



REVISED AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, July 15, 2009, 7:30 p.m.
Lake Park Town Hall
535 Park Avenue

Desca DuBois	—	Mayor
Jeff Carey	—	Vice-Mayor
Edward Daly	—	Commissioner
Patricia Osterman	—	Commissioner
Kendall Rumsey	—	Commissioner
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Maria V. Davis	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian M. Lemley, CMC	—	Town Clerk

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

- A. **CALL TO ORDER**
- B. **INVOCATION**
- C. **PLEDGE OF ALLEGIANCE**
- D. **ROLL CALL**
- E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**
- F. **PROCLAMATION:**
 - **James Aaron**
 - **Sue Ellen Mosler**

G. PRESENTATION

- Legislative Report Presented by Fausto Gomez

H. PUBLIC and OTHER COMMENT

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

- I. 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.**

For Approval:

- | | |
|--|-------|
| 1. Regular Commission Meeting Minutes of June 17, 2009 | Tab 1 |
| 2. Resolution No. 27-07-09 Amendment of the Job Description for the Position of Planner I | Tab 2 |
| 3. Resolution No. 28-07-09 Boating Infrastructure Grant Program (BIGP) Florida Fish and Wildlife Conservation Commission | Tab 3 |
| 4. Hurricane Preparedness for Debris Removal | Tab 4 |
| 5. Hurricane Preparedness for Tree Trimming | Tab 5 |

J. PUBLIC HEARING(S)

ORDINANCE ON FIRST READING:

6. ORDINANCE NO. 08-2009 – Text Change to the Alcoholic Beverages Section to Exempt Businesses on Park Avenue Tab 6

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED “ALCOHOLIC BEVERAGES”; PROVIDING FOR THE AMENDMENT OF SECTION 6-6 ENTITLED “SALE OF ALCOHOL NEAR CERTAIN USES PROHIBITED”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

7. ORDINANCE NO. 09-2009 - Adopt Code Language that Requires the Town to Expedite Certain Applications for Development Tab 7

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA , AMENDING CHAPTER 67 OF THE TOWN CODE ENTITLED “LAND DEVELOPMENT CODE” CREATING ARTICLE VII TO BE ENTITLED “EXPEDITED PERMITTING”; PROVIDING FOR THE CREATION OF NEW SECTIONS 67-201 ENTITLED “PURPOSE”; 67-202 ENTITLED “APPLICABILITY”; AND SECTION 67-203 ENTITLED “TOWN’S

RESPONSIBILITIES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

K. DISCUSSION AND POSSIBLE ACTION:

- | | |
|---|---------------|
| 8. Use of Town Property for a Community Yard Sale | Tab 8 |
| 9. Abutting Private Property Encroachment onto Town Owned Alleyways | Tab 9 |
| 10. Placement and Cost of Parking Meters | Tab 10 |
| 11. Discussion on Continuing Landscape Maintenance Agreement with Chris Wayne and Associates for the Lake Park Harbor Marina | Tab 11 |

L. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

M. ADJOURNMENT:

Proclamation

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: July 15, 2009

Agenda Item No.

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input checked="" type="checkbox"/> Other: Proclamation | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Proclamation in Honor of James O. Aaron

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager *W. Davis* Date: 7/8/09

Name/Title

Date of Actual Submittal

Originating Department: Town Manager	Costs: \$ -0- Funding Source: Acct. #	Attachments: Copy of Proclamation
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: 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>BMT</u> OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

**PROCLAMATION
IN HONOR OF
JAMES O. AARON**

WHEREAS; James O. Aaron was a resident of the Town of Lake Park and an integral member of this community for many years; and

WHEREAS; during World War II, James O. Aaron distinguished himself by serving for four years as a member of the United States Coast Guard where he demonstrated his commitment to duty and devotion to his country; and

WHEREAS; in 1989, James O. Aaron was elected to the Lake Park Town Commission where he served for two terms until 1995; and

WHEREAS; James O. Aaron thereafter continued his public service to the citizens of the Town of Lake Park by serving as a member of the Code Enforcement Board from 1998 until 2000; and

WHEREAS; James O. Aaron passed away on May 18, 2009; and

WHEREAS; the Town of Lake Park wishes to honor him and celebrate his life.

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, Desca DuBois, Mayor of the Town of Lake Park, do hereby publicly recognize James O. Aaron posthumously for his service and contributions to this community.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 15th day of July, 2009.

BY:

Mayor Desca DuBois

ATTEST:

Vivian Mendez Lemley, Town Clerk

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<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Proclamation in Honor of Sue-Ellen Mosler

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager *W. Davis* Date: *7/8/09*

Name/Title

Date of Actual Submittal

Originating Department: Town Manager	Costs: \$ -0- Funding Source: Acct. #	Attachments: Copy of Proclamation
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: 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>BMT</u> OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

**PROCLAMATION
IN HONOR OF
SUE-ELLEN MOSLER**

WHEREAS; Sue-Ellen Mosler is a long-standing resident and member of the business community of the Town of Lake Park; and

WHEREAS; as President of the Mos' Art Center, Inc., Sue-Ellen Mosler has lent her support to many projects benefitting this community; and

WHEREAS; this year, in recognition of the financial hardships incurred by local families impacted by the current economic crisis, Sue-Ellen Mosler has generously donated the registration fees for five Lake Park children thereby enabling them to attend the Lake Park Summer Camp free of charge; and

WHEREAS; through her generosity, Sue-Ellen Mosler has demonstrated how one member of the community can make a difference and provide the youth of our community with a viable summer camp experience; and

WHEREAS; the Town of Lake Park wishes to express its gratitude to Sue-Ellen Mosler for her kindness and support.

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, Desca Dubois, Mayor of the Town of Lake Park, do hereby publicly recognize Sue-Ellen Mosler for the service that she has rendered not only to individuals citizens, but to the Lake Park community as a whole.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 15th day of July, 2009.

By: _____
Mayor Desca Dubois

ATTEST:

Vivian Mendez Lemley, Town Clerk

Presentation

**Town of Lake Park Town Commission
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<input type="checkbox"/> Ordinance on Second Reading
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<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input checked="" type="checkbox"/> Other: Presentation | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Legislative Report by Intergovernmental Consultant Fausto Gomez

RECOMMENDED MOTION/ACTION: N/A

Approved by Town Manager *W. J. Davis* Date: *7/9/09*

Name/Title

Date of Actual Submittal

Originating Department: Town Manager	Costs: Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Fausto Gomez will deliver a brief overview of the recent Legislative Session. His Legislative Report is attached.

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Tallahassee, Florida 32301
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(850) 222-8416 (Facsimile)

fgomez@gomezbarker.com

**Gomez Barker
Associates, Inc.**

Memorandum

To: Hon. Desca DuBois, Mayor
Hon. Jeff Carey, Vice Mayor
Hon. Ed Daly, Commissioner
Hon. Patricia Plasket-Osterman, Commissioner
Hon. Kendall R. Rumsey, Commissioner

From: Fausto B. Gomez

CC: Maria V. Davis, Town Manager

Date: July 9, 2009

Re: Legislative Report

I am pleased to report on the activities of this firm on behalf of the Town of Lake Park during the recently concluded legislative session. This was an extremely difficult year, with the recession and individual political considerations impacting every budget and policy decision. Compounding this, Speaker Ray Sansom had to resign and there were a record forty-four freshmen involved in the process. All these factors created a legislative scramble and vacuum that was never completely addressed. At the same time the Governor's authority was challenged with regard to his priorities; the Indian Gaming Compact, Everglades Restoration, Renewable Energy, and Commuter Rail. Two of these were severely modified and two failed. Given all of this, it is remarkable that the Session ended only a week late.

On the budget front, this year's \$66.5 billion spending plan used \$3 billion in stimulus money to close a deficit that would have been as high as \$6 billion without the federal dollars. To close the rest of the gap, the Legislature approved new taxes and fees and swept trust funds. This includes a \$1 billion cigarette tax and \$800 million in fees ranging from vehicle registration to driver's license renewals. The budget also depends on the Seminole Indian Tribe agreeing to the terms of the gaming compact. That is expected to generate from \$150 to \$300 million annually and the proceeds are already factored into the state budget for next fiscal year, albeit in reserves. A Special Session is anticipated for October to either ratify the Compact or reduce the budget if those dollars don't materialize. Also included in the budget is a potential property tax increase of .25 mills if a local school board imposes it and if voters subsequently agree to it. One of Tallahassee's most wry observers noted that the budget was approved "with a bit of apology that it has higher taxes and fees, a bit of bragging that it was

better than expected given the economy, and a bit of wariness over what the future may hold due to its patchwork nature.”

A similar dysfunction permeated policy deliberations. There were fewer bills passed this year than in any session since 1998 thus creating a stampede at the end to amend legislation stuck in committee onto bills considered on the floor. Development and insurance interests took advantage of these difficulties to push their long-standing agendas under the guise of economic development and the lamentable practice of demonizing cities and counties continued. The result of all this was that as your lobbyists we had to continually fight legislation impacting local governance or ameliorate their most onerous provisions.

In the midst of this, Lake Park did rather well. Funding for the Library was secured and legislation imposing Revenue Caps as well as Property Tax Caps, extending permits and development orders for three years, relaxing zoning regulations for community residential homes, removing sovereign immunity protection from Bert Harris claims, establishing a moratorium on impact fees, and prohibiting local governments from enforcing ordinances that require mortgage holders to maintain and secure foreclosed properties failed.

Also failing, unfortunately, was an important funding issue. Until the closing moments of the budget process Lake Park was recommended for a \$200,000 grant through the South Florida Water Management District. Ultimately, no city in the state received any water funding, but key members of the South Florida Legislative Delegation worked throughout the session to secure a \$15 million allocation for local governments in the tri-county area. Despite the urgency of this item and it being advanced by budget leaders, at the last instance this was rejected by the President of the Senate and the Speaker of the House who could not agree on a funding source.

Following is a synopsis of items of particular interest to Lake Park and recommendations on how to proceed in order to secure legislative funding next year, through both line item appropriations as well as grant opportunities. We understand that the Town is aggressively seeking grants and, of course, my team and I will be working with you and the administration in order to provide the greatest possible support to Lake Park. Let me just take a moment to recognize Town Manager Maria Davis and Grants Coordinator Virginia Martin who are both incredibly attuned to funding opportunities and who are invaluable as we jointly explore and access resource prospects.

APPROPRIATIONS

- Library and Cultural Affairs

The legislature appropriated \$24,396,017 for Library Grants and \$1,200,000 for Library Cooperatives statewide. This funding was in jeopardy throughout the session as policy-makers debated whether they would have the resources to fund them. At the close of the session they reduced the film incentive monies and identified some additional dollars to continue both programs. The Lake Park Library continues to be an eligible recipient and last year was appropriated \$15,200.

In addition, the legislature this year collapsed all cultural and historical programs into one grant silo and capped the awards at \$25,000. The Department of State is currently accepting applications.

- Transportation

Transportation stimulus funding was a two-step process, requiring both a local recommendation from the Metropolitan Planning Organization (MPO) as well as state

approval from the Legislative Budget Commission. Unfortunately, the MPO did not recommend the Park Avenue project and thus it was impossible to obtain funding from Tallahassee. A subsequent review of the MPO recommendations evidences that every project, except for one, was a jurisdiction represented by someone on the MPO Board. The Town Manager and I will be meeting with the MPO Executive Director as well as Florida Department of Transportation (FDOT) officials to assure that Lake Park is considered during next year's round of stimulus funding.

Additionally, during the meeting with the MPO Executive Director, the Manager and I will discuss the Transportation Improvement Program (TIP) and the use of "XU" funds to meet local road demands. The TIP is a staged program encompassing a five-year period and contains transportation initiatives funded by all public sources. My team and I have successfully utilized that source to help fund Crandon Boulevard in the Village of Key Biscayne, a road very similar to Park Avenue. Moreover, we will explore the possibility of seeking supplementary funding from the FDOT Transit Corridor Program.

- Water Resources Protection

Notwithstanding our continuous lobbying efforts with the legislative budget conferees, neither this firm nor our colleagues who represent other local governments were able to secure funding for water projects. In fact, the Legislature provided no funding for any water projects in the state and this is only the second time in the past 15 years that critical funding support in this area was not appropriated. As you know, last year Lake Park secured \$100,000 from this source for drainage improvements.

The leading members of the South Florida legislative delegation and those of us representing local governments in the tri-county area shared a real optimism that despite a record shortfall in state revenues we would be able to impress upon the presiding officers the need for continued funding for critical water projects. So it was when Sen. Diaz de la Portilla, Rep. Llorente and Rep. Rivera managed to convince their respective chambers on two separate occasions to extend informal offers for such funding, although dependent upon different revenue streams. Despite repeated indications of support from many of the highest ranking members of the House and Senate, they were unable to agree on the funding source and so the issue died.

In consultation with legislators and our colleagues in Tallahassee, we are beginning to chart a course for success in next year's session. Our plan is comprised of three important steps:

1. *Promoting the passage of a dedicated funding source for water resources:*

In 2005, the Legislature passed SB 444, which was intended to provide a minimum of \$100 million annually for the protection and development of water supplies. The funding for this program has been reduced each of the last four years, to a point that for the 2009-10 Fiscal Year the state eliminated all funding. It remains our highest priority to once again secure a dedicated source for these critical issues. To that end, we already obtained legislative approval for maintaining the "Water Protection and Sustainability Program Trust Fund" in the Department of Environmental Protection (CS/SB1740) and have reached out to the Florida League of Cities and the Association of Counties to work collaboratively to identify and develop a program framework which will provide significant funding and shared state and local government control as to its implementation. Various models exist in other areas of state government as to how funds for infrastructure projects can be administered in a manner providing local governments with a reasonable opportunity to access support. These will be evaluated with a goal of introducing legislation early in the 2010 session.

2. Application and approval of projects through the State Revolving Loan Program:

It is clear that the State places a high degree of emphasis on the participation of local government in the State Revolving Loan Program (SRL). For those less familiar with it, it is actually comprised of two separate categories; one for Drinking Water and another for Wastewater and Stormwater. The SRL Program is subsidized by the federal government and is predicated upon the issuance of below market rate loans to qualified local governments. The funds are disbursed based upon a priority ranking system which gives preference to financially constrained communities and projects intended to address immediate health risks. I recently met with Tim Banks, Program Director of the SRL Program, who informed me that Lake Park had not applied for funding support and we will work with the administration to assure that an appropriate application is submitted and funded.

In addition to the \$230 million in bonds issued by the State earlier this year, Florida recently received an additional subsidy of \$88 million for drinking water projects and \$132 million for wastewater and stormwater projects through the federal stimulus package. Although the State has proposed to issue half of the federal dollars as grants, the program rules require that these "free" dollars will only be made available to "Small Disadvantaged Communities," defined as those communities with populations of less than 7,500 or mean household income levels below the State average. Under the federal guidelines, Florida is required to submit to the Environmental Protection Agency (EPA) an Intended Use Plan (IUP) detailing how the federal share of the funds are to be expended. The State is still in the process of developing the IUP for drinking water, but has already submitted its IUP for wastewater and stormwater projects under current program rules.

3. Modification of the SRL Program guidelines in order to ensure that local governments enjoy a fair opportunity to access those funds.

The DEP has long been critical of local governments in South Florida for leading the efforts to obtain direct grants from the Legislature for water projects, preferring that local governments secure loans and participate in the SRL Program. The DEP will readily admit, however, that the backlog of projects at any given time greatly exceeds their funding capacity. Therefore, we propose to revise the program guidelines in order to ensure that every community has a fair chance to qualify for funding, and to expand the qualification for grants so that additional deserving communities may be able to implement their projects.

This firm and many of our colleagues who also represent local governments are confident that if we implement the plan as outlined above we will be successful in securing line item funding.

4. Department of Community Affairs, Division of Emergency Management

The DCA has dollars available for implementing pre-disaster mitigation plans that have been previously approved by the Federal Emergency Management Agency (FEMA). Lake Shore Drive qualifies since Palm Beach County has included it as a part of its FEMA approved approach. This is an available source for continuing the stormwater project and the Town is submitting an application for funding to this source.

5. South Florida Water Management District

Employing their own property tax dollars, the Water Management District is able to fund "alternative water supply" infrastructure projects to develop systems for reclaimed water. This

is a priority of the state and the District and the water is used for irrigation and other non-potable purposes. More commonly known as "purple pipes," a number of municipalities in South Florida have already received significant funding.

- Marina

I understand that the administration has already identified and is applying to various sources in order to fund the breakwater associated with the Marina. These include the Department of Environmental Protection's (DEP) "Land and Water Conservation Project" for \$200,000; the Florida Inland Navigation District for \$349,000; and the Florida Fish and Wildlife Conservation Commission "Boating Infrastructure Grant Program" for \$149,300. We will be assisting Lake Park by attempting to have the Commission recognize the \$62,000 grant previously obtained from the Navigation District for engineering, design, and permitting as well as the corresponding \$62,000 in local matching dollars for purposes of the pre-application financial requirements (25%).

The Marina Bulkheads is another infrastructure requirement and when funding is again available for the Florida Forever Program, a high priority of the Governor, we will work with the administration to apply and secure a "Stan Mayfield Working Waterfront" grant. This new program provides 2.5% of the total Florida Forever program appropriation (\$7.5 million) and may be used for support...of piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fisherman, aquaculturists, or business entities." Another possibility is the Florida Coastal Management Program of DEP that provides annual grants ranging from \$20,000 to \$60,000 for working waterfront purposes. The annual application is published in August or September.

- Community Center

The development of a community center is another of Lake Park's priorities. There are two possible sources to secure both legislative and departmental dollars we recommend that each be pursued. The first is the Florida Recreational Development Assistance Program (FRDAP) which provides legislative grants of up to \$200,000. Although this was the first year in history that the program was not funded, the DEP will be accepting applications for next fiscal year and they are confident that monies will become available. Working in concert with FRDAP is the Green Infrastructure Program. This makes available funding for innovative design practices that incorporate green building practices such as permeable concrete and water re-use. Both of these programs are within the DEP and we maintain excellent relations with the senior administrators of each. Finally, the United States Department of Agriculture (USDA) "Community Facility Grants" and the "Community Facility Loan Program" can be used to assist low-income municipalities in developing "essential public facilities." There is \$430,000 available statewide for this fiscal year for the grant program and \$6.518 million for direct loans and \$4.569 million for loan guarantees. The USDA has a contact office in West Palm Beach.

