or defective, or under any condition of load, acceleration or deceleration so as to create a noise disturbance, including but not limited to grating, grinding, rattling or explosive noise.
  - (12) *Noise from buildings or premises.* No person who owns, leases or controls any building or premises shall use the same for any business, employment, residential use, or for any purpose of pleasure or recreation, where such use shall cause a noise disturbance across a real property boundary or within a noise sensitive zone.
  - (13) *Construction.* It shall be unlawful for any person to do, perform or engage in any construction work, building, excavating, hoisting, grading, pile driving, pneumatic

hammering, demolition, dredging, building alteration or repair work of any nature to any building or structure or upon any site for the same in the town without a permit issued by the town:

- a. Between the hours of 7:00 p.m. and 7:00 a.m. the following day, and at all times on Sundays and holidays, such that the sound therefrom creates a noise disturbance or exceeds 50 dBA at a real property boundary;
- b. At any other time such that the sound level at a real property boundary creates a noise disturbance or exceeds 80 dBA for the daily period of operation.

This section shall not apply to the use of domestic power tools as described in subsection (9) of this section.

- (14) *Lawn maintenance devices.* It shall be unlawful to operate lawnmowers, edgers, trimmers and power-driven hedge shears in the town between the hours of 9:00 p.m. and 7:00 a.m. the following day.
- (15) *Idling vehicles.* It shall be unlawful for any person to operate any motor of a motor vehicle of a weight in excess of 8,000 pounds for a consecutive period of time longer than two minutes while such vehicle is standing on private property and located within a 150 feet of property zoned and used for residential purposes, except where such vehicles are standing within a completely enclosed structure. Emergency vehicles and public transportation vehicles shall be exempt from this provision of this article. Delivery vehicles shall be exempt when such a motor is an integral component of the delivery process in question.
- (16) *Mufflers.* No person shall modify or change the exhaust muffler, intake muffler or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured.
- (17) *Boats.* No person shall operate any engine-powered pleasure vessel, engine-powered craft or motorboat on any body of water, lake, canal or waterway being within the town which creates a noise disturbance or emits frequent or long-continued noise that exceeds 90 dBA from a distance of 50 feet.
- (18) *Motorcycles, trailbikes, minibikes, scooters.* It shall be unlawful and declared a public nuisance to use or operate any motorcycle, trailbike, minibike, scooter or vehicle, as defined in F.S. § 316.003, which creates a noise disturbance or emits frequent or long-continued noise that exceeds 75 dBA from a distance of 50 feet. Exemption: This section shall not apply to those vehicles regulated by state statute.
- (19) *Motor vehicle horns and signaling devices.* Sounding any horn or other signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger.
- (20) *Refuse collection vehicle.* No person shall collect refuse with a refuse collection vehicle between the hours of 7:00 p.m. and 6:00 a.m. of the following day in a residential area or noise sensitive zone; nor shall such vehicle be operated in any other area which violates the provisions of section 10-155 between the hours of 7:00 p.m. and 6:00 a.m. the following day.
- (21) *Motor vehicles operating on a public right-of-way.* Motor vehicles on a public right-of-way are regulated as set forth in the Florida Motor Vehicle Noise Prevention and Control Act of 1974, as set forth in F.S. §§ 316.272, 316.293 and 403.415.
- (22) *Air conditioning or air-handling equipment.* Operating or permitting the operation of any air conditioning or air-handling equipment in a residential area which creates a noise disturbance, but excluding cooling towers.

(Ord. No. 18-1990, § 1, 10-3-1990; Ord. No. 12-2002, § 1, 4-17-2002; Code 1978, § 15-7)

### Sec. 10-158. Exemptions from permissible sound levels.

The provisions of [section 10-155](#) shall not apply at any time to:

- (1) Routine maintenance of public service utilities.
- (2) Noise generated for the purpose of alerting persons to the existence of an emergency or noise generated in the performance of emergency work.

(Ord. No. 18-1990, § 1, 10-3-1990; Code 1978, § 15-8)

### Sec. 10-159. Noise measurement procedure.

For the purpose of determining and classifying any noise as a noise disturbance which is hereby declared to be unlawful and prohibited by this article, the requirements and provisions in [section 10-155](#) may be applied; provided, however, a violation of this article may occur without the occasion of the measurements being made as therein provided.

(Ord. No. 18-1990, § 1, 10-3-1990; Code 1978, § 15-9)

### Sec. 10-160. Procedure for motor vehicle noise.

The procedure for enforcing operating motor vehicle noise standards shall be as established in F.S. § 316.293, and applicable rules and regulations of the state department of environmental protection with the cooperation of the state department of highway safety and motor vehicles.

(Ord. No. 18-1990, § 1, 10-3-1990; Code 1978, § 15-11)

*Cross reference— Traffic and motor vehicles, ch. 30.*

### Sec. 10-161. Exemptions.

The following are exempt from the provisions of this article except the operation of motor vehicles under F.S. § 316.293, which specifically exempts certain vehicles:

- (1) All public parks, schools, playgrounds, and recreation areas specifically designated for such activity in performance of that activity.
- (2) Any public performance being conducted in accordance with the provisions of a special permit issued by the town.
- (3) All equipment tests required by law.
- (4) All procedures or processes required by law.

(Ord. No. 18-1990, § 1, 10-3-1990; Code 1978, § 15-13)

---

#### FOOTNOTE(S):

--- (5) ---

*State Law reference— Motor vehicle noise, F.S. §§ 316.293, 403.415. [\(Back\)](#)*