- Community Development

The Neighborhood Stabilization Program, part of the Stimulus Package and administered by the Florida Department of Community Affairs, is a source for purchasing foreclosed and abandoned properties. The submission by the State to the federal government was dated December 1st of last year and the initial allocations were distributed on March 1st. The program continues until February 28, 2011 and we will work with the administration to determine if there is a possibility of re-capture currently appropriated dollars and to seek funding from the program for the forthcoming fiscal year.

LEGISLATION

Below is a list of bills of particular importance to Lake Park. I have highlighted in blue those bills in which we were successful and in red those in which we were not. Following that is a roster of bills impacting local governments that either passed or failed.

Bills of Specific Interest to Lake Park

- Management of Wastewater

This bill requires the Department of Health, when it issues a health advisory against swimming in beach waters due to bacterial contamination, to notify appropriate local governments. It also requires the Department of Environmental Protection to investigate any wastewater treatment facility within a specific range of the affected beaches to determine whether the facility experienced an incident that contributed to the contamination. HB707 by Rep. Aubuchon passed both the Senate and House unanimously.

- Boating Regulations

CS/CS/HB 1423 by Rep. Troutman substantially revises the procedures by which local governments adopt certain ordinances for boating restricted and slow speed boating areas. Local governments will be required to submit "substantial, competent evidence" that the proposed ordinance meets specified standards established by the Florida Fish and Wildlife Conservation Commission including adequate public notice of the proposed ordinances. The bills direct the FWCC to establish a pilot program in 5 areas around the state to explore regulatory options regarding the anchoring and mooring of non-live-aboard vessels outside of the marked boundaries of a mooring field. Existing mooring fields and other lawful local government boating restrictions currently in effect are grandfathered. The bill also requires a saltwater fishing license if anyone fishes from Florida's saltwater shoreline or from a structure fixed to the land. Effective October 1, 2009.

- Revenue Caps

This legislation would have limited state and local revenues and required voter approval for all new taxes and fees. Commonly known as "TABOR," HB1263 by Rep. Flores died on March 31st in the Finance and Tax Council. Its companion, SB1906 by Sen. Haridopolis, died on April 21st in the Government Oversight and Accountability Committee. This legislation will most probably be back on the legislative agenda next year in the form of a constitutional amendment for the November 2010 ballot.

- Property Tax Caps

This legislation would have restricted the aggregate amount of taxation to 1.35% of the property's taxable value. HB385 by Rep. Rivera died in Messages and SB738 by Sen. Haridopolis died on March 19th in the Finance and Tax Committee. This legislation will most probably be back on the legislative agenda next year in the form of a constitutional amendment for the November 2010 ballot.

- Permit Streamlining

This legislation would have extended and automatically renewed for three years any development order, building permit, or other land use application that has been approved by a state agency or local government. CS/HB7143 by the House Agriculture and Natural

Resources Committee died in Senate Messages on April 27th. Its companion, CS/CS/SB2026 by Sen. Altman, died in the Commerce Committee on April 14th. Notwithstanding this victory, the comprehensive Growth Management bill, CS/CS/SB360 by Sen. Bennett, was approved and it has a provision requiring an automatic 2-year extension of any local or state permit or development order expiring between September 2008 and January 2012. Exceptions to the extension are provided for owners or operators who are in significant noncompliance with the conditions of the permit. The Growth Management bill is quite controversial and there is a concerted campaign to have it vetoed.

- [Community Residential Homes](#)

This legislation would have exempted community residential homes from the current 1,000 foot radius prohibition. HB371 by Rep. Stargel died on the House Special Order Calendar on April 29th. Its companion, SB1124 by Sen. Altman, died in Messages.

- [Bert Harris Act](#)

This legislation, promoted by the Private Property Rights Coalition, would have removed the sovereign immunity provisions in Florida Statutes for Bert Harris claims, would have changed from 180 days to 120 days the time period in which a local government had to be notified prior to a claim being filed, and limited to 120 days the time period for a response. HB1361 by Rep. Eisnagle was never heard in committee. Its companion, SB1556 by Sen. Baker, died in the Judiciary Committee on April 14th.

- [Impact Fees](#)

This legislation would have established a three-year moratorium on the imposition or collection of impact fees by a county or municipality. HB1129 by Rep. Grimsley died on May 8th in the Military and Local Affairs Policy Committee. Its companion, SB630, died in the Committee on Finance and Tax on April 16th.

- [Red Light Cameras](#)

This legislation would have authorized the use of cameras at traffic intersections. The bills included comprehensive grandfather provisions for existing cameras, directed FDOT to develop statewide standards for the cameras, and pre-empted the authorities of counties to prohibit the installation of cameras on county-owned or maintained right-of-way. CS/CS/CS439 by Rep. Reagan died in Senate Messages and CS/CS/SB2004 by Sen. Altman was laid on the table in the House. At the end of the legislative session a dispute arose about the distribution formula for traffic citations with the Senate advocating a greater amount to Trauma Centers and a corresponding lesser amount to local governments. The House would not go along with that change.

- [Property Register](#)

This legislation would have required the Department of Financial Services to create a statewide registry of abandoned or vacant property and placed a number of obligations on mortgage lenders to inspect and maintain the property. If a lender did not inspect and maintain the property, then a local government could enter the property and initiate repairs. HB119 by Rep. Porth was never heard in committee. Its companion, SB874, by Sen. Smith died in the Banking and Insurance Committee on April 14th. It is difficult to lobby against the banking community when the Senate President is a banker and the chairmen of the committees to which the bills were referred are also bankers. [Fearing the effects of this legislation, however, representatives of the Florida Bankers Association attempted to enact an amendment to pre-empt local governments from enforcing ordinances that require](#)

mortgage holders to maintain and secure foreclosed properties. They argued that that was an illegal obligation placed on lenders. That amendment was killed.

Other Bills of Interest to Lake Park

- Local Government Issue Campaign Expenditures/Restrictions

SB 216 by Sen. Justice restricts the ability of local governments to use or expend public funds to advocate for or against an issue presented to voters. The bill allows local governments to present factual information to voters under specified conditions and clarifies that a local government elected official is not prohibited from expressing an opinion on any issue at any time. Effective July 1, 2009.

- Fertilizer Ordinances

CS/CS/CS/SB 494 by Sen. Bennett directs the Department of Environmental Protection to create, by January 15, 2010, a model ordinance relating to automatic irrigation systems and encourages local government to adopt and enforce the model ordinance that includes penalties for operators of automatic sprinkler systems not in compliance with sprinkler system contractor reporting requirements by October 1, 2010. This will include technology that will inhibit the sprinkler system during periods of sufficient moisture. Funds generated through penalties are to be retained by local governments to further water conservation activities. Also included is language relating to local government adoption of the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes and certification of fertilizer applicators. Any local government with an impaired water body must adopt the Model Fertilizer Ordinance or a more stringent fertilizer ordinance and existing local government ordinances are grandfathered. Effective July 1, 2009.

- Water Resources

SB2080 by Sen. Alexander requires all government agencies to use Florida-friendly landscaping on public properties associated with a building or road constructed after June 30, 2009. Effective July 1, 2009.

- Impact Fees Burden of Proof

CS/CS/HB 227 by Rep. Aubuchon places the burden of proof on the local government in an impact fee challenge and changes the standard of review to the preponderance of the evidence. The bill also removes any deference to the local government's decision. Effective July 1, 2009.

- Non Homestead Cap and First Time Homebuyers Exemption

CS/SJR 532 by Sen. Lynn provide first time home buyers a property tax exemption. The bill provides a first time homebuyer an exemption of 25% of the just value of the property in the first year and reduces that exemption by 20% each year thereafter. It also sets for a vote a constitutional amendment that would limit the assessment growth on commercial and residential rental property to the higher of 5% annually or the average annual percentage growth in revenues derived from the property over the previous 3 years. Multiple effective dates.

- Ad Valorem Taxation

CS/SB1580 by Sen. Ring would authorize tax collectors to accept one or more partial payment of any amount per parcel for payment of current property taxes and assessments. The partial payment would be distributed in equal portions among all applicable taxing districts and levying authorities. Effective July 1, 2009.

- Public Construction

CS/CS/HB 611 Rep. Hukill addresses the public construction and bidding process. The bill requires local governments to competitively bid any project to construct or improve any public building or project in excess of \$300,000 (the current threshold is set at \$200,000) and for electrical work the threshold is \$75,000 (currently the electrical work threshold is \$50,000). The bill changes the cost index multiplier from CPI to a construction cost index. The words "maintenance" and "repair" are specifically defined to limit the types of projects that can be undertaken by a local government outside the bidding procedures. For maintenance or repair projects that include extensions, additions or upgrades within a set cap and for which the local government will utilize its own equipment and employees, the local government must develop a breakdown of the estimated costs of the project including employee compensation and benefits, equipment costs, insurance costs, etc. The bill also provides that if a local government wants to perform a public project using its own employees and equipment, the local government must make its estimated costs available to the public and then hold a public hearing in which qualified bidders are provided an opportunity to present evidence regarding the accuracy of the cost estimate prepared by the local government. Airports, ports and public transit systems owned by local government entities are exempt from the provisions of the bill. Effective October 1, 2009.

- Traffic Accident Response Fees

CS/SB 2282 by Sen. Bennett prohibits cities and counties from imposing fees or obtaining reimbursement for costs or expenses incurred for services provided by first responders relating to a motor vehicle accident. The bill exempts charges for ambulance services and the costs to contain or clean up hazardous materials in quantities reportable to the Florida State Warning Point at the Division of Emergency Management. Effective July 1, 2009.

- Growth Management/Affordable Housing

CS/CS/SB 360 by Sen. Bennett defines certain areas of the state as "Dense Urban Land Areas" and designates such areas as automatic Transportation Concurrency Exception Areas (TCEAs). In addition, it specifies that large scale developments within such areas are exempt from "Development of Regional Impact" review. The bill allows all other cities and counties to "opt in" specified portions of their jurisdictions to the TCEA and DRI-exemption. Within 2 years, cities and counties must develop strategies to support and fund mobility within TCEAs. In addition, the bill extends the deadline for cities and counties to comply with statutory financial feasibility requirements to December 2011. It requires the intergovernmental coordination element of local government comprehensive plans to provide for mandatory dispute resolution of intergovernmental disputes. It requires a local government to issue "contingent" zoning approval concurrent with the transmittal of a plan amendment, if requested by an applicant. It requires an automatic 2-year extension of any local or state permit or development order expiring between September 2008 and January 2012. Exceptions to the extension are provided for owners or operators who are in significant noncompliance

with the conditions of the permit. It prohibits local governments from adopting or maintaining in effect an ordinance that establishes standards for security cameras at businesses. It requires state agencies to develop and report on a "mobility fee" as a means to replace transportation concurrency. The substance of CS/CS/HB 161 (Aubuchon), addressing affordable housing, was amended onto CS/CS/SB 360. The bills provides for numerous changes to affordable housing statutes, including a provision that redefines the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for the construction of affordable housing. Effective upon becoming law.

- Budget and Spending Transparency

CS/CS/1796 by Sen. Alexander establishes transparency requirements for state budgeting and spending. The bill requires the Joint Legislative Auditing Committee over the next year to develop recommendations for budgeting and spending transparency for local governments, school districts, universities, and other entities. These recommendations could be acted upon during the 2010 legislative session. Effective upon becoming law.

- FDOT Transportation Package

HB 1021 by Rep. Aubuchon addresses numerous issues relating to the Department of Transportation. CS/HB 1021 includes language creating a process for local governments to provide input to the Department of Transportation relating to projects being considered for deletion or deferral from the 5-Year Work Plan. Current law relating to transportation concurrency backlog authorities is amended to authorize the issuance of bonds and extend the lifespan of the debt that can be incurred for up to forty years as well as increase the amount of ad valorem tax increment the authorized to be collected. The bills also include language revising provisions relating to outdoor advertising; the placement of public pay phones containing advertising signs on public rights of way; and the allocation of costs relating to the relocation of utility facilities. Effective upon becoming law.

- Property Insurance

CS/CS/CS/HB1495 by Rep. Nelson makes wide ranging changes to the regulation of property insurance. Among its provisions, it would implement a rate "glide path" capped at 10% per year for Citizens Property Insurance Corporation policyholders until rates are actuarially sound. This provision goes into effect on January 1, 2010.

- Residential Property Insurance

CS/CS/HB1711 would allow certain insurers to use a rate in excess of the rate filed with the Office of Insurance Regulation if the insurer has surplus as to policyholders of \$500 million or more or the insurer has a surplus of \$200 million or more and a ratio of net written premium to surplus of two to one or less. Effective July 1, 2009.

- Professional Regulation

HB425 by Rep. Plakon amends 509.233, F.S. which was a pilot program to allow patrons' dogs within certain designated outdoor portions of public food service establishments. In removing the pilot program, the legislation establishes the ability for local governments to accomplish this by local ordinance. At last count, twenty-two cities

and counties (from Miami Beach to Jacksonville) have expressed an interest in this. Effective October 1, 2009.

- Emergency Preparedness

SB714 by Sen. Fasano repealed 553.509, F. S. which required any multi-family dwelling at least 75 feet in height to contain a public elevator and that at least one elevator had to be capable of operating on an alternative power source for emergency purposes. Effective upon becoming law.

- Safety Belt Law

CS/SB344 by Senator Rich provides for primary enforcement of the safety belt law for operators and front seat passengers. The bill would allow law enforcement officers to stop motorists solely for not using their safety belts. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine. These provisions were approved by the Governor and take effect June 30, 2009.

- Elevator Retrofit

The proposal by the Department of Business and Professional Regulation (DPBR) to mandate the upgrade of elevators to new code requirements whenever those are changed was a serious struggle all session. The language to grandfather existing elevators was included in SB2100 by Sen. Bennett, HB7149 by Rep. Williams, and SB682 also by Sen. Bennett. None of these bills passed, although SB682 was the next bill on Messages when the session ended. Because of our efforts, DPBR indicated to legislators that waivers will be granted for periods between six to eighteen months to accomplish elevator retrofits and that such waivers will be granted routinely for three to five years. This will allow Key Biscayne to revisit the issue in future sessions.

- Condominium Reform

Despite attempts by legislators and other interested parties to move forward relief for condominium residents by increasing the responsibility of primary mortgage holders with regard to assessments and fees on foreclosed units, none of the six bills which contained language passed. The Senate President and the Chairman of the Banking and Insurance Committee are both bankers and Rep. Robaina, the chief advocate of condominium reform, experienced difficulties with the Speaker of the House and set aside his proposals for several weeks of Session.

SB880 by Sen. Fasano died on Special Order. It would have required a tenant who was occupying a unit in foreclosure, when the owner is delinquent in the payment of regular assessments, to be responsible for the payment of future assessments. The tenant's landlord would then be required to provide a credit against rent in the amount of assessments paid to the condominium. Its companion bill, HB831 by Rep. Frishe, was never heard.

SB998 by Sen. Ring would have required the first mortgagee or its successor to pay the association the lesser of the unit's common expenses and regular assessments that came due during the preceding six months, or 1% of the original mortgage debt. Its companion bill, HB633, by Rep. Porth, was never heard.

HB1397 by Rep. Robaina would have added language requiring a mortgagee who files a foreclosure case on a unit, within fifteen days after filing, unpaid common expenses and regular periodic assessments which accrued or came due up to the date of filing. Its companion bill, SB2302 by Sen. Garcia, was not heard.

My team and I take great pride in representing Lake Park and appreciate the Commission and Manager joining us in Tallahassee. We will follow all of the budget and policy items and their implementation and will keep you abreast of any developments. As always, please do not hesitate to contact me if you have any questions or desire additional information.

Consent Agenda

TAB 1

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: July 15, 2009

Agenda Item No. 1

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Regular Commission Meeting Minutes of June 17, 2009.

RECOMMENDED MOTION/ACTION: Approve the Regular Commission Meeting Minutes of June 17, 2009.

Approved by Town Manager W. Davis Date: 7/9/09

Joan Stecher Deputy Clerk Date of Actual Submittal 6/25/09

Originating Department: Town Clerk	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Clerk <u>VMC</u> <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <input checked="" type="checkbox"/> _____: Please initial one.

Summary Explanation/Background:



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
June 17, 2009 7:53 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, June 17, 2009 at 7:53 p.m. Present were Mayor DuBois, Vice-Mayor Carey, Commissioners Daly, Rumsey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Lemley.

Mayor DuBois led the invocation and the Pledge of Allegiance.
Town Clerk Vivian Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Motion: A motion was made by Commissioner Daly to approve the Agenda; Vice-Mayor Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

PRESENTATION

Florida Inland Navigation District Check Presentation

Town Manager Maria Davis introduced Commissioner Donn Colee of the Florida Inland Navigation District of Palm Beach County. She gave a description of his work experience and history in Palm Beach County. She stated that he was the only person in recent history that walked the entire 45 mile coastline of Palm Beach County twice. The first time was in 1974 when Mr. Colee's company created a beach walk to gain publicity for a 50 million dollar beach

and park bond issue. The second time was in 1985 when another beach bond issue was on the ballot for 75 million dollars. Through those bond issues the public now has access to miles of beaches and parks. She welcomed Mr. Colee and thanked him for coming.

Mr. Colee thanked Manager Davis for her description and statements. He introduced himself and stated that he lived in Lake Park for five to six years in the early 70's. He gave a history of the Florida Inland Navigation District and a description of its responsibilities. He stated that FIND has provided approximately 2.3 million dollars in grant money largely for Lake Park's Marina and they were currently funding the engineering and permitting of the breakwater at the Marina. He introduced his partner Mark Crossley as the Assistant Executive Director of FIND.

Mr. Colee presented the Town with a check in the amount of \$387,500 for the completion of the seawalls at Lake Shore Park.

Mayor DuBois thanked Mr. Colee and accepted the check.

PROCLAMATIONS

Phil's Auto Body

Mayor DuBois read the Proclamation for Phil's Auto Body.

Representatives of Phil's Auto Body accepted the Proclamation and thanked the Commission.

Deputy William Badala

Mayor DuBois read the Proclamation to Deputy William Badala.

Deputy Badala accepted his Proclamation and thanked the Commission.

Earl Stewart

Mayor DuBois read the Proclamation to Earl Stewart.

Earl Stewart accepted his Proclamation and thanked the Commission. He suggested that Lake Park become a leader in providing plug-in capability for plug-in Hybrid vehicles which will be available in the market for purchase within the next year or two.

CERTIFICATES OF APPRECIATION

Chick-Fil-A

There were no representatives of Chick-Fil-A present to accept their Certificates of Appreciation. The Certificate of Appreciation would be mailed or presented to them at their place of business.

Cici's Pizza

There were no representatives of Cici's Pizza present to accept their Certificates of Appreciation. The Certificate of Appreciation would be mailed or presented to them at their place of business.

PUBLIC and OTHER COMMENT

None

Public Comment Closed.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of May 20, 2009
2. Regular Commission Meeting Minutes of June 3, 2009
3. Emergency Purchase of a Replacement Fuel Storage Tank at Public Works
4. Marina Overnight Parking Rate
5. Authorization Increased Insurance Payment to the Florida Municipal Insurance Trust
6. Resolution No. 23-06-09 Intent of the Town to Reimburse Certain Expenditures with Proceeds of Tax Exempt Debt
7. Resolution No. 24-06-09 Amending the Town Budget for Fiscal Year 08/09
8. Resolution No. 25-06-09 Tentative Stormwater Rate
9. Resolution No. 26-09-09 Sanitation Rate for TRIM Rate

Motion: A motion was made by Commissioner Daly to approve the Consent Agenda; Vice-Mayor Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Rumsey	X		
Commissioner Daly	X		
Commissioner Osterman	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0.

DISCUSSION & POSSIBLE ACTION

Zoning in Progress

Attorney Thomas Baird explained the meaning of "Zoning in Progress". He stated that they were proposing to address impacts that the Town's constituents were concerned about with regards to sober housing in the Town. He explained that the Commission would need to come to consensus or motion to move forward and at the appropriate time come back with an Ordinance that addresses the issues that have been reported.

Commissioner Osterman asked if the Commission was looking into implementing restrictions on short term rentals in single-family districts.

Attorney Baird explained that the Treasure Island Case and the Delray Ordinances address transient living facilities. Those facilities are located in specific zoning districts. The issue of halfway houses is a much more difficult issue and in reading the Treasure Island Case opinion, they are different and much more fortunate than Lake Park in its ability to regulate because it is a community that has a lot of vacationers, tourists, and snow birds. It is more of a winter home community than Lake Park. He stated that Delray Beach has experienced the same issues as Lake Park. Delray is much larger community and much more diverse in its housing stock as well as hotels and rental facilities. He stated that he has been reviewing their regulations but is not sure that they would be applicable, but he was hoping to borrow from other municipalities with regulations that could work for Lake Park.

Commissioner Daly stated that he supported the "Zoning in Progress" only for the reason that the Town could come up with regulations that would be beneficial to residents.

Mayor DuBois expressed and explained her support of the "Zoning in Progress" designation.

Vice-Mayor Carey asked if the motion made at the last meeting would suffice in moving forward with "Zoning in Progress".

Attorney Baird explained and stated that one of the important dynamics for the Town is that it has a large number of homes currently in foreclosure. Those properties are being sold in short sale to speculators, and halfway houses produce an income stream for savvy investors. There are other communities experiencing high rates of foreclosures and investors are buying up the properties and using them as transient housing while waiting for the market to turn.

Vice-Mayor Carey asked if there was a time limit on the "Zoning in Progress" designation.

Attorney Baird stated that the courts have not specifically addressed a time limit. He explained that the courts like to use the term "reasonable time" and it is his opinion that a judge would tell the Town not to procrastinate on the matter and bring it forward in a timely manner.

The Commission came to consensus to direct Attorney Thomas Baird and Community Development Director Patrick Sullivan to continue developing regulations for sober housing and/or transient facilities in the Town.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Osterman stated she was very pleased with results from having deputies in the CRA District especially since there has been a high suspicion of drug sales at an apartment complex along 10th St. She read the deputy's report regarding the complex which stated that more children were observed playing outside of the apartment complex and problematic residents have moved out within the last two weeks.

Commissioner Daly congratulated Captain Reece for his work in the Town. He stated that the Fire Department was also doing a great job.

Mayor DuBois

None

Vice-Mayor Carey announced that a fishing tournament would be taking place at the Marina on Saturday, June 20, 2009 and there would be snow cones and a bounce house for the children. He also announced that the Town of Lake Park's Fireworks Festival would take place on June 27, 2009.

Commissioner Rumsey stated that he was constantly amazed at the generosity of the community. He stated that someone had approached him and asked him if there were any children in the Town that needed to attend summer camp but were financially unable. After speaking to Manager Davis, he told the person that there were indeed children in need of financial assistance to attend summer camp. He stated that the kind woman made a donation that would send five children to summer camp.

Commissioner Osterman stated that she was at Lake Shore Park over the weekend and two residents had approached her and asked if "No Smoking" signs could be placed at the park since there were people smoking at the pavilions in the park. The other request they had made was for soda and/or snack vending machines at the park.

Mayor DuBois stated that there could be a problem with vandalism to the vending machines.

Town Manager Maria Davis stated that cages could be placed over the vending machines for protection.

Discussion ensued between the Commissioners regarding vending machines and "No Smoking" signs at Lake Shore Park.

The Commission came to consensus to implement vending machines and "No Smoking" signs around the playground at Lake Shore Park.

Mayor DuBois stated that there will be another "Sail with the Mayor" event in the future.

Town Attorney Thomas Baird stated that Commissioner Rumsey was served for the case that the Town has pending with the Justice Department.

Town Manager Maria Davis announced that the Town's Firework Festival would take place on June 27, 2009 and will begin at 4:30 p.m. and end at 9:30 p.m. There will be live music, food, children's rides and the fireworks will begin at 9 p.m. She stated that the Town is still accepting registrations for summer camp. She announced the 18th annual KBW Dolphin Challenge taking place on June 20, 2009 at the Lake Park Marina. The proceeds will go to the Riviera Beach Maritime Academy. The weigh in is from 1 p.m. to 4 p.m. There will be a 50/50 raffle, a silent auction, fashion show, stand-up comedian, a giant video screen with music, food, beer, vendors, bounce house and snow cones which will all be available from 1 p.m. to 7 p.m. Dinner will begin at 5 p.m. and awards will be given beginning at 6 p.m.

She congratulated and thanked Grants Writer Virginia Davis and Occupational License Accountant Dena Davis for their efforts in obtaining the check that was received from FIND. She stated that Ms. Martin will be giving a presentation before FIND for the second phase of construction at the Marina.

Commissioner Daly asked how much it was to send a child to summer camp should someone else want to make a donation.

Town Manager Davis stated that registration for summer camp was \$55 for the first child, \$30 for the second child and the total cost is \$455 for an eight week camp. She stated that Recreation Director Greg Dowling has continued to receive comments from parents thanking the Town for reducing the registration rates.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Commissioner Daly, and by unanimous vote, the meeting adjourned at 8:45 p.m.

Mayor DuBois

Deputy Clerk Jessica Shepherd

Town Clerk Vivian Lemley

Town Seal

Approved on this ___ of _____, 2009.

TAB 2

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: July 15, 2009

Agenda Item No. 2

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Resolution to Revise the Town of Lake Park Uniform Classification System to Amend the Job Description for the Position of Planner I

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager *H. Davis* Date: 7/8/09

Name/Title _____

Date of Actual Submittal _____

Originating Department: Human Resources	Costs: \$ -0- Funding Source: Acct. #	Attachments: Copy of Resolution and Job Description
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: 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 _____: Please initial one.

Summary Explanation/Background:

Currently, a job description exists in the Town of Lake Park Uniform Classification System entitled Planner I. The purpose of this item is to amend this job description to more accurately reflect the duties and requirements of this position, and to change the title to Planner.

The salary range for this position will remain the same. Therefore, no additional financial burden will be placed on the budget of the Town of Lake Park as a result of this action.

RESOLUTION 27-07-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REVISING THE TOWN UNIFORM CLASSIFICATION SYSTEM TO AMEND THE JOB DESCRIPTION FOR THE POSITION OF PLANNER I; PROVIDING FOR THE PUBLICATION OF AN UPDATED UNIFORM CLASSIFICATION SYSTEM; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park is a duly constituted municipality organized and existing under the laws of the State of Florida and Chapter 166, Fla. Stat; and

WHEREAS, the Uniform Classification System is based upon similarity of duties performed and responsibilities assumed, so that the same qualifications are reasonably required for the same schedule of pay, and are equally applied to all positions in the same class; and

WHEREAS, it is necessary to provide an updated listing of certain current titles and classifications within the Town service,

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

Section 1. The foregoing recitals are hereby incorporated as if fully set forth herein.

Section 2. The Uniform Classification System is revised to amend the job description for the position of Planner I. A copy of the amended job description for this position is attached hereto as Exhibit A.

Section 3. This Resolution shall become effective immediately upon adoption.

PLANNER

JOB CODE: 111
PAY GRADE:
DEPARTMENT: COMMUNITY DEVELOPMENT

CHARACTERISTICS OF THE CLASS:

Under the general supervision of the Community Development Director, performs professional, technical, and administrative work in carrying out the Town's short-term and long-range development planning and implementation functions while ensuring a high degree of customer service. Influences public decision making in the public interest and employs an appropriately comprehensive point of view, while carrying forward a professional level of responsibility and resourcefulness. Performs related duties when such duties are a logical and appropriate assignment to the position. May, on occasion, act on a supervisory level, in the extended absence of the Community Development Director, or when appointed to do so. This is an exempt position.

EXAMPLES OF ESSENTIAL FUNCTIONS:

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of all job duties. The omission of a job duty does not preclude management from assigning duties not listed herein if such duties are a logical assignment to the position of Planner.

1. Reviews land development submittals for compliance with zoning requirements, subdivision regulations and comprehensive plan requirements.
2. Interacts with the general public, property owners, development applicants, and other governmental agencies, on specific development proposals and provides professional planning analysis and recommendations on such proposals within a structured development review process.
3. Reviews complex and non-complex applications including conditional uses, development plans and zoning changes along with the issuance of building/sign permits and business taxes.
4. Generates alternate strategies and carries forward the Town's recommendations on development issues and communicates such recommendations to other review agencies. Writes review letters and reports, and manages the stakeholder process and facilitates neighborhood and project meetings.
5. Provides land use and zoning information to the general public and administers meetings of the Town's Planning and Zoning Board, as well as attends occasional Town Commission meetings as required.
6. Researches, analyzes and summarizes data to support the Community Development Director.
7. Participates in and provides staff support for comprehensive plan updates and zoning changes.

8. Uses independent judgement and discretion and incorporates new trends and initiatives through continuing education workshops and conferences in order to continuously value change and resource constraints in the community.
9. Applies legal and ethical principles as well as growth management techniques to the review process.
10. Reviews Historic Preservation applications for designation, de-designation, and certificates of appropriateness.

REQUIREMENTS:

1. **Training and Experience:**

Bachelor's degree from an accredited college or university with major coursework in urban planning, landscape architecture, environmental studies, or a closely related field. Previous professional experience in a public sector planning environment or equivalent is required. Master's degree preferred. Eligibility for membership in the American Institute of Certified Planners (AICP) preferred...

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

- Knowledge of computer operations, PowerPoint, GIS, and network systems including Microsoft Office Suite.
- Excellent writing, speaking and presentation skills.
- Ability to establish and maintain effective working relationships with departmental officials, associates, subordinates and the general public.
- Ability to portray a high degree of customer service
- Ability and willingness to learn new concepts, principles, ideas and programs.
- Ability to properly educate and inform departmental officials, associates, subordinates and the general public on regulations, principles and the like.

3. **Environmental Requirements:**

Work is performed without exposure to adverse environmental conditions, e.g., dirt, cold, rain, fumes, etc.

4. **Sensory Requirements:**

Work requires color and form perception and discrimination.

5. **Blood Borne Pathogens:**

Category II – Minimal to No Risk of Exposure

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.

TAB 3

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: July 15, 2009

Agenda Item No. 3

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON SECOND READING | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> Other: |

SUBJECT: Boating Infrastructure Grant Program (BIGP) Grant from the Florida Fish and Wildlife Conservation Commission

RECOMMENDED MOTION/ACTION: Authorize Grant Submission

Approved by Town Manager

W. Davis

Date:

7/9/09

Virginia Martin, Grants Writer
Name/Title

July 1, 2009
Date of Actual Submittal

Originating Department: Grants	Costs: \$ 698,595 Funding Source: FIND: \$349,297 FWC: \$149,297 DEP: \$200,000 Acct. #	Attachments: Resolution
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <u>GM</u> _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
Advertised: 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>GM</u> : Please initial one.

Summary Explanation/Background: Phase I was completed on the Marina Breakwater Project, for the engineering, design and permitting. We are currently ready to pursue funding for Phase II, Construction, which will install the new NS Breakwater, the EW Breakwater, move the fuel dock, install 4 finger piers to increase the number of transient slips available in the Marina, and install a training wall to quiet the wave energy in the basin.

The total cost of this project is \$698,595. FIND has indicated that they will cover \$349,297 of that amount, and the Town must match that amount in order to qualify for the FIND funding.

The Town has submitted an application to the Florida Department of Environmental Protection, Land and Water Conservation Fund for \$200,000 to use for the project, using \$200,000 of the FIND grant to match the amount required portion. That leaves \$149,297 left to match for the FIND grant. With the Commission's approval, we will submit an application to the Florida Boating Infrastructure Grant Program to fund this remaining amount.

All parties/agencies are aware of the use of other grant funds as match as opposed to local funds.

RESOLUTION NO. 28-07-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE TOWN MANAGER TO SUBMIT A GRANT APPLICATION FOR THE LAKE PARK HARBOR MARINA BREAKWATER PROJECT UNDER THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION BOATING INFRASTRUCTURE GRANT PROGRAM.

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

WHEREAS, the Town is interested in carrying out the following described project for the enjoyment of the citizens of Lake Park and the State of Florida and visitors to the community’s Marina:

Project Title: Lake Park Harbor Marina Breakwater Project – Phase II

Total Estimated Cost: \$698,595

Brief Description of Project: Phase II consists of the construction and installation of new breakwater sections that will help calm the wave action in the entry to the basin, and in the marina proper.

AND, Florida Fish and Wildlife Conservation Commission’s financial assistance is required for the project described above.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida that the project described above be authorized:

AND, be it further resolved that said Town of Lake Park make application to the Florida Fish and Wildlife Conservation Commission’s Boating Infrastructure Grant Program in the amount of \$149,297 of the actual cost of the project on behalf of said Town of Lake Park,

AND, be it further resolved by the Town of Lake Park that it certifies to the following:

1. That it will accept the terms and conditions which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto
3. That it has the ability and intention to fund its share of the cost of the project with grants from other sources, and that the project will be operated and maintained at the expense of said Town of Lake Park for public use.
4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, BI 88.352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to the Florida Fish and Wildlife Conservation Commission if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final funding reimbursement.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Town of Lake Park at a legal meeting held on the 15th day of July, 2009.

TAB 4

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: **July 15, 2009**

Agenda Item No. **4**

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Hurricane Debris Removal Services

RECOMMENDED MOTION/ACTION: Approve agreement with RKC Land Development, Inc. for removal of hurricane debris from Town temporary site(s) and transport to other disposal site(s).

Approved by Town Manager *M. Arnold* Date: *7/10/09*

Michael K. Arnold, Public Works Director
Name/Title

MA

July 10, 2009
Date of Actual Submittal

Originating Department: Public Works	Costs: To Be Determined Funding Source: Acct. #	Attachments: Proposal/Contract
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
Advertised: 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 _____: Please initial one.

Summary Explanation/Background:

The Town requires a contractor to load and transport hurricane debris from Town temporary disposal site(s) to other disposal sites. Staff recommends such a contract be entered into with RKC Land Development, Inc.

RKC LAND DEVELOPMENT, INC
13756 79th Court N
West Palm Beach, FL 33412
Outside Palm Beach County: 1-877-791-7866
rkclanddevelop@bellsouth.net
Phone: (561) 791-7866
Fax: (561) 791-9219

PROPOSAL/CONTRACT

July 1, 2009

The Town of Lake Park	PROJECT: upcoming Hurricane Season 2009
650 Old Dixie Hwy -- Lake Park, Fl 33403	
Attention:	

Scope of Work:

RKC WILL: @ various locations through out the Town of Lake Park:

Pick up debris (excluding stumps) @11.00 per cubic yard.

Payment terms: net upon invoicing.

Unless otherwise stated, price quoted is based upon one move-in & one set up of equipment only. RKC defines clearing and grubbing as taking down all trees, stumps and root raking entire site 6" in depth. If there is any grass onsite, this will be part of the stripping, not clearing and grubbing. There will be small wood debris left behind that cannot be picked up with the root rake. RKC will not be responsible for any removal of vegetation that is contaminated with any concrete, steel, dirt or anything other than combustible vegetation. RKC will leave 6" of mulch on the ground in stockpile areas to keep machinery from loading dirty mulch. RKC is not responsible for the last 6" of mulch left on the ground and this will be considered strippings. RKC will not be responsible for railroad ties or telephone poles. The presence of utilities or structures that interfere with the movement of RKC'S equipment will require an additional amount to be added to this quote. RKC will not be responsible for damage to fences or other structures that are surrounded by trees that are to be removed. RKC will not be responsible for any material underground. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written order and will be an extra charge above this estimate. Temporary work stoppage: Should a situation arise wherein, through no fault of his own, RKC is unable to perform the work set forth as above, RKC shall then reschedule the completion of the work at its next available time and levy reasonable remobilization charges. RKC will carry liability insurance. RKC can not be held responsible for unforeseen situations such as muck beneath the earth, weather, etc. This proposal is valid for thirty (30) days. **RKC IS NOT RESPONSIBLE FOR PERMITS OR ASBESTOS REMOVAL.**

Terms and conditions to be performed by client:

CONTRACTOR/OWNER IS RESPONSIBLE FOR ALL PERMITS.

Owner of property will carry liability insurance to cover damage to property not related to RKC Land Development, Inc.'s operation. In the event that Client's failure to perform his terms of the contract results in additional costs to RKC Land Development, Inc's said cost will be passed on to Client. Should said failure result in RKC Land Development, Inc's equipment sitting idle for more than 0 hour(s) RKC Land Development Inc's ___ option, reserves the right to remove its equipment from the site with no guaranteed time of re entry. All agreements are contingent upon strikes, accidents or delays beyond RKC Land Development Inc's control.

Bid Amount: __see above__ NO RETAINAGE TO BE WITHHELD

Method of payment: net upon invoicing

Interest shall accrue on all overdue accounts at the rate of 18% per annum. In the event of non-payment of amounts owed under this contract (with Palm Beach County Venue) client agrees to pay reasonable fees for its collection

Proposal Submitted by: RKC LAND DEVELOPMENT, INC.

Accepted By: _____ Contractor: _____

Robert K. Carter Accepted by: _____

Date: _____ Date: _____

TAB 5

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: 2/15/09 Agenda Item No. 5

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Emergency Debris Removal Services

RECOMMENDED MOTION/ACTION: Approve agreement with All Florida Tree & Landscape, Inc. of Coral Springs, Florida, via piggyback on Village of Pinecrest agreement, for various emergency debris removal services for 2009 hurricane season.

Approved by Town Manager *Michael K. Arnold* Date: 2/10/09
Michael K. Arnold, Public Works Director MA June 10, 2009
 Name/Title Date of Actual Submittal

Originating Department: Public Works	Costs: To Be Determined Funding Source: Acct. #	Attachments: Proposal/Agreement
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: 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 _____: Please initial one.

Summary Explanation/Background:

The Town needs a contractor for emergency debris removal services during the 2009 hurricane season. Staff recommends that an agreement for such services be entered into with All Florida Tree & Landscaping, Inc. via a piggyback on their contract with the Village of Pine Crest, Florida. Fees for services are as reflected in the attached Village of Pinecrest Agreement dated September, 2007.

ALL FLORIDA TREE & LANDSCAPE, INC

5855 N. W. 47 Place - Coral Springs, FL 33067
Telephone: (954) 753-6292 Facsimile: (954) 509-9049
Palm Beach County (561) 659-9717 - Facsimile (561) 832-9568

DATE: 6/29/2009

TO: Kim Alexander
Town of Lake Park

FAX# (561) 881-3349

PHONE: (561) 881-3348

FR: Mary Anne

RE: Emergency Debris Removal Contract

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET 17

The information contained in this transmission is privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, collect, and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for postage. Thank you.



June 29, 2009

Sent via E-mail

Ms. Kim Alexander
Public Works
Town of Lake Park

RE: Village of Pine Crest Contract for Emergency Debris Removal

Dear Ms. Alexander:

Please be advised that on behalf of All Florida Tree & Landscape, Inc., and the owner, Alan McPherson, it is hereby agreed to piggyback the above referenced contract with the Town of Lake Park. The current contract with the Village of Pine Crest reflects all hourly charges for equipment, labor and miscellaneous debris removal/tree work.

Kindly contact me if you have any questions or require additional information. We look forward to working with you.

Very truly yours,

Mary Anne Wolfson
ISA Certified Arborist
FL#5709

**5855 N.W. 47TH PLACE, CORAL SPRINGS, FL 33067
PHONE: 954-753-6292 FAX: 954-509-9049**



VILLAGE OF PINECREST
OFFICE OF THE VILLAGE MANAGER

Peter G. Lombardi
Village Manager

June 17, 2009

Alan McPherson, President
All Florida Tree & Landscape, Inc.
5855 NW 47 Place
Coral Springs, Florida 33067

Dear Mr. McPherson:

On September 12, 2007, the Village of Pinecrest signed an agreement with All Florida Tree & Landscape for Emergency Debris Removal. According to the term of this agreement, it covered a two (2) year period with a two (2) year renewal option if agreed to by both parties. The Village would like to extend the term of this agreement for another two years, thus ending on September 12, 2011.

If All Florida Tree & Landscape would like to extend the term of the current agreement, please execute this document in the space below and return the original to my office. If you have any questions, you may contact me at (305) 234-2121 or Lombardi@pinecrest-fl.gov.

Regards,

Peter G. Lombardi
Village Manager

I, (print name and title) MaryAnne Wolfson-Administ hereby request that the Emergency Debris Removal Agreement between the Village of Pinecrest and All Florida Tree & Landscape be renewed for another term, expiring on September 12, 2011.

MaryAnne Wolfson
Signature

mailed
6-20-09

Emergency Debris Removal Services



AGREEMENT

All Florida Tree & Landscape, Inc.
September 2007

AGREEMENT FOR PROFESSIONAL SERVICES

Emergency Debris Removal

THIS AGREEMENT, made and entered into on the _____ day of _____, 2007 by and between the Village of Pinecrest, Miami-Dade County, Florida, party of the first part (hereinafter called "VILLAGE"), and All Fla Trees Land, party of the second part (hereinafter called "CONTRACTOR"); Service, Inc.

RECITALS:

The VILLAGE wants to engage the CONTRACTOR to perform certain professional services as specifically described in accordance with ATTACHMENT A - SCOPE OF SERVICES in this Agreement. The CONTRACTOR wants to provide such specified services in connection with emergency debris removal.

In consideration of the mutual covenants set forth in this Agreement, the parties agree as follows:

SERVICES TO BE PERFORMED BY CONTRACTOR

Furnish all material, labor, supervision and equipment in performing all operations necessary in connection with the clearing and removal of debris, and standing and staking trees throughout the Village of Pinecrest, including, but not limited to Village facilities and sites, streets and rights-of-way, and canals.

The CONTRACTOR agrees, as directed by the Village Manager or his designee, to perform the services as specifically stated in the Scope of Services attached hereto as part of this Agreement as "Attachment A", and as may be specifically designated and additionally authorized by the VILLAGE through the issuance of a Work Order.

FEES FOR SERVICES

Upon satisfactory completion of the specified work as determined by the sole discretion of the Village Manager, the CONTRACTOR agrees to charge the VILLAGE in accordance with the following fees for service:

A.	Grapple Truck with Operator	\$ <u>75.00</u>	per hour
B.	Bobcat with Operator	\$ <u>48.00</u>	per hour
C.	Chainsaw with Laborer	\$ <u>24.00</u>	per hour
D.	Power Pruner with Laborer	\$ <u>22.00</u>	per hour
E.	Cherry Picker with Operator	\$ <u>65.00</u>	per hour

F.	Bucket Truck with Operator	\$	<u>95.00</u>	per hour
G.	Loader Truck with Operator	\$	<u>35.00</u>	per hour
H.	Front End Loader with Operator	\$	<u>65.00</u>	per hour
I.	Back-hoe with Operator	\$	<u>30.00</u>	per hour
J.	Flat Bed Truck with Operator	\$	<u>45.00</u>	per hour
K.	Pick-up Truck with Operator	\$	<u>35.00</u>	per hour
L.	Dump Truck with Operator	\$	<u>65.00</u>	per hour
	(please state size: <u>20 yds to 30 yds</u>)			
M.	Water Truck with Operator	\$	<u>65.00</u>	per hour
N.	Polecat with Operator	\$	<u>40.00</u>	per hour
O.	Misc. Tools, Gas, Oil & Equipment	\$	<u>25.00</u>	per hour
P.	Supervisor	\$	<u>85.00</u>	per hour
Q.	General Laborer	\$	<u>7.00</u>	per hour
R.	Debris Pushing	\$	<u>125.00</u>	per hour
S.	Debris Removal*	\$	<u>124.00</u>	per ton
		\$	<u>24.00</u>	per cubic yd
T.	Cutting of Tree Hangers (1-5 hangers)	\$	<u>63.00</u>	per tree
U.	Cutting of Tree Hangers (6+ hangers)	\$	<u>75.00</u>	per tree
V.	Stump Removal**	\$	<u>145.00</u>	per hour
		\$	<u>550.00</u>	per stump
			(stump size: <u>24" ↑</u>)	
W.	Stump Grinding	\$	<u>120.00</u>	per hour
		\$	<u>400.00</u>	per stump
			(stump size: <u>24" ↑</u>)	

Front End Loader or Chain Saw

*This includes all equipment, operator, special labor, and any and all other fees necessary for the general debris pick-up throughout the Village of Pinecrest, hauling and dumping this debris. Dumping fees are NOT included.
 **Stumps are to measure more than 24 inches in diameter (measured two feet from the ground) and be at least 50% uprooted.

3. INVOICING AND PAYMENT

The CONTRACTOR will issue an invoice of the work, which has been completed, in the Village Manager's sole discretion. If he/she determines that the work specified in the invoice has been performed according to the job specifications, the VILLAGE shall pay such invoice within 30 days.

The VILLAGE shall pay to the CONTRACTOR for the faithful performance of this Agreement, in lawful money of the United States of America.

4. TERM

The Agreement will cover a two (2) year period with a two (2) year renewal option if agreed to by both parties, at least ninety (90) days prior to the expiration of the two year contract. The contract will commence upon signing of AGREEMENT.

5. ASSIGNMENT

This Agreement shall not be assignable by the CONTRACTOR.

6. PROHIBITION AGAINST CONTINGENT FEES

The CONTRACTOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONTRACTOR, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person(s), company, corporation, individual or firm, other than a bona fide employee working solely for the CONTRACTOR, any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this Agreement unless approved by the Manager of the Village of Pinecrest.

7. TERMINATION

This Agreement may be terminated by either party upon 30 days written notice with or without cause. If this Agreement is terminated, the CONTRACTOR shall be paid in accordance with the provisions of Paragraph 3 of this contract for all acceptable work performed up to the date of termination.

8. NONEXCLUSIVE AGREEMENT

The services to be provided by the CONTRACTOR pursuant to this Agreement shall be nonexclusive and nothing herein shall preclude the VILLAGE engaging other firms to perform the same or similar services for the benefit of the VILLAGE within the VILLAGE'S sole and absolute discretion.

9. ENTIRE AGREEMENT

This agreement, together with all pertinent documentation including attachments and related materials shall constitute the entire agreement which may only be amended or modified upon written agreement between the parties.

10. WARRANTIES OF CONTRACTOR

The CONTRACTOR hereby warrants and represents that at all times during the term of this Agreement it shall maintain in good standing all required licenses, certifications and permits required under Federal, State and local laws necessary to perform the Specified Services.

1. INSURANCE

Contractor must also provide proof of insurance to the VILLAGE to be made part of this contract. The CONTRACTOR shall have and furnish Workers' Compensation Insurance and Employers Liability in the limits to comply with the Florida Statutes. The CONTRACTOR shall also furnish Public Liability and Contingent Liability Insurance for bodily injury in the minimum limits of the policy of One Million Dollars (\$1,000,000) each person and One Million Dollars (\$1,000,000) each occurrence for bodily injury liability and limits of Two Hundred Fifty Thousand Dollars (\$250,000) for each occurrence on property damage liability or Three Hundred Thousand Dollars (\$300,000) single limit coverage, all to be in a form satisfactory to the Village and protecting the Village from any loss due to any claim arising from or out of the contract work, and shall have the same approved by the Village prior to the signing of the contract. Insurance must be issued from a company who is licensed to sell insurance in the State of Florida. Proper certificates of such coverage shall be filed with the Village at the time of contract signing. The VILLAGE shall be named as an additional insured on the above-referenced policies.

2. ATTORNEY'S FEES

In connection with any litigation arising out of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs. This provision shall exclude all litigation resolved by agreement of the parties.

3. NOTICES

All notices and communications to the VILLAGE shall be in writing and shall be deemed to have been properly given if transmitted by registered or certified mail or hand delivery. All notices and communications shall be effective upon receipt. Notices shall be addressed as follows:

VILLAGE

Peter G. Lombardi
Village Manager
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, Florida 33156

CONTRACTOR:

14. GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement upon the terms and conditions above stated on the day and year first above written.

CONTRACTOR:

ALL FLORIDA TREE & LANDSCAPE, INC.
Alan McPherson, President
5855 NW 47 Place
Coral Springs, Florida 33067

By: Alan McPherson
Alan McPherson
President

Witness: Maureen Wagoner

Seal:

VILLAGE:

VILLAGE OF PINECREST
Peter G. Lombardi, Village Manager
12645 Pinecrest Parkway
Pinecrest, Florida 33156

By: Peter G. Lombardi
Peter G. Lombardi
Village Manager

Attest: Guido H. Inguanzo
Guido H. Inguanzo, Jr., CMC
Village Clerk



ATTACHMENT A – SCOPE OF SERVICES

Emergency Debris Removal

1. SCOPE OF WORK (General Description of Services)

The following is a general description of services that upon issuance of a Work Order shall be performed by the CONTRACTOR as approved by the Village Manager or his designee. The CONTRACTOR shall provide all supervision, labor, materials, tools, equipment, and subcontracted equipment/tools, materials necessary for the performance and completion of the work. The CONTRACTOR shall conduct the work so as not to interfere with disaster response and recovery activities of federal, state and local governments and agencies or public utilities. Scope of work shall include, but may not be limited to the paragraphs below numbered 2 through and including 6.

2. FIRST RESPONSE (Initial Push)

The CONTRACTOR shall perform the following services for the first response (initial push). The emergency initial push will normally be completed within the first 70 hours following the activation of this contract, unless notified otherwise by the VILLAGE. Time and material rate shall be applicable. The VILLAGE reserves the right to include a cost-not-to-exceed provision in the Work Order that the Contractor exceeds at its own risk without a written and agreed-to amendment.

- CONTRACTOR shall conduct emergency clearance of debris from primary transportation routes as directed by the Public Works Director, or his designee.
- CONTRACTOR shall accomplish street clearance by removing large debris from traffic lanes and stacking the debris on the rights-of-way/swales.
- CONTRACTOR shall develop pre-event emergency response contracts with local equipment contractors, as approved by the VILLAGE, to ensure sufficient resources are available on a timely basis to rapidly accomplish road clearance. Equipment and personnel will assemble at pre-determined rally point(s), as established by the VILLAGE and the CONTRACTOR, to be assigned priority roads for immediate clearance based on the disaster event debris stream. At the rally point(s), all equipment will be photographed, equipment numbers assigned, and all pertinent information for each crew recorded. A master crew summary will be provided to the VILLAGE for documentation purposes. Crews shall be instructed to protect to the extent practicable existing utilities, curbing, sidewalks, signage, street pavements, and other permanent fixtures.
- CONTRACTOR shall be able to respond to emergency situations when product is unknown or extent of service needed is uncertain.
- CONTRACTOR shall identify work-site limitations.
- CONTRACTOR and their subcontractors shall obtain all required permits, certificates and licenses. All fees pertaining to VILLAGE permits shall be waived.

Emergency Debris Removal

- CONTRACTOR shall provide clearance to allow for emergency access of search and rescue operations.
- CONTRACTOR shall allow for major roadways linking outside areas to designated response staging and relief center sites.
- CONTRACTOR shall provide for access and entry roadways to and from disposal sites and solid waste disposal facilities.
- CONTRACTOR shall assist public/private utility companies with the ability to provide water and electrical service.
- CONTRACTOR shall be responsible for the removal of various types of debris from public property and rights-of-way.
- While CONTRACTOR is engaged in work requirements under this agreement, CONTRACTOR shall be responsible for the protection of street surfaces, asphalt, water, sewer, storm drain, cable TV, gas and electrical lines and all other infrastructure and communication lines or other utility lines.
- CONTRACTOR shall provide for the emergency assessment of suspected contaminations of hazardous materials.

3. PICK-UP AND HAUL

A. Debris Removal from Public Property and Rights-of-Way

- CONTRACTOR shall mobilize equipment to the VILLAGE as soon as a disaster event is deemed imminent.
- CONTRACTOR'S primary responsibility includes, but is not limited to the pick up of debris, removal from public property and rights-of-way and the hauling to the designated disposal site, or to the Temporary Debris Staging and Reductions site(s) for further separation and reduction prior to final disposal.
- CONTRACTOR shall utilize its own vehicles to collect and load all debris from the VILLAGE'S properties and rights-of-way.
- The VILLAGE shall direct CONTRACTOR'S arriving equipment and crew to a central rally point for inspection, measurement, and certification prior to assignment and deployment.
- CONTRACTOR shall take photographs and detailed information of each vehicle used for debris removal. The VILLAGE shall supervise the process and approve each vehicle's entry in the Truck Measurement Log provided by the CONTRACTOR.
- CONTRACTOR'S Truck Measurement Log shall include:
 - ❖ Assigned equipment number
 - ❖ License plate number of the haul vehicle
 - ❖ Operating company
 - ❖ Driver's name
 - ❖ Measurements in feet of the height, width, and length of the truck or trailer bed
 - ❖ Sketch of the vehicle indicating exactly where the measurements were

ATTACHMENT A - SCOPE OF SERVICES

Emergency Debris Removal

taken, volume capacity in cubic yards as calculated for the truck or trailer bed and initials of the VILLAGE and CONTRACTOR

- CONTRACTOR shall adhere to the trucks and/or trailers their company logo and sticker in B numbers which details the assigned equipment number and the calculated volume capacity of the truck/trailer bed.
- CONTRACTOR is responsible for obtaining signed load tickets from Miami-Dade County.

B. Debris Removal from Private Property

- CONTRACTOR shall not conduct any work including debris removal, on private property. The VILLAGE will not pay CONTRACTOR for any work done on private property.

C. Work Areas/Zones

- Using a system that incorporates neighborhoods, major streets, waterways, and other natural boundaries, the VILLAGE and CONTRACTOR shall prepare zone maps of the affected area.
- The assignment of CONTRACTOR'S crews to specific zones for debris collection shall be made in coordination with the VILLAGE, prioritizing those areas most affected by the disaster.
- The CONTRACTOR shall monitor collection crews in their assigned areas to insure debris eligibility, safe operation, and adherence to FEMA debris collection guidelines.
- The CONTRACTOR shall conduct a minimum of three debris removal collection passes from VILLAGE properties and rights-of-way within each of the zones. CONTRACTOR'S third debris removal collection pass will require the VILLAGE'S close observation and inspection to ascertain whether or not the VILLAGE will certify the zone clear of debris. CONTRACTOR shall resolve any deficiencies noted by the VILLAGE prior to moving crews to the next zone. The CONTRACTOR shall submit daily reports to the Village that indicate each zone's status including those that have been cleared.
- CONTRACTOR shall insure all debris is loaded at curbside with appropriate machinery that will not destroy property. CONTRACTOR shall be responsible for all property damage.
- Depending on the debris size and type, CONTRACTOR shall use appropriate excavation type machinery in accordance with local, state, and federal safety guidelines.

The CONTRACTOR shall post the load tickets to a report with a hard copy and disk provided to the VILLAGE'S Public Works Director. CONTRACTOR shall detail the following load ticket information on the report:

- Date
- Village of Pinecrest
- Preprinted ticket number
- Hauler's name
- Truck number
- Truck capacity in tons
- Load percentage full
- Load amount in billable weight
- Debris classification as burnable, non-burnable, mixed, other
- Point of origin for debris collected and time loaded
- Dump site location, date and time dumped

CONTRACTOR shall provide to the VILLAGE'S Public Works Director daily reports denoting progress to date and crew assignments. CONTRACTOR'S reports shall detail current crew assignments by zone and the percentage of completion for each pass by zone. The CONTRACTOR will also provide a project deficiency report to the VILLAGE on a daily basis detailing any accidents, private or public damage, and/or homeowner complaints. CONTRACTOR shall be committed to an initial response to all deficiencies within 24 hours.

5. PROJECT MANAGEMENT

CONTRACTOR shall attend meetings and provide for daily progress reports as well as the dispatching of field supervisors where necessary. A twenty four (24) hour response must be provided by CONTRACTOR for any complaints from homeowners. CONTRACTOR shall provide for quality assurance at all times.

CONTRACTOR shall be monitored by the Village Manager or his designee to ensure work is being performed as detailed in this Agreement, including Attachment A, Scope of Services.

CONTRACTOR shall provide name, phone numbers and emails of crew chiefs, foremen, superintendents, etc., to be contacted in the field. Said crew chiefs, foremen, superintendents, etc. must have radio and/or phone communication with the crew reporting to them.

4. TECHNICAL ASSISTANCE/RECORD KEEPING AND REPORTING**A. Technical Assistance**

CONTRACTOR'S technical assistance team will perform the following core responsibilities, which are intended to assist the VILLAGE in receiving the maximum eligible reimbursement from external sources.

- CONTRACTOR shall comply with Federal and State guidelines conducted under the Public Assistance Program including, but not limited to the following reference materials: Debris Management Guide (FEMA), Policy Digest (FEMA), Public Assistance Guide (FEMA), Applicant Handbook (FEMA), Stafford Disaster Relief and Emergency Assistance Act (US Congress), and 44 CFR (US Congress).
- CONTRACTOR shall provide documentation of all costs associated with emergency incidents in a timely manner to assist the VILLAGE in cost recovery in accordance with established FEMA requirements. CONTRACTOR must coordinate with appropriate VILLAGE staff regarding proper billing procedures to meet FEMA reimbursement requirements. CONTRACTOR'S invoice shall include the segregation of costs by Site or Project Worksheet. CONTRACTOR shall deliver the aforementioned records to the VILLAGE'S Public Works Director.
- CONTRACTOR shall immediately report the discovery of any hazardous material to the VILLAGE.
- CONTRACTOR shall provide recovery overview to the VILLAGE.
- CONTRACTOR shall brief the VILLAGE on the recovery process, critical meetings, required procedures and the current disaster recovery environment.
- CONTRACTOR shall assist and support the local recovery team through the recovery process.
- The CONTRACTOR shall remain on site until released by the VILLAGE.
- CONTRACTOR shall conduct an exit interview with the VILLAGE.
- CONTRACTOR shall prepare an after action disaster event report for the VILLAGE.
- CONTRACTOR shall remain available for any additional recovery assistance and guidance requested by the VILLAGE.

B. Documentation and Reporting

CONTRACTOR shall supply the VILLAGE with the load tickets to record the debris collected from the rights-of-way and transported to the designated disposal site. CONTRACTOR'S load ticket shall contain 15 key data points described in the Debris Management Guide (FEMA). CONTRACTOR'S load ticket shall consist of five parts allowing all recovery participants to maintain documentation.

ATTACHMENT A - SCOPE OF SERVICES

Emergency Debris Removal

6. MOBILIZATION PLAN

CONTACTOR must provide a mobilization plan which includes a time line indicating set-up and the different steps of mobilization, anticipated staging area(s), and office location.

CONTRACTOR shall mobilize equipment to the VILLAGE as soon as a disaster event is deemed imminent.

7. OTHER SERVICES AS NEEDED

The CONTRACTOR shall perform other services only as specifically designated and additionally authorized through the issuance of a work order by the VILLAGE for the following services and/or as negotiated in accordance with Emergency Procurement Procedures.

- Hazardous stump removal
- Hazard and debris removal from canals and waterways
- Aerial hazard mitigation (hangers)
- Backfill material

PUBLIC ENTITY CRIMES AND CONFLICTS OF INTEREST

Emergency Debris Removal

Pursuant to the provisions of Paragraph (2) (a) of Section 287.133, Florida State Statutes - "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 on a Contract to provide any goods or services to a public entity, may not submit a Bid on a Contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded to 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 Category Two of Section 287.017, Florida Statutes, for thirty six (36) months from the date of being placed on the convicted vendor list".

The award of any contract hereunder is subject to the provisions of Chapter 112, Florida State Statutes. BIDDERS must disclose with their Bids, the name of any officer, director, partner, associate or agent who is also an officer or employee of the Village of Pinecrest or its agencies.

SWORN STATEMENT PURSUANT TO SECTION 287.133 (3)(a), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to Village of Pinecrest
 by Alan Mc Pherson, President/Owner
[print name of the public entity]
[print individual's name and title]
 for All Florida Tree's Landscaping, Inc.
[print name of entity submitting sworn statement]
 whose business address is 625 N. Flagler Dr. #507
West Palm Beach FL 33401
 and (if applicable) its Federal Employer Identification Number (FEIN) is 05-0567207 (if the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement)

2. I understand that a "public entity crime" as defined in Paragraph 287.133 (1)(g), Florida Statutes, means violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133 (1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that an "affiliate" as defined in Paragraph 287.133 (1)(a), Florida Statutes, means:
 (a) A predecessor or successor of a person convicted of a public entity crime; or
 (b) An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in any person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person

PUBLIC ENTITY CRIMES AND CONFLICTS OF INTEREST

Emergency Debris Removal

who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

I understand that a "person" as defined in Paragraph 287.133 (1)(e) Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. [Indicate which statement applies.]

Neither the entity submitting this sworn statement, nor any of its officers, directors, executive, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executive, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executive, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent of July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (attach a copy of the final order.)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY, AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.012, FLORIDA STATUTES, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

Alan McPherson [signature]

Sworn to and subscribed before me this 20th day of June, 2007.

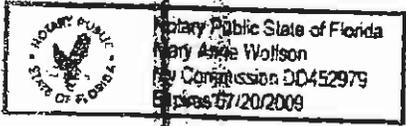
Personally known OR Produced identification
Notary Public - State of Florida

Mary Anne Wolfson My commission expires

(Type of identification)

(Printed, typed or stamped commissioned name of notary public)

Form PUR 7068 (Rev.06/11/92)



TAB 6

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: 7-15-2009

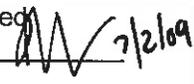
Agenda Item No. 6

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> BID/RFP AWARD |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Text change to the Alcoholic Beverages section to exempt businesses on Park Avenue from the requirement that prohibits a business from selling alcohol if it is located within 500 feet of a church, school, park or day care center.

RECOMMENDED MOTION/ACTION: Approval

Approved by Town Manager  Date: 6/8/09

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development <u></u>	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u></u> 7/2/09 OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Because of the location of the Baptist Church most of the 700 block of the Park Avenue Downtown District (PADD) is not able to have a business that can sell alcohol because the present code limits a property that is 500 feet from a lot that has a church or school from having an alcohol license. This limits restaurants from locating in this block. It also limits the ability of the theater to have wine receptions and the like.

There is also the potential for the Town to create a village green or park in the downtown and that would further limit restaurants from locating within 500 feet of the town green. This ordinance would exempt the businesses on Park Avenue from the distance regulations as outlined in the Code.

Chapter 6 Alcoholic Beverages

Sec. 6-6. Sale of alcohol near certain uses prohibited.

(a) No person or entity may sell alcoholic beverages for consumption either on or off the premises where the place of sale is within 500 feet of real property that is being used as a church, public or private day care center, elementary school, middle school, high school, or secondary school, or park.

1. Exceptions.

a. Businesses located on Park Avenue between 7th Street and 10th Street are exempt from the distance regulation.

(b) The measurement provided in subsection (a) of this section shall be measured by drawing a straight line between the closest property lines of the place of sale and the real property being used as a church, public or private day care center, elementary school, middle school, high school or secondary school, or park.

(c) For purposes of this section, Kelsey Park, Lake Shore Park and the Lake Park Harbor Marina shall be excluded from the definition of "park" provided that any consumption of alcohol in Kelsey Park or Lake Shore Park must be pursuant to a special event permit which authorizes the sale and consumption of alcohol in Kelsey Park or Lake Shore Park.

(Ord. No. 17-2007, § 2, 8-1-2007)

Cross references: Zoning, ch. 78.

State law references: Authority to regulate location of business, F.S. § 562.45(2)(a); sale of malt beverage for off-premises consumption not subject to municipal zoning, F.S. § 563.021(1)(a).

ORDINANCE NO. 08-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGES"; PROVIDING FOR THE AMENDMENT OF SECTION 6-6 ENTITLED "SALE OF ALCOHOL NEAR CERTAIN USES PROHIBITED"; 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 previously adopted regulations pertaining to the sale and consumption of "Alcoholic Beverages" in the Town; and

WHEREAS, the Town Commission has determined that it would be in the best interests of the public to amend Section 6-6 of the Town Code which prohibits the sale of alcohol near certain uses; and

WHEREAS, Town staff has recommended to the Town Commission that it amend Chapter 6 to supplement the existing restrictions on the sale and consumption of alcoholic beverages; and

WHEREAS, the Town staff has recommended to the Town Commission that it adopt regulations and restrictions, prohibiting the possession and consumption of alcoholic beverages in certain public places within the Town, and

WHEREAS, the Town Commission finds that the amending of Chapter 6, to provide a more comprehensive "open container" law regulating the possession and consumption of

alcoholic beverages within the Town would further the health, safety, and welfare of the residents and visitors of the Town of Lake Park.

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 as the legislative findings of the Town Commission.

Section 2. Chapter 6, Section 6-6 of the Town Code is hereby amended to read as follows:

Sec. 6-6. Sale of alcohol near certain uses prohibited.

(a) No person or entity may sell alcoholic beverages for consumption either on or off the premises where the place of sale is within 500 feet of real property that is being used as a church, public or private day care center, elementary school, middle school, high school, or secondary school, or park. Provided however that businesses located on Park Avenue between 7th Street and 10th Street shall be exempt from this 500 foot distance regulation.

(b) The measurement provided in subsection (a) of this section shall be measured by drawing a straight line between the closest property lines of the place of sale and the real property being used as a church, public or private day care center, elementary school, middle school, high school or secondary school, or park.

(c) For purposes of this section, Kelsey Park, Lake Shore Park and the Lake Park Harbor Marina shall be excluded from the definition of “park” provided that any consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park must be pursuant to a special event permit which authorizes the sale and consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park.

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 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.

TAB 7

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: 7-15-09

Agenda Item No. 7

- | | |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input checked="" type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Adopt Code language that requires the Town to expedite certain applications for development.

RECOMMENDED MOTION/ACTION: Approval

Approved by Town Manager *W. Davis* Date: 7/10/09

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Business Development Board (BDB) has requested that all municipalities in Palm Beach County adopt regulations that provide for expedited permitting for large businesses wishing to locate in their community. Expedited permitting can be critical in the decision making process for businesses making location decisions. Eligible businesses would generally fall in the following categories: manufacturing, research, education, aerospace and corporate headquarters. An eligible business would also have to create 30 or more new full-time jobs within the first two years of operation. The Town would agree to give the business application process a top priority and provide short timetables for the review process. Staff recommends approval.

Article VII. Expedited Permitting

Section 67-201 Purpose.

Time is money and expedited permitting is a measurable success factor in location decision making. Expediting permitting assumes property is properly zoned and platted for intended use and includes the following:

- An expedited process for qualified projects
- A business-friendly, single point of contact city staff professional that will expedite projects through the development review process
- Pre-development meetings, initiated by town development professionals. These meetings play a vital role in eliminating unexpected delays during the development review process.
- Town staff assistance with coordination of all necessary parties, such as monthly meetings with utility company representatives and others.

Section 67-202. Applicability.

The following criteria shall be used to determine whether a business qualifies for the expedited permitting program:

(a) The business must fall into one of the following targeted industry clusters:

1. Aviation/Aerospace/Engineering
2. Business/Financial service (non-retail)
3. Bioscience;
4. Communications/IT
5. Medical or pharmaceutical research and development
6. Educational Institution
7. Corporate Headquarters

(b) The business shall demonstrate the capability to create 30 new full-time positions within the first two years of operation or within two years of expansion of its operation within the town.

(c) New employment positions shall be value-added employment based on the average salary paid by the employer. Value-added employment is defined as the average salary for new employment positions created being at least fifteen percent higher than the average current per capita income level in Palm Beach County or fifteen percent higher than the industry average as reported by the Bureau of Economic and Business Research, University of Florida.

(d) The business shall submit sufficient financial information to the town manager to establish solvency and status as an ongoing business prior to

acceptance into the program. Due diligence reports may include a Dun & Bradstreet report or such other reports as deemed necessary by the town.

Section 67-203. Town's Responsibilities.

For businesses that meet the above described criteria, the Town of Lake Park agrees to take the following actions in an effort to streamline the permitting process:

- (a) The Community Development Director or designee shall be the "Corporate Permit Manager." This staff member serves as the single point of contact with the responsibility of assisting the applicant throughout the development application and permitting process.
- (b) The Community Development Department shall establish the necessary steps required for project approval and permitting in a pre-application meeting and subsequently prepare a timetable within five business days for the project's completion of the development application review and permitting process. A plans review timeline will be developed and agreed upon by both parties which includes submittal deadlines and review for all development related issues.
- (c) The project shall receive priority at every phase of the development application review and permitting process by town staff, including "face-to-face" or "stand-up" meetings to conduct reviews with the applicant present to have an efficient interaction during the review, to get answers immediately to questions, and/or to make expectations clear on how issues will be addressed. Public hearing scheduling shall be expedited if applicable to an application.
- (d) Comments relative to the town's development application review shall be provided to the applicant within ten business days of the submission of a sufficient development application by the applicant. The town and the applicant shall make a mutual commitment to provide development application review comments and plans or revisions thereto in a thorough and timely manner;
- (e) Should any issues arise at any point during the development application review and permitting process, a "face-to-face" or "stand-up" meeting between the town staff and applicant's representatives shall be conducted within three business days of the applicant's notification of the issues.

ORDINANCE NO. 09-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA , AMENDING CHAPTER 67 OF THE TOWN CODE ENTITLED "LAND DEVELOPMENT CODE" CREATING ARTICLE VII TO BE ENTITLED "EXPEDITED PERMITTING"; PROVIDING FOR THE CREATION OF NEW SECTIONS 67-201 ENTITLED "PURPOSE"; 67-202 ENTITLED "APPLICABILITY"; AND SECTION 67-203 ENTITLED "TOWN'S RESPONSIBILITIES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL 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 Commission has adopted a Land Development Code which has been codified in Chapter 67 of the Code of Ordinances; and

WHEREAS, Town staff has recommended to the Town Commission, that it adopt regulations that provide for expedited permitting for businesses proposing to locate in the Town; and

WHEREAS, the adoption of a new Article VII together with Sections 67-201, 67-202 and 67-203 provide for the purpose, applicability and Town's responsibilities with regard to expedited permitting; 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 the Town's Code to provide for expedited permitting.

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

Section 1: The whereas clauses are incorporated herein as the Commission's legislative

findings.

Section 2. Article VII, Sections 67-201, 67-202 and 67-203 of Chapter 67 are hereby created to read as follows:

Article VII. Expedited Permitting

Section 67-201 Purpose.

The purpose of this Article is to provide an expedited permitting process to encourage businesses to locate or relocate within the Town of Lake Park. An expedited permitting process may be applied to a property which is properly zoned and platted for its intended use to accomplish the following:

- An expedited process for qualified projects
- A business-friendly, single point staff professional whose responsibility it is expedite projects through the Town's development review process
- Provide for pre-development meetings, initiated by appropriate town staff and consultants to eliminate or minimize unanticipated delays during the development review process.
- Town staff coordination of meetings, as necessary with utility company representatives and others.

Section 67-202. Applicability.

The following criteria shall be used to determine whether a business qualifies for the expedited permitting program:

(a) The business must fall into one of the following targeted industry clusters:

1. Aviation/Aerospace/Engineering
2. Business/Financial service (non-retail)
3. Bioscience;
4. Communications/IT
5. Medical or pharmaceutical research and development
6. Educational Institution
7. Corporate Headquarters

(b) The business shall demonstrate the capability to create 30 new full-time positions within the first two years of operation or within two years of expansion of its operation within the town.

(c) New employment positions shall be value-added employment based on the average salary paid by the employer. Value-added employment is defined as the average salary for new employment positions created being at least fifteen percent higher than the average current per capita income level in Palm Beach County or fifteen percent higher than the industry average as reported by the Bureau of Economic and Business Research, University of Florida.

(d) The business shall submit sufficient financial information to the town manager to establish solvency and status as an ongoing business prior to acceptance into the program. Due diligence reports may include a Dun & Bradstreet report or such other reports as deemed necessary by the town.

Section 67-203. Town's Responsibilities.

For businesses that meet the above described criteria, the Town of Lake Park agrees to take the following actions to streamline the permitting process:

(a) The Community Development Director or his designee shall be the Town's "Corporate Permit Manager." This individual shall serve as the single point of contact for qualified businesses and shall have the responsibility of assisting applicants throughout the Town's development application review and permitting process.

(b) The Community Development Department shall establish the necessary steps required for permitting qualified projects in a pre-application meeting and shall prepare a permitting timetable within five business days for the project's completion of an application to the town for review. A plans review timeline shall be developed and agreed upon by both parties which include submittal deadlines and review for all development related issues.

(c) The project shall receive priority at every phase of the development application review and permitting process by town staff, including "face-to-face" or "stand-up" meetings to conduct reviews with the applicant present to have an efficient interaction during the review, to get answers immediately to questions, and/or to make expectations clear on how issues will be addressed. Public hearing scheduling shall be expedited if applicable to an application.

(d) Comments relative to the town's development application review shall be provided to the applicant within ten business days of the submission of an application which has been deemed complete by the town. The town and the applicant shall review comments and plans or revisions thereto in a thorough and timely manner;

(e) Should any issues arise during the development application review and permitting process, a "face-to-face" or "stand-up" meeting between the town staff and applicant's representatives shall be conducted within three business days of the applicant's written notification of the issues.

Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall become effective immediately upon adoption.

TAB 8

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: July 15th, 2009

Agenda Item No. 8

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Use of Town Property for a Community Yard Sale

RECOMMENDED MOTION/ACTION: Provide Direction

Approved by Town Manager

W. Davis

Date:

7/10/09

Name/Title

Date of Actual Submittal

Originating Department: Town Manager	Costs: N/A Funding Source: Acct. #	Attachments: None
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Lake Park Kiwanis Club raises funds each year to provide various youth services. They have developed the concept of a pre-school year community yard sale this year to raise funds. They propose to have spaces available for individuals to purchase for \$10 each to sell school uniforms, clothing, etc. The Kiwanis have requested the use of Kelsey Park or the recently purchased property on Foresteria Drive to hold the event.

Staff requests Commission direction on this issue.

Mr. John Enck from the Kiwanis Club will speak to this agenda item at the July 15th Commission Meeting.

TAB 9

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: 7-1-2009

Agenda Item No. 9

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input checked="" type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Abutting private property encroachment onto Town owned alleyways

RECOMMENDED MOTION/ACTION:

Approved by Town Manager

Handwritten signature: W. Davis

Date:

Handwritten date: 7/8/09

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Alleyway map
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Town owns approximately 3 miles of alleyways (see attached map). About 66 percent of the alleyways are unpaved. Over the years some property owners that abut the alleyways have extended their back yards onto the Town's right of way. Fences extend into the right of way (see attached photo). Sheds have been placed in the right of way and boats and cars are stored there as well. There are a dozen or so lots that are encroaching which present numerous issues from maintenance to liability. It is also a question of equity. It is not fair to those landowners who have respected the Town boundaries to allow those that have not to utilize the Town's land for additional yard area. There are 165 lots that abut the unpaved alleyways. There are a dozen or so properties that have encroached. Staff felt it was appropriate to discuss this issue with the Commission prior to commencing with code enforcement.

Options (these are the most obvious ones and are not meant to be exclusive):

1. Do nothing and leave everything as is.

Staff comment:

- *A problem with this is that the hundred some odd sites that are now in compliance may choose to extend their property boundaries into the alleyways which leave us with little ability to stop them while we allow others to remain.*
- *It is not fair to allow those that jumped the gun to have an exclusive use of the Town's alleyways and then limit those that want to expand.*

2. Sell off the alleyways.

Staff comment:

- *This option would offer some positive benefits to the Town and the property owner. It would allow those that have encroached to continue using the areas they have marked out and it would provide income to the Town through the sale of the land. It would also eliminate the cost of maintaining the alleyways.*
- *The negative side is that many of the owners will not want to participate in the land sale which could potentially create pockets of inaccessible areas throughout the alleyways.*
- *The Town has a duty to maintain the alleyways and all areas of the alleyways that are not sold would still have to be maintained. As properties add fences and close in the alleyway maintenance becomes more difficult.*
- *Many of the property owners will not be able to afford the cost of the land. Should the Town set up a loan program to help those in need? How will it be funded?*
- *Every sale would require a subdivision and subsequent recording of a new plat.*
- *Code requirements for selling of Town land is quite extensive and requires among other things that the land be publically advertised for sale and that a public hearing before the Town Commission be held for each sale.*
- *Finally, there will be those that just don't want to purchase and that will leave maintenance to the Town.*

3. Enforce the Code and require those that have encroached to clear the alleyway.

Staff Comment:

- *There are a dozen or so properties that are presently encroaching. Many have been that way for years and have expended considerable dollars in fencing and landscaping. I would expect a strong pushback from the property owners when they are cited and asked to move off the alleyway.*
- *Due to the complexity of subdividing and selling individual parcels and due to the fact that most properties do not encroach staff would recommend this option.*

Options (these are the most obvious ones and are not meant to be exclusive):

1. Do nothing and leave everything as is.

Staff comment:

- A problem with this is that the hundred some odd sites that are now in compliance may choose to extend their property boundaries into the alleyways which leave us with little ability to stop them while we allow others to remain.
- It is not fair to allow those that jumped the gun to have an exclusive use of the Town's alleyways and then limit those that want to expand.

2. Sell the parcels that are encroaching to the abutting landowner.

Staff comment:

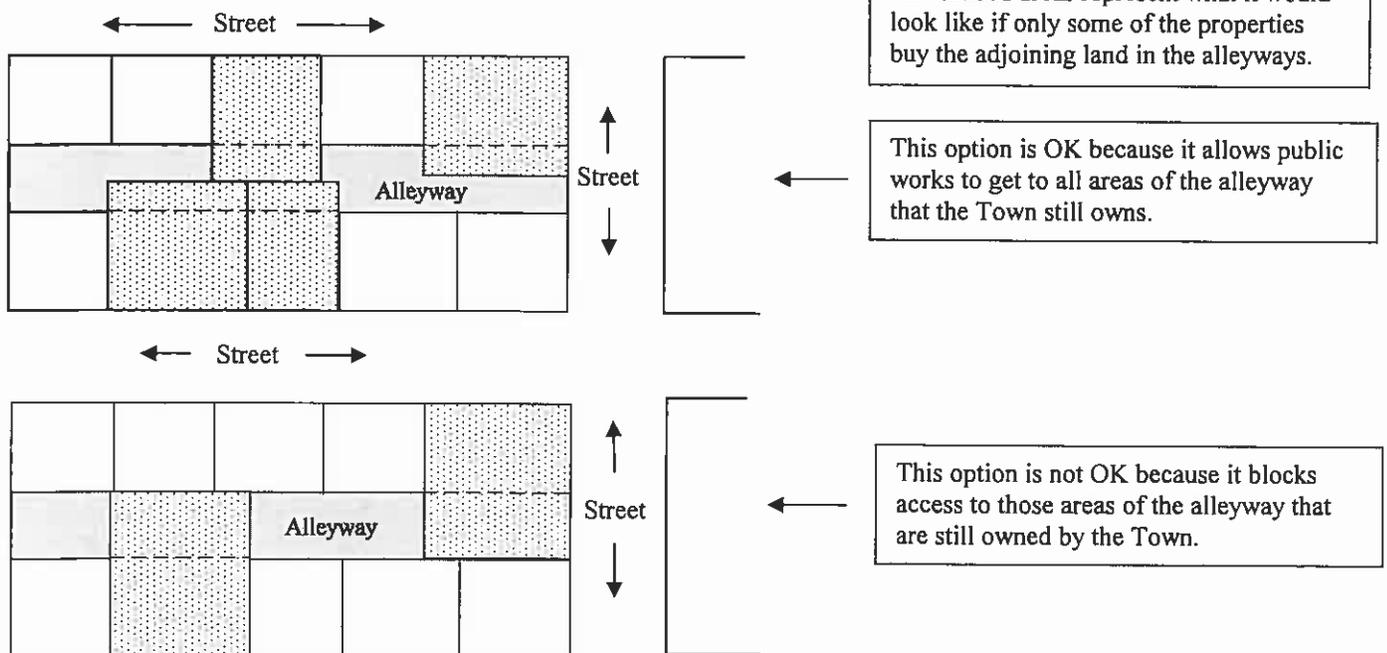
Pros:

- This option would offer some positive benefits to the Town and the property owner. It would allow those that have encroached to continue using the areas they have marked out and it would provide income to the Town through the sale of the land. It would also eliminate the cost of maintaining the alleyways and would increase tax revenues by putting that land back on the tax roles.

Cons:

- Every sale would require a subdivision and subsequent recording of a new plat.
- A problem that might arise is that many of the owners may not want to participate in the land sale which could potentially create pockets of inaccessible areas throughout the alleyways. As long as the Town owns the land it has a duty to maintain the alleyways. Areas of the alleyways that are **not** sold would still have to be maintained. Maintenance would become more difficult as properties add fences and close in the alleyway. It would be necessary to make sure that access to Town owned areas of the alleyway always remain open. Therefore, the sale of the land would have to be arranged so that access would not be cut off.
- The cost may be prohibitive. Each sale would require the services of an attorney, appraiser and a surveyor. Closing costs, title insurance, etc. would have to be paid by either the Town or the property owner. Individual landowners may not agree to pay these costs to acquire the land.

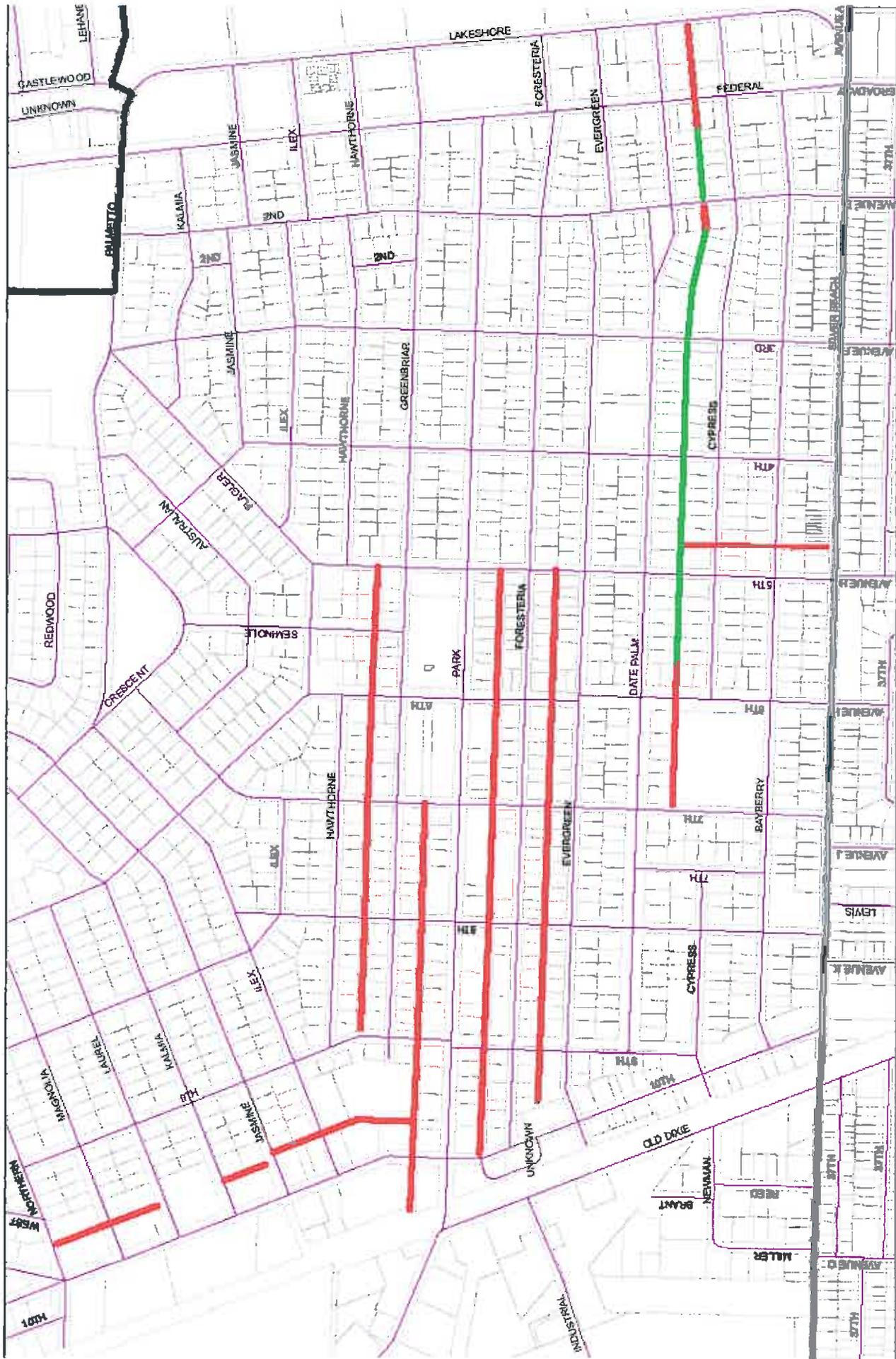
Examples:



3. Enforce the Code and require those that have encroached to retreat from the alleyway.

Staff Comment:

- There are a dozen or so properties that are presently encroaching. Many have been that way for years and have expended considerable dollars in fencing and landscaping. I would expect a strong pushback from the property owners when they are cited and asked to move off the alleyway.
- This is staff's preferred option.



Alleyways ———
 Easements ———

3"=1"

Town Owned Alleyways

June 8, 2009

Revised Version 4
 2009/06/08
 2009/06/08
 2009/06/08
 2009/06/08



TAB 10

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: **July 15, 2009**

Agenda Item No. **10**

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award | <input checked="" type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Proposed Parking Meters – Waterfront Area

RECOMMENDED MOTION/ACTION: Authorize staff to solicit bids and/or explore public contract piggyback purchase options.

Approved by Town Manager

M. K. Arnold
MA

Date:

7/9/09

Michael K. Arnold / Public Works Director
Name/Title

July 8, 2009

Date of Actual Submittal

Originating Department: Public Works	Costs: \$ 150,000 (Estimate) Funding Source: Acct. #	Attachments: Proposed Parking Meters – Waterfront Area
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
Advertised: 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>MA</i> Please initial one.

Summary Explanation/Background:

At the regular meeting of the Town Commission on May 20, 2009, the Town Manager presented and discussed her goals for the period of February 1, 2009 through January 31, 2010. The first category was Revenue Enhancements, and among those recommended by the Town Manager was: *Install parking meters at Lake Shore Park, Lake Shore Drive, various streets perpendicular to Lake Shore Drive and possibly at the Marina.*

The Town Commission reacted very favorably toward this recommendation, directing the Town Manager to bring forward a proposal to the Town Commission for consideration at the earliest possible opportunity. This agenda item is intended to present and discuss that proposal. Attached is a packet of information titled *PROPOSED PARKING METERS – WATERFRONT AREA*. The information presented therein is intended to provide the basis for discussion and consideration of this proposal.

**P R O P O S E D P A R K I N G M E T E R S
W A T E R F R O N T A R E A**

Town Commission

July 15, 2009

P R O P O S E D P A R K I N G M E T E R P R O J E C T
A S S U M P T I O N S
I S S U E S
D I S C U S S I O N P O I N T S

Town Manager Goal – Revenue Enhancement

Projected Revenue / Return on Investment

Rate : \$ 1.00 / Hour

Hours : 6:00 AM to 8:00 PM

6½ % State Tax – Off-Street Parking Meter Revenue

Proposed Parking Meter Locations

Typical Parking Meters & Related Equipment

Estimated Costs

In-House Installation

In-House Maintenance

In-House Collection

In-House Enforcement

Marina : No Charge to Boat Owners / Slip Tenants
No Meters in Boat Trailer Parking Lot

Possible Concerns – Effects on Adjacent Business and/or Condo Owners

P A R K I N G S P A C E C O U N T

ON-STREET

(All East of Federal Highway)

Totals

GREENBRIAR DRIVE	North Side / Parallel	10	
	South Side / Angled	20 + 1 HC	31
FORESTERIA DRIVE	North Side / Parallel	10 + 2 HC	
	South Side / Parallel	11	23
LAKE SHORE DRIVE	East Side / Parallel		
	(Adjacent to Marina Slips)	12	12
TOTAL ON-STREET			66

TENNIS & PARK OFF-STREET LOTS

TENNIS COURTS LOT	East Side / Perpendicular	11 + 3 HC	
	West Side / Perpendicular	11	25
LAKE SHORE PARK LOT	North Side / Perpendicular	20 + 2 HC	
	East End / Perpendicular	2	
	South Side / Perpendicular	19	43
TOTAL TENNIS & PARK OFF-STREET LOTS			68

MARINA OFF-STREET LOTS

NORTH LOT (Main Lot)	North Side / Entrance Drive / Parallel	10	
	South Side / Entrance Drive / Parallel	7	
	East Side / Angled	21	
	West Side / Angled	19 + 2 HC	
	<u>Proposed</u> / Perimeter of Storm		
	Water Retention Area / Parallel	18	77
SOUTH LOT (Vehicles)	East Side / Perpendicular	18 + 3 HC	
	West Side / Perpendicular	19	40
RAMP LOT (Boat Trailers)	52 Total Spaces		
	Listed Here for Info Only		
TOTAL MARINA OFF-STREET LOTS			117

ACTUAL GRAND TOTAL / PARKING SPACES 251

OTHER POTENTIAL SPACES

PROPOSED LOT	Easement Adjacent to Dunkin' Donuts (Maximum)	28 + 1 HC	29
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POTENTIAL GRAND TOTAL / PARKING SPACES 280

W A T E R F R O N T V I C I N I T Y P A R K I N G
E X I S T I N G & P R O P O S E D L O C A T I O N S
P A R K I N G M E T E R R E C O M M E N D A T I O N S
(A E R I A L S A N D / O R M A P S)

Existing Parking – Vicinity of Kelsey and lake Shore Parks

On-Street Parking – Greenbriar Drive

On-Street Parking – Foresteria Drive

On-Street Parking – Lake Shore Drive

Off-Street Parking Lots – Tennis Courts Lot

Off-Street Parking Lots – Lake Shore park Lot

Off-Street Parking – Marina Parking Lots

Off-Street Parking – Proposed Future Lot (Easement at Dunkin' Donuts)



O N - STREET PARKING

GREENBRIAR DRIVE
Federal Highway to Lake Shore Drive

Existing Parking Spaces :	North Side / Parallel Parking	10 Standard Spaces
	South Side / Angle Parking	20 Standard Spaces 1 Handicap Space
	Total Existing Spaces	31

PARKING METER RECOMMENDATIONS

Individual Meters	14 Duplex Meters (Single Post w/ Double Head – Serves Two Spaces) 3 Single Meters
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OFF-STREET PARKING LOTS

TENNIS COURTS LOT
Lake Shore Park

Existing Parking Spaces :	East Side / Perpendicular	11 Standard Spaces
	West End / Perpendicular	3 Handicap Spaces
		11 Standard Spaces
	Total Existing Spaces	25

PARKING METER RECOMMENDATIONS

One (1) Multi-Space Meter / Pay-and-Display Station



OFF-STREET PARKING LOTS

LAKE SHORE PARK South Side of Park

Existing Parking Spaces :	North Side / Perpendicular	20 Standard Spaces
	East End / Perpendicular	2 Handicap Spaces
	South Side / Perpendicular	2 Standard Spaces
		19 Standard Spaces
	Total Existing Spaces	43

PARKING METER RECOMMENDATIONS

One (1) Multi-Space Meter / Pay-and-Display Station

**OFF-STREET PARKING LOTS
MARINA PARKING LOTS**

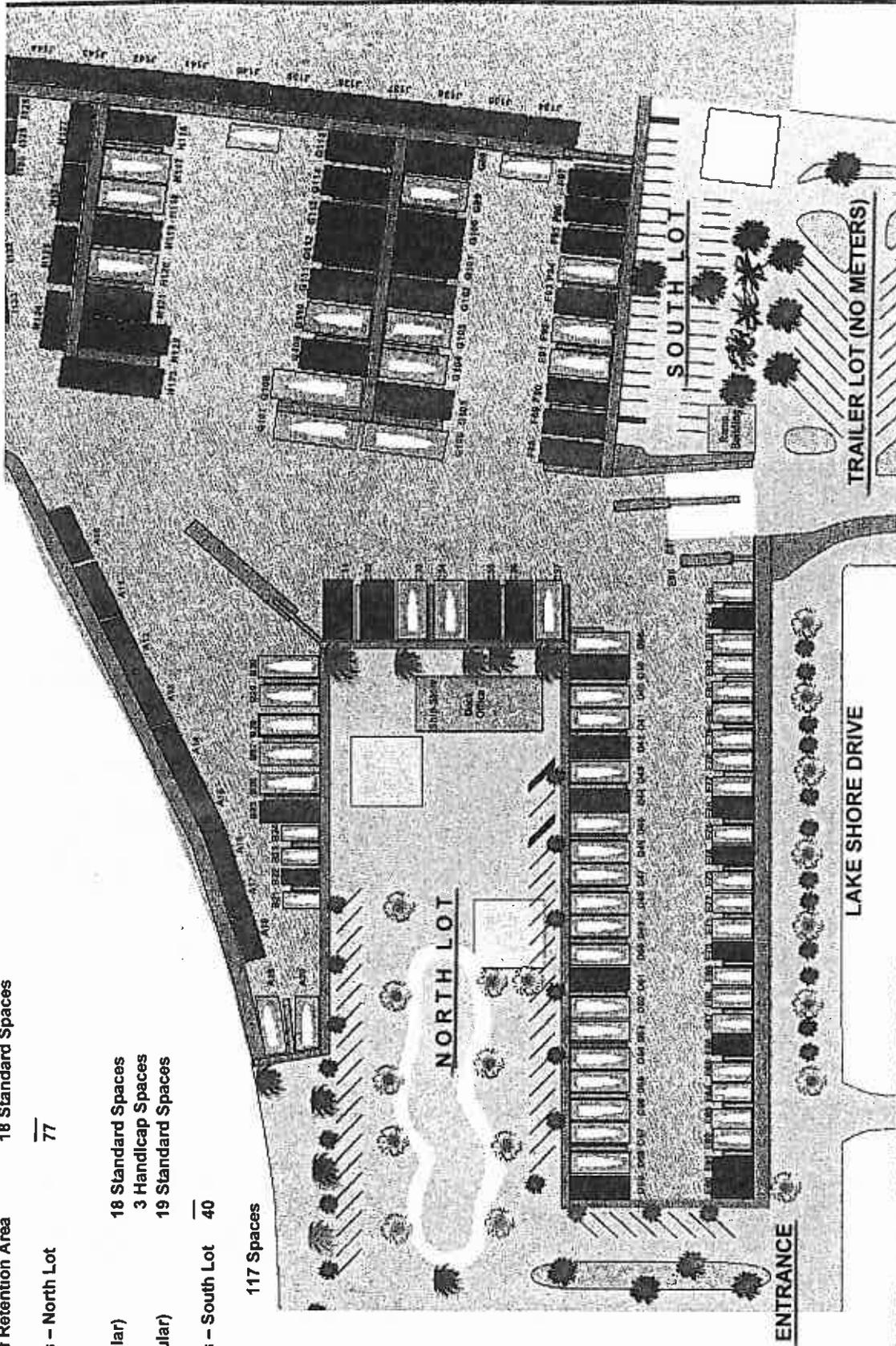
- NORTH LOT**
- Entrance Road/North Side (Parallel) 10 Standard Spaces
- Entrance Road/South Side (Angled) 7 Standard Spaces
- East Side (Angled) 21 Standard Spaces
- West Side (Angled) 19 Standard Spaces
- 2 Handicap Spaces
- 18 Standard Spaces

Total Spaces - North Lot 77

- SOUTH LOT**
- East Side (Perpendicular) 18 Standard Spaces
- West Side (Perpendicular) 3 Handicap Spaces
- 19 Standard Spaces

Total Spaces - South Lot 40

GRAND TOTAL 117 Spaces



PARKING METER RECOMMENDATIONS

Three (3) Multi-Space Meters / Pay-and-Display Stations



OFF-STREET PARKING LOTS

PROPOSED FUTURE LOT
 Easement Adjacent to Dunkin' Donuts
 Federal Highway to Lake Shore Drive

Proposed Parking Spaces :	Maximum (Depending Upon Configuration)	28 Standard Spaces 1 Handicap Space
	Total Proposed Spaces	29

PARKING METER RECOMMENDATIONS

Individual Meters 12 Duplex Meters (Single Post w/ Double Head – Serves two Spaces)
 5 Single Meters

P A R K I N G M E T E R S
E Q U I P M E N T D A T A
(T Y P I C A L M A N U F A C T U R E R / I L L U S T R A T I V E)

Single-Space Meters

Multi-Space Meters

Pay-by-Space Meters

Handheld Citation Issuance Computers



Single-Space Meters

Smart technology for true system integration and intelligent parking management

There are good reasons that the majority of single-space parking on streets and lots across North America are metered by Duncan Solutions®. It's because our meters offer matchless reliability and functionality. Duncan® single-space electronic meters use our patented operating system and intelligent software to run powerful management applications. Data such as audit, maintenance status, battery condition, self-diagnostics events and location are readily available. The results are higher accuracy, streamlined operations and long-lasting benefits to your entire parking program.



Raising the bar for craftsmanship, durability and performance

- **Long-lasting reliability.** Next-generation construction and electronics.
- **Improves uptime.** Patented coin recognition avoids jams.
- **Reduces upkeep.** No moving parts or exposed wires for longer, easier performance.
- **Increases revenues.** Programmable to use Smart Cards.
- **Saves time and money.** Easily reprogram time and rate in just seconds.
- **Enhance management and planning.** Generates records of audit, inventory and maintenance.
- **Streamline enforcement.** Easy-to-read, bright liquid crystal displays.
- **Efficient system integration.** Patented operating system and smart software communicate with authorized data terminals.
 - **Added security.** Option of patented Duncan® CashKey™ and/or CashCard™ protects against fraudulent manipulation of data.
 - **Cost-effective.** Compatible with all Duncan® housings.



DUNCAN INDUSTRIES
PARKING METER HOUSINGS
MODEL 76 SINGLE AND DUPLEX



340 Industrial Park Road
P.O. Box 648
Harrison, Arkansas 72603

The Duncan® RSV3's award-winning stainless steel cabinet houses the world's most innovative parking system software for total integration of parking, processing and management.

Multi-Space Meters

The world's most advanced meters generate rapid return on investment

Duncan® multi-space meters know no equal when it comes to maximizing parking program success. Designed to simplify and optimize parking management and enforcement, our multi-space meters give you the control, insight and performance reports you need to strengthen decision making and enforcement, and grow revenues. In addition to being exceedingly durable and secure, their award-winning, aesthetically pleasing design conforms with and enhances city streetscapes.

Multi-space meters from Duncan Solutions are the only meters that communicate with AutoCITE® handheld citation writers, greatly increasing any officer's speed and accuracy when it comes to writing citations. Precise, real-time meter status is readily available to reinforce the adjudication process. Our wireless management system option provides online, secure access of audit, transaction and maintenance data and real-time reporting. With maximized accuracy, streamlined operations and simplified management, Duncan® multi-space meters deliver a rapid return on investment.

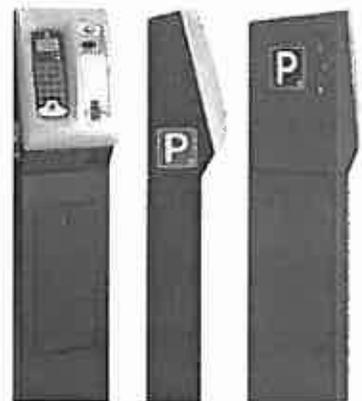
Pay-by-Space Meters

Next-generation features and functionality for peerless advantages

- **Safe & secure.** High-security design provides unequalled asset protection. Locked cashbox exchange means no handling of cash on the street.
- **Convenient.** Accepts payments from credit, debit or smart cards, coins or cell phones. Text message reminder when time is low. Time can be extended by cell phone.
- **Improves compliance.** Interactive help screens, multiple languages and range of payment options encourage use and increase revenues.
- **Simplifies enforcement.** Eliminates "windshield walking" with remote ability to quickly check status of all cars from the patrol car or across the street.



Offering advanced, technology at an affordable price, the Duncan® RMV1 is available in a range of color-customizable, double-skinned metal housings. Modular design enables placement on a wall, building, parking structure...wherever you choose.



- **Efficient.** One meter can manage multiple spaces for minimal maintenance and decreased sidewalk clutter.
- **Strengthens planning.** Electronic diagnostic capabilities help refine repair operations, maintenance routes, revenue collection schedules and rates.
- **Optimizes management.** Patented online management and reporting tools let you monitor meter performance, automatically collect audit data and analyze transactions.
- **Cost-effective advancements.** Easy upgrades to hardware, electronics and software without replacing the long-lived cabinet.
- **Reduces maintenance.** Minimal moving parts and modular solid-state design ensure less problems and easy, logical service procedures. Real-time fault detection increases uptime.
- **Strengthens adjudication.** Increased accuracy in issuance and information transfer reduces contested cites and dismissal rates.

With advanced wireless technology, the Duncan MX is a fully integrated pay-and-display meter.



Pay-and-Display Meters

Smart, flexible and easy-to-use

- **Reliable.** Design simplicity and field-proven, top-quality components ensure consistently superb performance.
- **Flexible.** Elegant styling complements streetscapes, parking garages and lots. Modular to fit anywhere that requires a parking receipt.
- **Tough & secure.** Durable stainless steel housing is vandal resistant, long-lasting and easy to maintain.
- **Safe.** Locked cashbox exchange means no handling of cash on the street.
- **Convenient.** Program with your choice of payment options: credit, debit or smart cards, cash or cell phone.
- **Easy use.** Illuminated LCD interface and interactive messages guide users through the process.
- **Enhances control.** Electronic diagnostic capabilities help refine repair operations, maintenance routes, revenue collection schedules and rates.
- **Optimizes management.** Patented online management and reporting tools provide real-time visibility of revenue, audit and transaction data for optimum asset management.
- **Cost-effective advancements.** Easy upgrades to hardware, electronics and software without replacing the cabinet.

Integrating and streamlining your entire parking and enforcement process

**METERS
HANDHELDS
PROCESSING
COLLECTIONS**

METER SOLUTIONS

From initial needs evaluation through lifecycle support, Duncan Solutions, Inc. is your single source partner. End-to-end or modular, we offer intelligent solutions for:

>> ENFORCEMENT. Handheld Citation Issuance Computers, Enforcement Software, Management Software

>> PARKING METERS. Pay-by-Space. Pay & Display. Single Space

>> CITATION MANAGEMENT & DEBT COLLECTION. Processing, Collections, Customer Call Center, Permit Management, Appeals & Correspondence Management

>> FINANCE OPTIONS & PARTNERSHIP PACKAGES. Purchase, Lease, Lease to Own, Revenue Sharing, Concession Models, Performance Contracting

duncan
solutions

801 W. Wisconsin Avenue
Milwaukee, Wisconsin 53206
562.85DUNCAN
or 888.203.6522

www.duncansolutions.com

Duncan® Pay-by-Space Meters The World's Most Advanced



Duncan meters know no equal when it comes to maximizing parking program success. They're the only meters that communicate with AutoCITE™ handheld citation issuance computers, greatly increasing any officer's speed and accuracy when it comes to writing citations. Precise, real-time meter status is readily available to reinforce the adjudication process. Staff can provide motorists with an instant printout of the meter status that relates to a contested citation as proof that the citation is valid.

AutoTRAX™, a wireless management system option, provides online, secure access of audit, transaction and maintenance data and real-time reporting. Duncan meters offer a variety of payment options: coins, credit card, Smart Cards and cell phone with mPark technology.

In addition to being exceedingly durable and secure, Duncan Pay-by-Space's award-winning, aesthetically pleasing design conforms with and enhances city streetscapes. With maximized accuracy, streamlined operations and simplified management, Duncan Pay-by-Space meters deliver a rapid return on investment.

DUNCAN AUDIT CAPABILITY

Duncan meters' intelligent cashbox system is powerful and simple, ensuring that audit data is recorded from each machine at exactly the same time as cash is collected. The secret is an advanced data chip located on the cashbox, itself. While the cashbox is in the meter, the data chip is constantly updated with audit, transaction and maintenance data. When the cashbox is collected, so is the data. The audit can never be out of sync.

The advanced coin validator ensures that only accounted-for cash winds up in the cashbox. As an example, the City of San Francisco currently operates its audit system at 99.55% accuracy of counted coins over 1,700 metered spaces. Duncan's powerful cashbox system allows the city to perform a real per-meter audit of data vs. actual cash. With the AutoTRAX wireless management system option, Duncan Pay-by-Space meters can also provide this information online, in real time for dynamic reporting and management of meters.



Duncan Pay-by-Space Meters Generate Rapid Return on Investment

Its inherent advantages over all other types of meters make Duncan Pay-by-Space the logical choice for cities and facilities seeking to start or improve parking programs. Next-generation features and functionality make Duncan meters more convenient and easier to use.

- **Unparalleled reliability.** They're simple to maintain and have no moving parts, no paper to reload and no printer to maintain. That means less time and money spent on maintenance.
- **Ease and convenience.** Multiple payment options increase user satisfaction and revenues. Cell phone reminders when time is low offer additional convenience.
- **Cost-effective enforcement.** Checking for violations is fast and easy. Street-side displays light up in red indicating expired spaces. An option is also available for AutoCITE that enables officers to check space status by beaming the data from the meter's infrared port.
- **Real-time communication.** Real-time audit capability tells officers where cars are parked and for how long. If a meter malfunctions or is being vandalized, a technician is alerted, resulting in greater uptime. Real-time supply-and-demand information can be used for stronger decision-making, including the ability to change parking rates on the fly – an essential capability for managing parking assets to their fullest value.
- **Successful adjudication.** AutoTRAX documents when a meter expired and when a citation was issued. The result is fewer contested citations and a higher rate of favorable outcomes.
- **Enhanced streetscapes.** Attractive, color-customizable cabinets are high-tech and elegant. Stainless-steel casings are graffiti- and paint-resistant for a long-lasting, high-quality appearance.

From initial needs evaluation through lifecycle support, Duncan Solutions, Inc. is your single source partner. End-to-end or modular, we offer intelligent solutions for.

>> ENFORCEMENT. Handheld Citation Issuance Computers, Enforcement Software, Management Software

>> PARKING METERS. Pay-by-Space, Pay & Display, Single Space, In-Car

>> CITATION MANAGEMENT & DEBT COLLECTION. Processing, Collection, Customer Call Center, Permit Management, Appeals & Correspondence Management

>> FINANCE OPTIONS & PARTNERSHIP PACKAGES. Purchase, Lease, Lease to Own, Revenue Sharing, Concession Models, Performance Contracting



(Left) Red lights enable officers to quickly view expired spaces from a distance, saving time and energy. (Right) A variety of real-time data is available with AutoCITE.

Pay-by-Space

Parking & Enforcement.
From Start to Finish

Suite 1600
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203
888.99DUNCAN
or 888.993.8822

Duncan® VM

The Advanced and Integrated, Yet Affordable, Pay-by-Space Meter

Duncan Solutions leverages its unequalled expertise, technology advancements and the latest efficiencies in design and manufacturing to raise the bar in reliability, convenience and affordability. The Duncan VM has solid-state technology and few moving parts to save you money on both maintenance and consumables. Combine these advantages with its comprehensive integration capabilities, and this Pay-by-Space meter is a cost-effective addition to any parking program.



Specifications.

Cabinet: Precision cut, formed and welded zinc-plated, high-grade steel

Meter Head: Precision die-cast

Finish Options: Baked powder coat in a selection of colors

Power: Green cell battery/solar/mains

User Interfaces: Back-lit graphic LCD provides multi-language display at front; enforcer module for service and enforcement at rear

Processing: Powerful 32-bit processor and modular architecture enables flexible payment and communication options

Management System: Fully integrated to provide real-time wireless meter and transaction status and extensive statistical reporting

Height: 50" installed; 51 1/2" overall

Width: 11" left to right

Depth: 8 3/4" front to back

Weight: 125 lbs., including battery and cash box

Fixing: 4 or 6 high-tensile anchor bolts, cast into a concrete footing; flat or angled surface mount kit

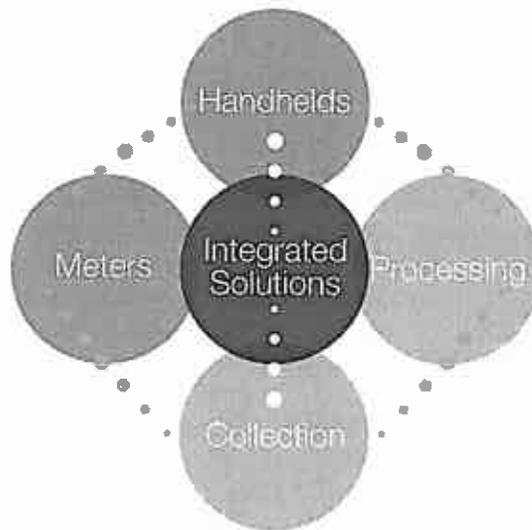
SPECIFICATIONS • DUNCAN VM

Advantages:

- Convenience of multiple payment options, including credit, debit and smart cards, cash or cell phone
- Field-proven, top-quality components ensure consistently superb performance
- Sophisticated, ergonomic design enhances streets and frees up sidewalks
- Modular for added flexibility – the cashless version can be separated from the pedestal and fixed to a lamppost, building or wall
- Tough, double-skinned metal housing and finish provide serious weather and vandal protection at an affordable price
- Cost-effective upgrades can be made to hardware, electronics and software without replacing the cabinet
- Ability to quickly and easily pay and go without returning to vehicle enhances public's satisfaction
- Context-sensitive operating software with multi-language, interactive help screens is simple to use
- Officers can easily read status of all cars without leaving their vehicles, making enforcement easier, safer and more efficient
- Locked cashbox exchange means no handling of cash on the street and audit data is collected simultaneously with the cash for stronger revenue management
- With no paper ticket, no printer, guillotine or paper feed is needed, saving money and downtime

Integrated Options.

- **AutoISSUE™** enables real-time communication between the **Duncan VM** and **AutoCITE® X3**, Duncan Solutions' handheld citation issuance computers. AutoISSUE also automatically stores all ticket information within AutoCITE and transfers data at the end of the shift to the host computer. Time spent completing and filing reports is minimized, accuracy is maximized and collection is improved.
- **AutoTRAX™**, Duncan Solutions' wireless management system, provides online, secure access of meter audit, transaction and maintenance data and real-time reporting. Its electronic diagnostic capabilities help refine repair operations, maintenance routes, revenue collection schedules and rates to optimize asset management.
- **AutoPROCESS™**, Duncan Solutions' citation processing system, seamlessly interfaces with **AutoCOLLECT™**, our delinquent debt collection software, and **AutoISSUE™**. Access to the data available through these systems serves to verify meter violations and facilitate processing. It also enables monitoring of a citation from issuance through processing and collection in real-time, with complete transparency.



*From initial needs evaluation through lifecycle support,
Duncan Solutions, Inc. is your single source partner.
End-to-end or modular, we offer intelligent solutions for*

• ENFORCEMENT: Handheld Citation Issuance
Computers, Enforcement Software, Management Software

• PARKING METERS: Pay by Space, Pay & Display, Single Space, In-Car

• CITATION MANAGEMENT & DEBT COLLECTION:
Processing, Collection, Customer Call Center, Permit
Management, Appeals & Correspondence Management

• FINANCIAL OPTIONS & PARTNERSHIP PACKAGES:
Partnership, Leasing, License to Operate, Revenue Sharing,
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AutoCITE™ X3 Handheld citation issuance computer streamlines operations from on-the-spot issuance through collections

The **AutoCITE X3** turns citation issuance into a quick, easy process that takes a fraction of the time that handwriting a ticket requires. This portable, one-piece computer features an integrated thermal printer. It's lightweight, but rugged enough to stand up to the rigors of the parking enforcement environment. Used by more than 400 agencies worldwide, more citations are issued with AutoCITE than any other handheld on the market.

AutoCITE is the only citation writer with patented meter enforcement integration capabilities. Its wireless-capable AutoISSUE™ software provides the option of real-time communication with Duncan® multi-space and single-space meters. AutoISSUE also automatically stores all ticket information within the AutoCITE handheld. At the end of the shift, data is electronically transferred to the AutoISSUE host computer, minimizing time spent completing and filing reports. Information can also be electronically transferred to the citation processing system. By eliminating the re-entering of data from handwritten citations, accuracy is maximized, time is minimized and collection is improved.



- >> IMPROVE EFFICIENCY >> SIMPLIFY PARKING MANAGEMENT
- >> STRENGTHEN ENFORCEMENT >> MINIMIZE OPERATIONAL COSTS
- >> INCREASE REVENUES >> STRENGTHEN COLLECTIONS

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Advanced features and functionality to generate a quick return on your investment:

- Intuitive Windows® CE-based operating system
- Rugged, weather-resistant construction for long life
- Easy-to-use touch screen and keyboard
- Built-in thermal printer for fast citation issuance
- Color camera and full-color display for clearer visuals
- Patented integration capabilities to enable real-time communication between meters, AutoCITE and processing system. Wireless RF option is also available.
- Added convenience of voice recording, playback, digital imaging and IRDA and 1D and 2D bar code reader

SPECIFICATIONS

OS: Windows® CE, web-enabled, email access

CPU: Intel® SA 1110, CMOS

Display: 64K color, ¼ VGA (320x240), resistive touch

Printer: 80mm, built-in, thermal, scaleable fonts

Keys: 52 keys—26 alpha, 10 numeric, 11 cursor; 5-function edit

Memory: 64MB RAM, 32MB or 64MB Flash

Environment: -5° F to 125° F operating to 160° F storage

Weight: 34 oz. with NiCd battery and paper

Dimensions: 9.90" x 3.60" x 2.60"

Paper: Flat, fan-folded and perforated 6" L x 3.13" W

Expedites patrol officers' work by effectively and efficiently:

- Issuing parking, traffic and municipal citations
- Issuing and tracking warnings
- Automating time-limit markings
- Reporting broken meter and damaged signs
- Cross referencing parking permit and meter locations
- Logging officer activity
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- Printing 2D bar code and OCR
- Handling code enforcement
- Communicating with meters
- Handling fine escalation

Integrating and streamlining your entire parking and enforcement process

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CITATION ISSUANCE SOLUTIONS

From initial needs evaluation through lifecycle support, Duncan Solutions, Inc. is your single source partner. End-to-end or modular, we offer intelligent solutions for:

>> ENFORCEMENT. Handheld Citation Issuance Computers, Enforcement Software, Management Software

>> PARKING METERS. Pay-by-Space, Pay & Display, Single Space

>> CITATION MANAGEMENT & DEBT COLLECTION. Processing, Collections, Customer Call Center, Permit Management, Appeals & Correspondence Management

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PALM BEACH COUNTY
SHERIFF'S OFFICE

RIC L. BRADSHAW, SHERIFF



CAPTAIN DOUGLAS REECE
DISTRICT 10 – LAKE PARK
PHONE: (561) 881-3325

FAX: (561) 881-3327

E-MAIL: reeced@pbso.org

June 29, 2007

Ms. Maria Davis, Town Manager
Town of Lake Park
535 Park Ave.
Lake Park, FL 33403

Ref: Parking Violation Management/Collection Research

Dear Ms. Davis;

Per your request for information pertaining to parking violation management/collections, I contacted the Palm Beach County Clerk and Comptroller Office and obtained the following information:

Contact Person:

Mr. Louis Tomeo, Director of Criminal Court Services
Phone: 561 355-6257

Current Procedures:

Currently, there is a process in place where municipalities can fax information on unpaid parking violations to the PBC Clerk's Office as allowed by Florida State Statute 316.1967(6) (see attached) when three (3) or more violations are outstanding for the same vehicle. Director Tomeo advised they have a standardized fax form that would allow the town to forward this information to their office and a hold would then be placed on the vehicle registration pending the payment of the outstanding fines. The PBC Clerk and Tax Collector's Offices both assess a 10% fee on the amount of the unpaid fine for administrative costs with the rest of the monies from the fines being returned to the municipality.

Under this current procedure, the town would be responsible for tracking the parking violations in-house and identifying vehicles that have accumulated three (3) or more unpaid parking violations. Director Tomeo stated his staff would be available to assist with training and set-up of this process.

Future Procedures:

Director Tomeo stated a new system is in the planning stages to create a Parking Ticket Bureau and should be on-line by the end of the year or in early '08. The new system will model Miami-Dade County's parking violation system and will involve the Clerk's Office taking over the tracking and collection of parking violations for all municipalities who participate and the county. One of the benefits of the new system will be the Clerk's ability to track a vehicle for three (3) or more parking violations amongst all of the participating municipalities as well as the county. Thus, a vehicle with separate parking violations in different jurisdictions would be tracked and consolidated to trigger the registration hold.

In addition to placement of holds on vehicle registration renewals, some other features of the new system handled by the Clerk's Office will include: availability of sample contract agreements and town ordinances; mailing of late notices to the vehicle owner and assessment of late fees for unpaid fines; and assignment of outstanding violations to collection agencies after 91 days.

Director Tomeo did not have any information at this time as to the administrative costs for participation in this new system. He advised he is available to answer any questions the town may have.

Respectfully,

A handwritten signature in black ink, appearing to read "Capt. D. R.", with a long horizontal flourish extending to the right.

Captain Douglas Reece
Palm Beach County Sheriff's Office
District 10 – Town of Lake Park

Select Year: 2006 Go

The 2006 Florida Statutes

Title XXIII
MOTOR VEHICLES

Chapter 316
STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)

316.1967 Liability for payment of parking ticket violations and other parking violations.--

(1) The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence, when required by this subsection, that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The affidavit submitted under this subsection is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. The owner of a leased vehicle is not responsible for a parking ticket violation and is not required to submit an affidavit or the other evidence specified in this section, if the vehicle is registered in the name of the person who leased the vehicle.

(2) Any person who is issued a county or municipal parking ticket by a parking enforcement specialist or officer is deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. If payment is not received or a response to the ticket is not made within the time period specified thereon, the county court or its traffic violations bureau shall notify the registered owner of the vehicle that was cited, or the registered lessee when the cited vehicle is registered in the name of the person who leased the vehicle, by mail to the address given on the motor vehicle registration, of the ticket. Mailing the notice to this address constitutes notification. Upon notification, the registered owner or registered lessee shall comply with the court's directive.

(3) Any person who fails to satisfy the court's directive waives his or her right to pay the applicable civil penalty.

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100 or the fine amount designated by county ordinance, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

(5) Any provision of subsections (2), (3), and (4) to the contrary notwithstanding, chapter 318 does not apply to violations of county parking ordinances and municipal parking ordinances.

(6) Any county or municipality may provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of s. 316.1955. Each county shall provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data that is machine readable by the installed computer system at the department, listing persons who have any outstanding violations of s. 316.1955 or any similar local ordinance that regulates parking in spaces designated for use by persons who have disabilities. The department shall mark the appropriate registration records of persons who are so reported. Section 320.03(8) applies to each person whose name appears on the list.

History.--s. 1, ch. 77-456; s. 2, ch. 79-403; s. 3, ch. 80-316; s. 2, ch. 85-325; s. 1, ch. 88-246; s. 1, ch. 89-196; s. 1, ch. 90-48; s. 20, ch. 90-330; s. 1, ch. 91-180; s. 20, ch. 94-306; s. 898, ch. 95-148; s. 6, ch. 96-200; s. 2, ch. 2001-196; s. 36, ch. 2005-164.

R E C O M M E N D E D P A R K I N G M E T E R P R O G R A M
C O S T E S T I M A T E

SINGLE-SPACE METERS		Greenbriar Drive					
		Foresteria Drive					
		Lake Shore Drive					
		Proposed Lot in Easement / Dunkin' Donuts					
11	Single Head Meters	@	\$	382	=	\$	4,202
42	Duplex Head Meters	@		788	=		33,096
53	Galvanized Posts	@		50	=		2,650
Total - Single Space Meters							\$ 39,948

MULTI-SPACE METERS		Tennis Courts Lot					
		Lake Shore Park Lot					
		Marina Lots					
7	Pay-by-Space Meter Terminals	@	\$	6,075	=	\$	42,525
1	Standard Spare Parts Set	@		6,758	=		6,758
185	Space Numbering System (2-Digit)	@		35	=		6,475
Total - Multi-Space Meters							\$ 55,758

SUPPORT ITEMS							
3	Handheld Citation Issuance Devices (w/ Chargers, Cable, Accessories)	@	\$	3,600	=	\$	10,800
1	Sealed Coin Collection Cart	@		900	=		900
1	Support Software Package	@		6,000	=		6,000
Total - Support Items							\$ 17,700

SUPPORT SERVICES							
1	Training / On Site	@	\$	3,000	=	\$	3,000
Total - Support Services							\$ 3,000

MISCELLANEOUS							
1	Paving Modifications at Marina					\$	11,000
1	Proposed Lot in Easement / Dunkin' Donuts (Asphalt Millings)						7,500
1	Core Drilling Machine (Post Installation)						4,000
28	Additional NO PARKING Signage						3,000
	Hawthorn Drive						
	Evergreen Drive						
	Cypress Drive						
	Lake Shore Drive						
10	Directional Signage to Multi-Meters						1,000
Total - Miscellaneous							\$ 26,500

Total Estimated Cost		\$	142,906
5% +/- Contingency			7,094
GRAND TOTAL			\$ 150,000

TAB 11

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: July 15, 2009

Agenda Item No. **11**

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> BID/RFP Award
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION
<input type="checkbox"/> ORDINANCE ON SECOND READING
<input checked="" type="checkbox"/> DISCUSSION
<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Discussion on Continuing Landscape Maintenance Agreement with Chris Wayne and Associates for the Lake Park Harbor Marina

RECOMMENDED MOTION/ACTION: Discussion & Direction

Approved by Town Manager *R. Pittman* Date: *7/8/09*

Richard Pittman / CRA Project Manager
Name/Title

July 08, 2009
Date of Actual Submittal

Originating Department: Adm./CRA	Costs: \$ 34,889.00 Funding Source: Acct. #	Attachments: Draft Agreement
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: 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 _____: Please initial one.

Summary Explanation/Background:

On October, 2009, the Commission approved an ANNUAL LANDSCAPE MAINTENANCE AGREEMENT for Chris Wayne and Associates (CWA) to maintain the landscape areas and the landscape irrigation system at the Lake Park Harbor Marina. The amount of the award was \$36,725.04. The maintenance agreement provides for mowing, edging, weeding plant beds, fertilizing, mulching, shrub hedging, tree pruning, weekly testing of the irrigation system and repair of all Contractor's damage to the irrigation system and removal of litter and landscape related debris.

CWA has determined that trees, shrubs, and sod have become established thus reducing the amount of oversight required to properly maintain the landscaped areas. CWA would like to continue to perform the maintenance at the Lake Harbor Marina at an annual cost of \$34,890.00. This amount is a 5% reduction to the cost of the current maintenance agreement which expires at the end of September, 2009. CWA also proposes to hold this price for three years with an option to renew for two additional years. The reduced price for the maintenance at the Lake Park Harbor Marina as proposed is contingent upon receiving the Annual Landscape Maintenance Agreement for the CRA district.

The condition and appearance of the landscaping at the marina prior to contracting with CWA was abysmal. Due to CWA's expertise and quality maintenance, the marina is clearly a showcase. CWA has certifications as a landscape contractor, a maintenance contractor, an irrigation contractor, and Chris Dellago is a state registered landscape architect. There are few companies that would be able to provide all these services as part of one maintenance agreement. The Town should consider retaining CWA to perform this landscape maintenance service at the Lake Park Harbor Marina.

Monthly Landscape Maintenance Agreement For Lake Park Harbor Marina

Overview

Provide lawn and landscape maintenance services for a period of three years beginning on October 1, 2009 to September 30th 2012. CWA agrees to hold this price for a period of three years with the option to renew for an additional two years at this held price. Services are as outlined below. All other work shall be considered additional services and provided as mutually agreed upon.

Landscape Maintenance Services

- Provide landscape maintenance services no less than once a week.
- Mow weekly April through October and 3 times a month from November through March. Grass shall be maintained in accordance with Best Management Practices for specific grass.
- Weed all plant beds; maintain a clean edge between sod and mulched bed line. (Contractor may use low spectrum herbicide such as Rhodeo or Roundup for routine weed control.)
- Provide broad leaf weed and pest control to Bermuda turf area adjacent to building.
- Maintain entire site free of debris, trash, clippings, branches, etc.
- Hedge all shrubs in a clean, neat and professional manner, removing and disposing of all clippings.
- Edge all turf edges abutting curbs, flush paved surfaces including all road curbs, shrub beds, flower beds, ground cover beds, hedges and around trees where a mulch bed exists at base.
- Tree and Palm Trimming- Maintain all trees and palms to 20' free of dead fronds, branches, and maintain in a neat and tidy order. Remove and dispose of all debris from tree trimming process.
- Blowing/Clearing- CWA shall use a blower to clear curbs along roadways, to ensure a neat, clean appearance after each maintenance operation.
- Irrigation- Contractor shall repair and replace any damaged equipment due to Contractor's landscape maintenance activities.

Supervision

Contractor shall provide a trained supervisor and company representative on site that shall be capable of verbal and written communication and shall be able to adequately communicate with the service workers.

Compensation

CWA shall be paid an annual amount of **34,889.00**. A monthly payment of **\$2,907.42** shall be due on the 10th of each month.

Additional Services

Irrigation, mulching, sodding, annuals and fertilization shall be considered additional services and shall be provided on an as needed basis. Irrigation is charged at a rate of \$75.00 per hour plus materials. Mulch is charged at a rate of \$67.50 per square yard. Contractor shall submit proposal for approval prior to providing service.

Termination

Owner or Contractor may terminate Contract without cause at the end of a specified calendar month upon two weeks prior written notice.

Warranty

Damages to site from fire, acts of God, or negligence by others shall not be the responsibility of Contractor.

All payments shall be cash, money order, or checks payable to CWA.

We look forward to providing you with high quality landscape maintenance services.

Submitted

Accepted

Chris Wayne and Associates, Inc.

Date: _____

Client signature

Date: _____

Print Name and Address:

Phone/Fax Number:
