



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, July 18, 2012, 7:00 p.m.**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, July 18, 2012 at 7:00 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Steven Hockman, and Jeanine Longtin Town Manager Dale S. Sugerma, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley. Commissioner Tim Stevens arrived at 7:05 pm.

Mayor DuBois requested a moment of silence in remembrance of Bob Friedman, Town of Jupiter Council Member, then led the Pledge of Allegiance. Town Clerk Vivian Lemley performed the Roll Call

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA:**

Mayor DuBois requested that two (2) letters of thanks and proclamations be added to the agenda; one for Interim Town Manager Jamie Titcomb and the other for PBSO Commander Pete Palenzuela as item 16 under Discussion and Possible Action.

**Motion: A motion was made by Vice-Mayor Rumsey to approve the Agenda as amended; Commissioner Hockman made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other  |
|----------------------|-----|-----|--------|
| Commissioner Hockman | X   |     |        |
| Commissioner Longtin | X   |     |        |
| Commissioner Stevens |     |     | Absent |
| Vice-Mayor Rumsey    | X   |     |        |
| Mayor DuBois         | X   |     |        |

Motion passed 4-0

Town Manager Dale S. Sugerma introduced the new Palm Beach Sheriff's Office District Commander for Lake Park Chris Myers. He stated that at a future meeting Commander Myers will be invited to come speak to the Commission about his philosophy for policing in the Town of Lake Park.

**PRESENTATION:**

**1. Legislative Report by Intergovernmental Consultant Fausto Gomez of Gomez, Barker & Associates Inc.**

Fausto Gomez presented a report (see Exhibit "A"). He provided highlights of the last Legislative Session and provided an overview of what to expect in the next Legislative Session. He stated that the primary issues for the next legislative session are: "Sober Houses", Health Care Reform, expansion of Medicaid, Higher Education Reform, Gaming (Internet Cafes), Police and Fire Pensions, Local Business Tax, Impact Fees, Property Insurance, Cities getting higher priority on liens on Foreclosure Properties and Property Tax Reform.

Mayor DuBois thanked Mr. Gomez for his presentation. He suggested that the Commission develop a legislative agenda for the upcoming session.

Commissioner Hockman thanked Mr. Gomez for his presentation.

Commissioner Stevens asked if Sober House Interim Report requested by Representative Hager would be issued before the start of the next session.

Mr. Gomez stated "yes".

Commissioner Stevens asked once the report is issued what is the next step and what can Lake Park do to encourage or facility action on the item.

Mr. Gomez stated that after the report is issued it is published and a copy would be provided to the Town. He stated that if the report is amenable to Legislative Leadership, which he is sure it will be and that he will make sure it is amenable to Legislative Leadership, then the appropriate Committee Chair will be asked to file a Committee Bill. He stated that a Committee Bill moves through the process rather quickly because it has support of legislative leadership. He stated that he will be very actively involved in every step of the process.

Commissioner Stevens asked if the State of Florida meets the November Healthcare Reform Act deadline how much in Federal funds will the State receive.

Mr. Gomez stated that there are two (2) items that are optional in the Affordable Healthcare Act; 1) is Health Care Exchanges and 2) the expansion of Medicaid. He stated that the State of Florida has until November 16, 2012 to submit a plan to the Federal Government for the Health Care Exchanges. He stated that if the State of Florida does not submit a plan by November 16 regarding how the Health Care Exchanges will be implemented, then the Federal Government, under the Health Care Law would implement a Health Care Exchange for the State of Florida. He stated that regarding the expansion of Medicaid that the cost estimate range from \$2.5 billion to \$1 billion by 2020. He stated that it is a cost the will be born from the State budget and in turn it is estimated that Florida would receive approximately \$20 billion between now and 2020. He stated that the State would receive the funding because the Federal Law says that they

will cover additional enrollees into Medicaid program up until 2016 and then after that the Federal Government will pay no less than 90% of the cost.

Commissioner Stevens stated that this would be good for local municipalities because even the worst scenario of \$2 billion in cost the State is estimated to receive \$20 billion then Tallahassee has more money and some of that money could trickle down to municipalities.

Mr. Gomez stated that he did not think the money would trickle down to municipalities, but he does think that that cost of indigent patients that go to the hospital are paid for in one of two ways the hospital takes a loss or through local taxes. He stated that therefore if the Federal Government is paying a minimum of 90% then essentially the reductions would be people paying local taxes. He stated that money does not flow to the municipalities it just makes it more affordable to live in the municipalities.

Commissioner Stevens stated that he has heard complaints from residents that the rates for Citizens Property Insurance is high and asked what can be done to reduce the rates.

Mr. Gomez stated that he is not an insurance expert, but that he understands the perimeters of the debate. Currently there are some legislature and public officials and the Citizens Board of Directors that believe they are over enrolled, meaning that they are covering more homes and property than they should. He stated that what they want to do is depopulate Citizens in order to attract private insurance companies to come into the market. He stated that Citizen was meant to be the insurer of last resort and in many communities; it is the only insurance company writing policies, particularly in South East Florida and Coastal communities. He stated that Citizens is attempting to do the following: limit the coverage scope, have the rates be market driven and want to raise the rates, and bring in more private insurers. He stated that during the last legislative session there was an attempt to bring in surplus lines insurance companies and that the bill failed because surplus lines insurance companies do not have to meet the same legislative standards as a typical insurance company. He stated that there was a concern, particularly in the Senate, that those covered by surplus lines insurance companies in lieu of Citizens could perhaps not be covered if a storm hit. He stated that the Citizens issues is not important for the Town Government, but for the residents of Lake Park.

Vice-Mayor Rumsey thanked Mr. Gomez for all the hard work he does for the Town and thanked Attorney Baird for working on the "Sober Houses" issue.

Mr. Gomez stated that Attorney Baird deserves a lot of credit for the work done on the "Sober Houses".

Mayor DuBois thanked Mr. Gomez for working with the Town Administration.

**PUBLIC and OTHER COMMENT:**

*Sue Duchene, 306 Hawthorne Drive #5*, stated that she is with the Friends of the Library and provided an update regarding the usage of different activities and programs at the Library.

*Hank Balevic, 310 Ridge Road Jupiter*, stated that he received a sanitation fine for bulk trash out on the wrong day. He stated that he did not put out the bulk trash and that his tenant has stated that he did not put out the bulk trash. He explained that he is appealing the fine because he sees this as a violation of his procedural due process rights. He read from Florida Statutes 162 and requested that the fine be waived and in the future that the Town set up standards where the property owner is notified and can take corrective action.

Mayor DuBois asked Attorney Baird what the process is for adjudicating this type of fine.

Attorney Baird stated that he does not know what section of the Town Code that he has been cited under and what Mr. Balevic has been discussing is Chapter 162, for code enforcement violations. He stated that he does not believe that this violation was cited under that Statute and so the issue of notice and administrative hearing would not be applicable, but he does not know what section of the Code Mr. Balevic has been cited under for the refuse.

Mayor DuBois asked what the proper venue would be for this issue.

Attorney Baird stated that he thinks that can be done, but not here and not now.

Nadia DiTommaso stated that the ticket is a sanitation ticket, it was not generated by the Community Development Department, and that she cannot speak in regards to the ticket because a different department issued it.

Commissioner Longtin suggested that Mr. Belevic get with Town Manager Sugerman.

Mayor DuBois requested that Mr. Belevic get with Town Manager Sugerman to determine the proper venue for adjudicating this ticket.

Town Manager Sugerman requested that Mr. Belevic make copies of the information that he has and then file it with the Town Clerk and once Mr. Belevic has filed with the Town Clerk he will follow up with Mr. Belevic directly. He stated that the Town does not waive fine, fees, or penalties, what may be discovered is that the Town did not provide appropriate due process, but he does not know which section of the Code Mr. Belevic was cited under or what process was followed.

Bob Millar, 1250 Gateway Road, stated that he is the President of the Obedience Training Club of Palm Beach County, which is in essence a dog club. He stated that the Club is sanctioned by the America Kennel Club and is a not-for-profit organization. He stated that the club was founded in 1953 and the new property that the Club purchased in March 2012 is located at 1250 Gateway Road. He stated that the members train their dogs to participate in trials sanctioned by the American Kennel Club and provided an overview of the types of competitions they compete in. He stated that the Club is currently fixing up the building and property to better serve its members and that the Club's revenue is dependent on teaching obedience classes, training seminars, competition trials and other

activities and events. He stated that the Club will be offering classes to the public starting in September. He provided the website [www.otcpbc.org](http://www.otcpbc.org) for further information. He stated that they are pleased with becoming members of the Lake Park community. He stated that his neighbors have been helpful and friendly and that the Town of Lake Park staff has been helpful in getting them settled in their new location and that they are very pleased to be located in Lake Park.

**CONSENT AGENDA ITEMS:**

Commissioner Longtin requested that items 4, 5, 6, and 7 be pulled from the Consent Agenda.

Commissioner Hockman requested that item 9 be pulled from the Consent Agenda.

- 2. Town Manager Candidate Workshop Meeting Minutes of June 16, 2012**
- 3. Regular Commission Meeting Minutes of June 20, 2012**
- 4. Special Call Commission Meeting Minutes of June 27, 2012**
- 5. Resolution No. 16-07-12 Amend the Town Classification and Pay Plan to Include the Position and Job Description of Community Development Technician**
- 6. Purchase of 40 Commercial Dumpster Containers in Assorted Sizes**
- 7. Authorize the Town Manager to Execute the Affiliate Agreement with Palm Beach Treasure Coast 2-1-1 Program**
- 8. Approval of Town Manager Engagement in Additional Outside Professional Activities**
- 9. Approving the CRA Board's Action of June 6, 2012 Reducing the General Fund's Transfer of Expenses to the CRA**

**Motion: A motion was made by Commissioner Stevens to approve items 2, 3, and 8 on the Consent Agenda; Commissioner Hockman made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5-0

**4. Special Call Commission Meeting Minutes of June 27, 2012**

Commissioner Longtin stated that she was not present at the meeting and that she has not had the opportunity to read and listen to the tape at the same time. Therefore, she will be

voting no on this item only because she was not here, but she is sure it is wonderfully done.

**Motion: A motion was made by Commissioner Stevens to approve item 4 on the Consent Agenda; Commissioner Hockman made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin |     | X   |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 4-1

**5. Resolution No. 16-07-12 Amend the Town Classification and Pay Plan to Include the Position and Job Description of Community Development Technician**

Commissioner Longtin asked if this is creating a new position in Town.

Commissioner Hockman asked what the salary range is for the position.

Town Manager Sugerman stated that the action before the Commission is not to create an additional position within the budget. He stated that this is a re-classification of a job title and the creation of a job title within the Community Development Department. He stated that there are two (2) filled positions in Community Development Department both with the title of Administrative Assistant and both do not perform the exact same duties that they each perform different duties. He stated that what staff is attempting to accomplish is for one of the two (2) existing administrative assistants that does not do the duties of an administrative assistant to have this job title that more clearly defines what the individual is currently doing.

Human Resources Director Bambi Turner stated that the salary range will remain the same and that the current salary range is \$29,214.43 to 48,580.56.

**Motion: A motion was made by Commissioner Hockman to approve item 4 on the Consent Agenda; Commissioner Longtin made the second.**

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|-------------------|-----|-----|-------|
| Commissioner      |     |     |       |

|                      |   |  |  |
|----------------------|---|--|--|
| Hockman              | X |  |  |
| Commissioner Longtin | X |  |  |
| Commissioner Stevens | X |  |  |
| Vice-Mayor Rumsey    | X |  |  |
| Mayor DuBois         | X |  |  |

Motion passed 5-0

## 6. Purchase of 40 Commercial Dumpster Containers in Assorted Sizes

Commissioner Longtin knows that in government if a department does not use their budget they lose these funds and that she is concerned that sometimes the Town is does not need to make certain purchases. She asked Town Manager Sugerman if he has done any spot checks to see if these dumpster really do need to be switched out.

Town Manager Sugerman stated that he has not done spot checks and that he relied on the department head to make this presentation to him. He has no reason to believe that the information is anything but appropriate. He stated that the item has his support and recommendation.

Commissioner Hockman stated that there is a stack of dumpsters at the Public Works compound and now there is a request to buy more dumpsters. He stated that he understands the principle that when a dumpster is totally shot, rusted out and unrepairable to get rid of it and put a new one. He stated that he is enthusiastic with the words "staining or faded paint" because in most cases the dumpsters are behind enclosures. His biggest concern is that the Commission is looking at the end of the year and whether that money is extra and questioned why the Commission cannot use the funds next year.

Public Works Director Dave Hunt stated that the dumpsters are recondition two and often three times before going to repurchase. He stated that a stockpile is kept in order to accommodate customer's needs. He stated that adjustments are made by the customers on the number of dumpsters needed based on time of year, and volume of business. He stated that the adjustment in the number of dumpsters also results in an adjustment to the price the customer pays throughout the year. He stated that he is recommending purchasing ahead this year and there will not be a purchase of dumpster in Fiscal Year 2013 budget.

Commissioner Hockman asked how many dumpsters does the Town have.

Public Works Director Hunt stated that he does not have an exact number inventory count. He stated that he can provide that information.

Mayor DuBois asked if the dumpsters that are being purchased are going to replace the deteriorating dumpsters and be put out quickly.

Public Works Director Hunt stated that dumpster will be pulled from the business sites that detract from the overall look of the customer's job site, the dumpster is then evaluated to see if it can be refurbished and if not it will be replaced with a new dumpster.

Commissioner Stevens asked if a dumpster cannot be refurbished if it is sold for scrap metal.

Public Works Director Hunt stated "yes".

Mayor DuBois asked if there are any scrap metal ready dumpsters at the Public Works compound.

Public Works Director Hunt stated "yes" that the dumpsters are not disposed on an one by one basis a complete load is taken to the scrap yard.

Town Manager Sugerman stated that this purchase does not need to be made this year, but with that said the Town of Lake Park has many faces in this community and we always want to present an attractive face. He stated that if the purchase is not made then it is just one more year of those that have rusted, and cannot be refurbished any more. He stated that the Commission could not make this purchase this year, but asked that the Commission remember that even though they are trash dumpster they are a face of Lake Park and he would like the Town to present an attractive face.

Commissioner Longtin stated that she agrees with that, but she would like to know that Town Manager Sugerman has done some spot checks.

Town Manager Sugerman stated that he has not done spot checks and that he is relying on and supports the recommendation of the Department Head that it is appropriate that the Town replace 40 dumpsters in the current fiscal year.

**Motion: A motion was made by Commissioner Stevens to approve item 6 on the Consent Agenda; Vice-Mayor Rumsey made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman |     | X   |       |
| Commissioner Longtin |     | X   |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 3-2

**7. Authorize the Town Manager to Execute the Affiliate Agreement with Palm Beach Treasure Coast 2-1-1 Program**

Commissioner Longtin stated that she is in favor of this and asked if there is any cost to the Town for participating in the program.

Town Manager Sugerman stated that there is no out of pocket expense, that it is not a budget item, and that there is no charge to the Town to enter into this agreement.

Commissioner Longtin stated that she thinks that this is an important program to tell the community about and asked Town Manager Sugerman to explain the program.

Town Manager Sugerman stated that the program is the social service network that one can call for referrals on social services activities just like one would call 911 for emergency services.

Vice-Mayor Rumsey asked if legal aid is listed on 2-1-1.

Commissioner Stevens confirmed that legal aid is listed on 2-1-1.

**Motion: A motion was made by Vice-Mayor Rumsey to approve item 7 on the Consent Agenda; Commissioner Hockman made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5-0

**9. Approving the CRA Board's Action of June 6, 2012 Reducing the General Fund's Transfer of Expenses to the CRA**

Commissioner Hockman stated that he wanted to verify that this is for this year's budget and that the \$71,000 will be kept in the General Fund and not transferred to the CRA.

Town Manager Sugerman stated that this action is to ratify the action already taken by the CRA Board and that now the Town Commission is endorsing that action.

Finance Director Blake Rane stated that this is costs that were previously allocated to the CRA that will remain in the 2012 expenditures and not be allocated for the last four months of the current fiscal year to the CRA.

**Motion: A motion was made by Commissioner Hockman to approve item 4 on the Consent Agenda; Commissioner Stevens made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5-0

**ORDINANCE ON FIRST READING:**

**10. Ordinance No. 09-2012 Text Amendment for the Campus Light Industrial and Commercial (CLIC) Zoning District**

Mayor DuBois asked if there are disclosures required with this item.

Attorney Baird stated that this item is legislative action not quasi-judicial.

Community Development Director Nadia DiTommaso explained the item and reviewed the staff report (see Exhibit "B"). She stated that at the Planning and Zoning Board meeting there was discussion regarding definitions of various uses in the zoning code on a broader level. She stated that the Zoning Code is deficient on some of the specific definitions not only on the allowed uses in this Ordinance, but on the uses in general in the zoning code. She stated that staff agreed at the Planning and Zoning Board meeting to review the Zoning Code and to come forward with definitions for all of the uses in the various zoning districts in the near future. She stated that for the purposes of this proposal training center and educational facilities is not defined, but because it is under the same general category of permitted uses in this Zoning District it does have the intent of having to be compatible and complementary to each other. She stated that is how staff reviews these applications at this point however, the intent is to include some added definitions per the discussion with the Planning and Zoning Board. She stated that staff recommends approval of this item.

Commissioner Longtin asked what is a training center.

Community Development Director Nadia DiTommaso explained that training center is not specifically defined in the Code as well as many other uses for the purposes of this application a training center is a complimentary tutorial program. She stated that the training center is part of phase II of the project and not the phase I site plan. She stated that training center will be defined as part of the phase II approval, but the intention is a complementary after school training facility to the actual school.

Commissioner Longtin asked why when doing this Community Development Director DiTommaso did not come up with definitions as well.

Community Development Director DiTommaso explained the reason it was not done is because training center is not the only definition not in the Code. She stated that the proposal for the text amendment came from the applicant and the proposal was for this text amendment to include the use and then staff would have to initiate the integration of all the definitions.

Commissioner Longtin asked why not bring the definitions now.

Community Development Director DiTommaso stated that an agenda item was not prepared as part of this third party initiated application.

Attorney Baird stated that this is first reading of the Ordinance and that perhaps staff could prepare that definition before second reading.

Commissioner Hockman stated that the definitions are going to come forward and asked if the Commission approves this item it will have to come back to approve it again later.

Community Development Director DiTommaso stated that realistically the already approved permitted use definitions for educational facilities and schools are necessary and will be brought forward.

Commissioner Hockman recommended that for second reading that the definitions be included.

Mayor DuBois asked if any other definitions should to be brought forward at that time.

Commissioner Hockman thinks that anything that affects this section of the Code be brought forward. He stated that he would hate to see that in two months it be brought back again and have to go through the whole scenario a second time just because the definitions are being added.

Mayor DuBois stated that there may only be a few definitions required for this Ordinance, but they could be consistent with the future definitions developed for the rest of the Code.

Town Manager Sugerman asked if the inclusion of training centers in the proposed text amendment was important to the applicant under tab 11 of the agenda phase I request. If it is not important, could the text amendment language of training centers be eliminated

at this time and then put the definition of training center together with all the other definitions that need to be put into the Code in advance of the applicants needs to go for phase II.

Community Development Director DiTommaso stated "yes".

Town Manager Sugerman stated that the Commission makes a good point and the definition of training center is probably not needed in the text amendment at this meeting or even at second reading of the Ordinance.

Mayor DuBois asked if the proposal is to delete the two words "training center" from the language and continue with the educational facilities and schools. If that is acceptable to the Commission that it is acceptable to him.

Commissioner Longtin stated that she does not mind leaving it in, but she wants to know what it means.

Town Manager Sugerman stated that the problem with leaving it in is that it is not defined. He stated that it will be defined in time with the rest of the definitions that need to go into the Code.

Commissioner Stevens agreed with Town Manager Sugerman's suggestion.

Commissioner Longtin asked for an explanation of the possible loss of tax revenue.

Community Development Director DiTommaso stated that it a condition of approval on the site plan agenda item. She stated that the condition that was approved as part of the site plan agenda item with this applicant discusses payment in lieu of taxes. The charter school by use is eligible for a partial or full tax exemption and the applicant agrees as a condition to make a payment equivalent to the exemption amount on the Ad Valorem taxes. Additionally, to ensure any future operator of the charter school makes the same payment a deed restriction will be placed on the property.

Commissioner Longtin asked why the applicant would offer that.

Community Development Director DiTommaso stated that Policy 1.5 of the Future Land Use Element in the Comprehensive Plan that tells staff when they are reviewing a site plan application to make sure they review for tax purposes, development and redevelopment efforts that increase the Town's tax base. She stated that during staff's review and discussions with the applicant, especially since the applicant was looking to expand the permitted area for educational facilities and schools, which could ultimately bring in other tax-exempt institutions the taxing issue was discussed. She stated that the applicant agreed to the provision in order to have the Town favor their application.

Commissioner Longtin stated that as long as this school or any other educational facility that this land owner is willing to compensate that.

Community Development Director DiTommaso stated "yes".

Commissioner Stevens stated that in doing the cost benefit analysis of whether or not to go forward with this, that was the big negative, but if the applicant is willing to reimburse the Town for any tax exemption that they may receive as being a charter school then he thinks it is great.

Commissioner Longtin asked what would happen if this property is sold to the school.

Vice-Mayor Rumsey stated that presently the Town is received approximately \$32,000 in Ad Valorem taxes on this property and initially that his thought was that if the Town loses the taxes that he is not in favor of the facility and that he would not have voted for it. However, he thinks that the applicant can read the tea leaves fairly easily and knowing that the Commission is not going to be willing to give up that kind of money and he assumes that is part of the reason that the applicant has come forward and said that they will give that money. He asked if the applicant is locked into the amount of money that it is today moving forward or is the payment per year.

Community Development Director DiTommaso stated that her understanding is that on a yearly basis the applicant would owe the equivalent of whatever that yearly tax exemption amount will be. She stated that the agreement is still to be prepared.

Vice-Mayor Rumsey asked if the Commission puts forward a text amendment for this area of land and an elementary school wants to move into this same area can the Commission require this elementary school to also pay this yearly fee or can they choose that they are not going to pay the taxes on it.

Community Development Director DiTommaso stated that it could be entertained as part of the approval process and it will be criteria that would be discussed with that applicant when they submit and because it is a conditional use, it requires Commission approval with the imposition of certain conditions as are appropriate.

Mayor DuBois stated that in a letter from Steve Yohe it is referenced and acknowledged that since the Town provides Police, Fire, Public Works, and Administrative services of which there is the beneficiary that they would be willing to make a payment in lieu of taxes or pay the fee for the services itself. He stated that since the Town's Ad Valorem taxes do not cover all of the cost for Police and Fire and that if this applicant was not paying their share it would be as if the other Town property owners were pulling that weight for them. He stated that he is glad to hear that the applicant is participating in this process of paying the equivalent of the tax.

Commissioner Stevens stated that property is currently vacant and generating \$32,000 in Ad Valorem taxes and if the property value goes up due to this development or just an increase in land values, the Town could be looking at up to \$132,000 in taxes. So this is an important amount of money and thinks it is useful to bring it in to create less of a burden on the residents and other businesses who are paying their taxes. He stated that he applauds this decision and wishes that the Commission had done something like this with the Army Reserve Center.

**Motion: A motion was made by Vice-Mayor Rumsey to approve Ordinance No. 09-2012 Text Amendment for the Campus Light Industrial and Commercial (CLIC) Zoning District with the words “training center” deleted; Commissioner Hockman made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5-0

Attorney Baird read the title of the Ordinance into the record.

**RESOLUTIONS:**

**11. Resolution No. 15-07-12 My Choice Academy Phase One Site Plan Approval for Water Tower Road**

**Public Comment:**

Eddie McConville, 638 Kalmia Drive, spoke in support of the Resolution and My Choice Academy.

**Public Comment Closed**

Attorney Baird advised that this is a Quasi-Judicial item and that the Commission needs to reveal any exparte communications.

**Exparte Communication Disclosure:**

Mayor DuBois stated that he has had discussions with the applicant and Community Development Director DiTommaso.

Commissioner Stevens stated that he is a former Board Member of the ALS Charter School.

Commissioner Longtin stated that she has spoke with the applicant briefly.

Vice-Mayor Rumsey stated that he knows Mr. Yohe, engineer on the project, but they have never discussed the project. He stated that applicant participated in an event at Downtown at the Gardens this past year and they did not discuss this project.

Commissioner Hockman stated that he had no conversation with anyone about this project or anyone associated with the project.

Attorney Baird stated that this item is dependent upon the adoption of Ordinance 09-2012 on second reading so if the Commission at the end of discussion is prepared to approve that item it needs to be made contingent upon adoption of Ordinance 09-2012 on second reading.

Town Manager Sugerman asked Town Attorney Baird if in his opinion there has been a substantive change in the title of the Ordinance 09-2012 such that it needs to be considered it on first reading after adequate notice a second time.

Attorney Baird stated “no” because since we do not know what a training center is we could not have changed something substantive.

Town Clerk Lemley swore in staff, the applicant, and other witnesses testifying.

Community Development Director DiTommaso explained the item and provided an overview of the staff report (see Exhibit “C”). She stated that Staff recommends approval of the Phase I Site Plan for conditional use, subject to conditions and she read the conditions into the record (see pages 10 – 12 of Exhibit “C”).

Steve Yohe, representative for the applicant, introduced the owner Vince Kendrick, Greg Celentano, Architect, Stuart Cunningham, Civil Engineer, and Linda Rickardi, Transportation Engineer. He stated that he wanted to let the Commission know how much they appreciate the professional and responsive manner that the staff of Lake Park has responded to them and to the applicant and in particular Community Development Director DiTommaso and Attorney Baird.

Greg Celentano, Architect Ahrens Companies, presented a PowerPoint presentation (see Exhibit “D”). He stated that Phase I will include a lot of the infrastructure necessary for Phase II, including parking and the looped roadways for cars and buses. He stated that the center area (as depicted on page 2 of Exhibit “D”) is where the phase II will be located. He stated that while phase I is operating a perimeter construction fence will be erected around the center portion and will be building phase II while phase I is in operation around the perimeter. He stated that the 15 classroom modules will be located on the east side of the property and the administrative modular will be on the south side fronting Water Tower Road. He reviewed the circulation plan (page 3 of Exhibit “D”). He explained the site details including bike racks for twenty bicycles and the signage that will be located on the administrative modular (see page 4 of Exhibit “D”). He explained the site paving, grading and drainage plan for phase I and explained that the paving, grading and draining for phase II is being incorporated into phase I (see page 5-7 of Exhibit “D”).

Commissioner Longtin stated that her main concern is regarding the drainage. She stated that the plot is located at the bottom of a hill and asked if the drainage has been taken into account.

Mr. Celentano stated "yes" that they have taken the topography and the surface water management system for phase II the ultimate build out into account.

Commissioner Longtin asked if a retention pond is going to be needed.

Mr. Celentano stated that the retention pond that is being developed for phase I along the west side of the property is going to handle the project. He stated that they did the calculation as if they were doing phase II now. He reviewed the water and sewer plan (page 9 of Exhibit "D") and stated that most of the infrastructure that will accommodate phase II will be placed now since most of it is under the looped roadway system. He stated that an agreement has been worked out with Seacoast Utility Authority whereby an easement will be provided north to south under the western roadway to accommodate future development to the north. He reviewed the photometrics plan (see page 10 of Exhibit "D"). He reviewed the landscaping/irrigation plan (see page 11 of Exhibit "D"). He stated that phase II will have a lot more landscaping because they did not want to put landscaping around the temporary modular buildings. He reviewed the brochure for the modular classroom (see page 13 of Exhibit "D").

Mayor DuBois asked if the water retention areas are wet or dry.

Mr. Celentano stated that it is a dry retention area and that it will hold a certain amount of water before it discharges to the Water Tower Road system.

Mayor DuBois stated that even though this is a light industrial area that the Town has tried to maintain a certain level of appearance and asked if the proposed fencing is a chain link fence.

Mr. Celentano stated that the proposed fence is chain link with black vinyl coating, which is actually a requirement along Water Tower Road, but they are doing around the entire perimeter.

Mayor DuBois stated that he would be fine with chain link fence along the sides and back and asked if it is proposed to be chain link fence along the front of the property.

Mr. Celentano stated that the fence along the front will be black vinyl coated chain link fence, but there will also be many trees and hedging that will block some of the fence.

Mayor DuBois stated that he could understand a construction fence for phase I, but that he would be much happier to see some kind of upgraded fence on the frontage side along Water Tower Road.

Mr. Celentano stated that they could look at a 6-foot aluminum picket fence.

Mayor DuBois stated something like that and that it should have clear sight opacity. He asked about the landscaping around the retention area and if there will be additional landscaping in phase II. He stated that Target improved the storage pond location behind the store with significant landscaping and suggested that when preparing phase II that this project do the same.

Vice-Mayor Rumsey asked about the following condition "The facility shall require that all parents arriving from the west enter the western driveway and exit from the eastern driveway after dropping off their students. Parents arriving at the facility from the east shall be required to enter the eastern driveway and exit the eastern driveway after dropping off their students." and that he thought the western driveway was only going to be for buses.

Mr. Celentano stated that the buses are restricted to the western driveway only, turn around, and exit the western driveway. He stated that phase I is a little different from phase II. He stated that they are trying to avoid doing the turn lanes in phase I and wait for phase II when the property is fully developed. He stated in order to avoid the turn lanes for phase 1 they are spreading the cars to the west and east so the cars coming from the west will enter the west and exit on the east. He stated that the buses and the cars will intermingle a little bit, but that all of the buses will enter and exit on the west. He stated in phase II it is completely segregated with the buses on the west and the cars on the east because the turn lanes will be installed by that point.

Vice-Mayor Rumsey asked if the buses only drop off is on the west then the buses will only use the western turn around lane.

Mr. Celentano stated "yes".

Vice-Mayor Rumsey asked if there is going to be some type of covered walkway to get the children from the bus to the portables.

Mr. Celentano stated that there will be a shuttle service to move the children from the west end and take them around to the drop off at the eastside by the modular buildings. He stated that there will be covered walkways adjacent to the modular classrooms. He stated that this is a work around for phase I and that phase II will have complete covered walkways for access to the building.

Vice-Mayor Rumsey asked if the sign was temporary.

Mr. Celentano stated "yes".

Vice-Mayor Rumsey stated that he is excited about this project and wants to tout it as much as possible and a big sign would be important. He asked if the walkways covers are connected or if it is a covered walkway for each building.

Mr. Celentano stated that they are continuous except for the one break for Fire Department access.

Vice-Mayor Rumsey stated that he agrees with Mayor DuBois about the construction fence along the front of the property and that he thinks it is another opportunity to brand the facility. He stated on the construction fence around the center of the property while phase II is being built that he would like to see that not be a black vinyl construction fence. He suggested blowing up children's artwork or the logo of the school or something, but to make it something appealing that is going to draw interest to the school.

Commissioner Stevens stated that this is a great feather in the cap of Lake Park and that he thinks that having a LEED certified school will be great. He asked if it will still be a LEED certified, green school.

Mr. Celentano stated "yes" and that will be implemented in phase II of the project.

Commissioner Stevens stated that LEED standards are very difficult to meet and that advertising that this is going to be a green school would also be a good idea.

Commissioner Hockman stated that he is looking forward to the school and that he thinks it can be a benefit to the Town. He stated that he is concerned with the traffic and how it is going to affect the street. He stated that his son went to a charter school and the big problem was that it was on a two-lane road like this and when it came to pick-up the cars lined done the road and creates a bottleneck. He stated that parents started showing up a half an hour early sitting there and this being a curb and gutter road there is no place for the parents to pull off the road. He asked how will the 100 cars be handled.

Vincent Kendrick stated that one thing the school will have is a very strong after school program and kids will stay after school so that what they have learned can be reinforced. He stated that he has been in government for over 30 years and that he was an Interim City Manager, and Director of Parks and Recreation and that he was concerned about the Millage rate because he knew that programs were going to be cut and all the Parks and Recreation programs are at the end of the year. He stated that he is conscience of what the Town needs as far as Ad Valorem tax and he wants to be a good citizen and do his part to help this community grow and to build solid educational programs. He stated that the school will also provide job training for veterans, GED courses in conjunction with Palm Beach State College, CPR training and be good citizens to the Town and provide training that the Town may need. He stated that he is retired and he wants to come back and do his part and be a good citizen to the Town of Lake Park.

Commissioner Hockman stated that he is concerned about vehicular traffic and would like to see how the cars will be incorporated. He stated that phase II will have approximately 400 students that there will be a bottle neck of cars and if there are cars parked waiting to pick-up the kids it will be an issue.

Mr. Celentano stated that there will be 4 to 5 buses to pick up kids and that the potential kids for this school that the parents may not have a car.

Mr. Kendrick stated that the transportation plan that was presented to the School Board and that over 50% of the kids will actually be bused to the facility. He stated that they are

trying to get natural gas buses to limit the emissions and they will also be encouraging the kids to ride their bikes or walk. He stated that in phase II of the project a turn lane will be added. He stated that an after school program will also deter the bottleneck at 2:00 pm when everyone is coming to pick-up the kids.

Commissioner Hockman stated that it is great to try to get the kids to ride their bikes, but he thinks that will only be the kids off Congress in that area and not the kids that live in other parts of the Town. He stated that he would be leery of kids from the east side of the Old Dixie Highway biking to the school because there are no sidewalks going across the tracks and he does not know if he would want to have an 8-year old kid riding that way to get the school.

Mr. Kendrick stated that was their concern also and that is why they moved to this location to be able to better handle these issues.

Commissioner Hockman stated that he would like to see a walkway around the retention pond to encourage the kids to be more green and teaching opportunities.

Mr. Kendrick stated that the school was modeled after Pine Jog, the first green school in the County. He stated that the school will be Gold LEED certified and are planning to have an urban garden, hydraulic garden and that he is open to having more walking paths to encourage the kids to exercise and learn.

Commissioner Hockman stated that he would like to see the site use LED lighting.

Mr. Kendrick stated that it is being worked on for the second phase and that they are working with a cogeneration gas turbines and that they are planning on having natural gas and solar panels to try to reduce the schools overall usage. He stated that they are looking at lighting that will reduce the total electrical usage. He stated that his goal is simple in that he wants to build the best for the community, the facility will be Gold LEED certified, utility usage rate will be reduced, and he will be volunteering to help the community. He stated that he and his wife are in the kids business and that they want to do everything possible to provide a good educational facility and to be able to help the community.

Commissioner Hockman asked if the crossing guards are paid by the school.

Community Development Director DiTommaso stated "yes".

Mr. Celentano explained the plan for cars (see page 4 of Exhibit "D") and how the cars will be stacked for drop off. He stated that between the plan for the cars, buses and walking/biking that it will be handled.

Commissioner Hockman suggested that one side be an entrance and the other an exit creating double lanes for the exit.

Mayor DuBois stated that in this area the Town has the five year road improvement plan for Old Dixie Highway and Silver Beach, in negotiations with the County, Army and

stakeholder properties for the Park Avenue extensions and that there may be an opportunity to develop a Scrub Area Nature Center. He stated that what Commissioner Hockman is talking about is applicable to master planning improvements, so that if there is a sidewalk to be put in the Town knows where to put it in order to benefit that area. He stated that this areas has a complicated pattern of uses with the school then it ever has had as a light industrial area. He stated that the school will add a new dimension to the area and that he thinks that it begs for master planning of all of the confluence of all of these improvements.

Commissioner Longtin stated that everything looks good and that it seems that a lot of the concerns were addressed. She stated that her concern is the kids walking to the school from Silver Beach Road and that a crossing guard is needed at Silver Beach Road and Congress Avenue and at Old Dixie Highway and Park Avenue. She stated that until the extension is done for Park Avenue she would like the school to commit a crossing guard for Old Dixie Highway and Park Avenue and at Silver Beach Road and Congress Avenue.

Mr. Celentano stated that it will be considered.

Mayor DuBois stated that the whole area has no connectivity to the project.

Commissioner Longtin stated that is her concern about children walking to school in an industrial area. She mentioned the need for signage regarding that there is a school in the area and there are small children.

Mayor DuBois stated that 50% of the students would arrive at the school via bus. He asked if that was designated by the School Board.

Mr. Kendrick stated "no" that he set the 50%. He stated that the School Board does not reimburse transportation less than two miles. He stated that the transportation plan is up to 10 miles, but they are going to pick-up every kid that requests a pick-up between two miles they just will not get any reimbursement for it.

Mayor DuBois stated that he sees students crossing Northlake Boulevard at locations other than the locations with crossing guard and that it is dangerous.

Commissioner Longtin asked if a student lives on 9<sup>th</sup> Street in Lake Park if the school would pick them up.

Mr. Kendrick stated that if a request for pick-up is made then the student will be picked up. He commented that students from San Marco's could walk to the school from Congress and that the students coming from the east they are attempting to provide enough transportation. He stated that they are making sure that all students that are registered get to school safely. He wants to provide a quality education and facility to serve the students and the Town.

Vice-Mayor Rumsey asked if the school would be open for the upcoming school year.

Mr. Kendrick stated "yes".

Vice-Mayor Rumsey stated that he thinks that this is the most important vote he will take during his tenure because of the long-term impact of the project. He stated that he is thrilled that they have decided to invest in Lake Park and that they are showing people that Lake Park is worth investing in. He stated that he appreciates what they are doing and that he is excited about the project and look forward to this project being something that makes a difference.

**Motion: A motion was made by Vice-Mayor Rumsey to approve Resolution 15-07-12 contingent upon the adoption of the Ordinance 09-2012, fence upgrades between phase I and phase II, retention area upgrades and inclusion of a physical education program; Commissioner Hockman made the second.**

Town Manager Sugerman asked if Vice-Mayor Rumsey's motion includes all 19 conditions as they appear in the staff report prepared July 6, 2012.

Mayor DuBois stated that "yes" the conditions are included along with the additional conditions.

Vice-Mayor Rumsey concurred.

Town Manager Sugerman read condition 13 "The applicant shall cease operating the education facility and shall remove all classroom portables on or before July1, 2013. No extensions are permitted." and stated that the condition may tie the Commission's hands in that this is a hurricane area and there may be unforeseen circumstances and if the Commission would like to grant an extension because of extenuating circumstances that cause a hardship on the applicant. He suggested substituting language that says, "any extension of this date shall be at the sole discretion of the Town Commission".

Vice-Mayor Rumsey suggested the language "No extension is permitted barring an act of God."

Mayor DuBois stated that this will get into a whole list of other things too.

Commissioner Longtin stated that just because it states "No extension permitted" doesn't mean that the Commission cannot grant an extension.

Commissioner Hockman concurred.

Attorney Baird stated that the development order can be amended by the Commission to permit an extension.

Commissioner Hockman stated that the Commission went through this with Ear Stewart and the Commission provided an extension.

Town Manager Sugerman read condition 17 “The Phase I educational facility and training center shall be constructed in compliance with the...” and suggested that “and training center be struck from the condition.

Vice-Mayor Rumsey stated that his motion includes striking “and training center” throughout the conditions.

Commissioner Stevens stated that in condition 15 regarding the tax exemption that the first sentence does not seem very clear to him and suggested changing the language “Ad Valorem taxes” to “Ad Valorem tax exemption received”. He stated that the Applicant would pay the Town what the Applicant is being exempted from.

Vice-Mayor Rumsey asked for clarification regarding the change.

Commissioner Stevens explained that the existing language states that the facility applies for a tax exemption the applicant shall pay the Town a fee that is equivalent to the Ad Valorem taxes for the subject property. He stated that what it should say is that the applicant shall pay the Town a fee equivalent to the Ad Valorem exemption for the subject property.

Vice-Mayor Rumsey asked if Attorney Baird agrees.

Attorney Baird stated that he agrees with Commissioner Stevens’ suggestion.

Vice-Mayor Rumsey stated that Commissioner Stevens’ change is included in his motion.

Commissioner Stevens stated that he encourages the facility to apply for the exemption, but if it is a wash for the applicant either way then he does not know what incentive there is to apply for the exemption.

Town Manager Sugerman stated that the facility would be exempt from other taxing authorities such as the County.

Commissioner Hockman stated that he seconds the changes.

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5-0

**12. Resolution No.17-07-12 Seacoast Utilities Board Appointment of Dale S. Sugerman**

Mayor DuBois stated that this is additional work and additional responsibility and suggested that the compensation is minimal at \$300 a month, but rather than that compensation come back to the Town that as long as Town Manager Sugerman is on the Board that he receive that compensation. He stated that with added work and responsibility should come added compensation.

**Motion: A motion was made by Commissioner Stevens to approve Resolution 17-07-12; Vice-Mayor Rumsey made the second.**

Mayor DuBois asked if the motion includes the compensation going to Town Manager Sugerman.

Commissioner Stevens stated "yes".

Commissioner Longtin asked if the compensation is \$300 a month.

Mayor DuBois stated "yes".

Vice-Mayor Rumsey asked if he seconds the motion for discussion does he needs to vote in favor of the motion.

Attorney Baird stated "no".

Vice-Mayor Rumsey stated that he seconds the motion for discussion. He stated that he has an issue with the \$300 going directly to Mr. Sugerman. He stated that he thinks that the money should come back into the Town. He stated that the Commission approved the Town Manager's additional outside professional activities and that the Town Manager has usually served on this Board. He stated that he would be in favor of the appointment with the funding coming back to the Town.

Mayor DuBois stated that he has been on this Board and he knows the amount of work that is involved in serving on this Board and that he was not compensated while he served on the Board. He stated that it is not just a fluff Board of Directors position and it is minimally compensating.

Vice-Mayor Rumsey stated that he does not disagree that there is a substantial amount of work that goes into serving on this Board. He stated that a majority of the Commission serves on Boards and Committees that come with outside responsibilities and asked if the Board meeting more than once a month.

Mayor DuBois stated that the Board is scheduled to meet once a month, there is correspondence by e-mail with the Authority Director and there are committees involved

with it also. He stated that each Board member is involved in multiple committees during their tenure.

Vice-Mayor Rumsey stated that Town Manager Sugerman agreed to a contract with the Town under a certain compensation package and the Commission has agreed to that. He stated that he thinks at this point that the Commission should go ahead and keep the compensation package at what it is with the compensation for serving on this Board coming back to the Town.

Commissioner Stevens stated that he has been convinced by Vice-Mayor Rumsey's argument and thinks that the compensation should come back to the Town.

Commissioner Hockman asked if the Board meets during the day.

Mayor DuBois stated that the Board meets at 3:00 pm.

Commissioner Hockman stated that the Board meets in theory when Town Manager Sugerman would be working for the Town so he is using Town time to serve on this Board. He stated that the Commissioners serve on Committees and are not compensated for it.

Mayor DuBois stated that this is not a Committee that this is a Board of Director and that a Director is very often compensated that same way that the members of the Commission are compensated. He stated that Town Manager Sugerman did not solicit him to bring up this conversation, that he mentioned to Town Manager Sugerman that he felt that Town Manager Sugerman should be compensated for serving on this Board.

Attorney Baird stated that Commissioner Stevens could withdraw his motion and offering a motion to accept the Resolution as drafted.

Commissioner Stevens withdraws his motion.

**Motion: A motion was made by Commissioner Stevens to approve Resolution 17-07-12 as drafted; Vice-Mayor Rumsey made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5-0

**DISCUSSION AND POSSIBLE ACTION:**

**13. Presentation of Draft of Revised Handbook of Procedures and Policies for Employees of the Town of Lake Park (Employee Handbook)**

Mayor DuBois stated that the time is 9:50 pm and that there are a few other items on the agenda and there is a public comment on this item and proposed that this item be used as an introduction to the subject matter rather than time to go through page by page and line by line of the Handbook. He stated that he did not realize that the changes would be such a major overhaul of the Handbook and he thought there was some minor changes, but that he is not sure that it is appropriate to go through each change in this forum. He stated that it may be better that a committee with a member of Commission and staff meet to review the changes. He stated that he is open to any suggestion that would eliminate hours of discussion on this item during a Commission meeting and into another forum.

Commissioner Stevens suggested taking a brief poll on how many questions the Commission has on this item and stated that he only has two questions. He stated that he reviewed it and it looks good and changes have also been made to the Code and Charter.

Commissioner Hockman stated that he only has a couple of questions and comments.

Commissioner Longtin suggested that it be addressed at the next Commission meeting because she has not been able to complete the entire Handbook. She stated that she thinks it needs to be gone through that the Town has had some members of the public that spent a lot of time on this and that the Commission should give it due diligence. She stated that she does not think it needs a Committee because those people who are interested have stepped up and participated and Interim Town Manager Titcomb went over it. She stated that it is her understanding that a lot of work has been done on this and that staff is ready, but she just needs more time.

Vice-Mayor Rumsey stated that he agrees with Commissioner Longtin and that he needs some time to go through and review the Handbook. He stated that he does want to give Ms. Bernhard an opportunity to speak on this item because she has done a tremendous amount of work on the Handbook.

**Public Comment:**

*Diane Bernhard, 301 Lake Shore Drive*, stated that nearly everything in the Handbook meets or exceeds her expectations. She thanked the Commission, Interim Manager Titcomb, and Human Resources Director Bambi Turner for their work on the project. She stated that the phrase "Engaging in an action which the Town Manager determines is sufficient cause for discipline under this category" in Section 7.9(s), and Section 7.10(v), and the phrase "Any action determined by the Town Manager to be so serious as to warrant immediate termination of employment" in Section 7.11(z) invests too much power in one individual and would like to see the language removed.

### **Public Comment Closed**

Mayor DuBois stated that he does not agree with reducing the Town Manager's authority and that he thinks that the CEO should have more authority. He asked the Commission how they want to proceed.

Vice-Mayor Rumsey asked Town Manager Sugerman about the number of items anticipated being on the August 1, 2012 Commission meeting.

Town Clerk Lemley stated that there is a CRA meeting before the Commission meeting.

Vice-Mayor Rumsey asked if anyone would be opposed if a workshop after the second meeting in August.

Mayor DuBois stated that he does not think there is an urgent need to get this done and he would be willing to see this come back before the Commission in September or October after the budget cycle is complete.

Commissioner Hockman stated that if the Commission does a workshop the item will come back again before the Commission for adoption.

Commissioner Stevens stated that he would rather this come back at a Commission meeting. He stated that he has been through it and in fairness to the other Commissioners, this was a big agenda, but the changes are not too substantial.

Commissioner Longtin stated she would like to hear the comments of the Commissioners that have completed their review.

Vice-Mayor Rumsey stated that he disagreed because he does not want the other Commissioner's comments coloring his review of the Handbook.

Mayor DuBois suggested placing this item on the next agenda and for the Commissioner's to relay their comments to staff.

Commissioner Hockman recommended that it be the last item on the agenda.

Town Manager Sugerman stated that he understood the direction to be that each Commissioner will identify to staff what section of the Handbook they would like to discuss.

Mayor DuBois clarified that each of the Commissioners would have their concerns discussed by staff, addressed and resolved before the meeting.

Commissioner Longtin asked what if staff does not agree with the Commissioner.

Mayor DuBois stated then that item will be brought to the full Commission for discussion.

Vice-Mayor Rumsey stated that he just wants to move the item to the next meeting.

Mayor DuBois stated that he wants to have a method to move the item forward.

Town Manager Sugerman stated that he has concerns and that he thinks the legislative process should happen at the Commission meeting and not one on one with staff.

Vice-Mayor Rumsey stated that he thinks that Mayor DuBois is saying that if a Commissioner has questions for them to go to the Human Resources Director Turner and discuss the questions with her prior to the meeting so that some of the questions can be answered before the meeting and if the questions and concerns are not answered the item will come before the Commission.

Mayor DuBois clarified that he is not suggesting that the Commissioners create policy one on one with staff outside of the Commission meeting, but he does encourage all of the Commissioners to address their individual questions and concerns with staff before the meeting so that the Commission can have an efficient meeting.

Commissioner Stevens asked if each Commissioner should e-mail their comments and concerns to Human Resources Director Turner with a cc to Town Manager Sugerman to be included in the presentation.

Town Manager Sugerman stated that he is having problems with that because the concept of a concern means that there is going to be dialogue back and forth. He does not believe there should be dialogue back and forth between individual members of the Commission and staff because that is as if the Commissioner is legislating from somewhere else than the dais.

Mayor DuBois asked if staff members include Town Manager Sugerman.

Town Manager Sugerman stated "yes".

Vice-Mayor Rumsey asked if one of the Commissioners has a question about "Engaging in an action which the Town Manager determines is sufficient cause for discipline under this category" and calls Human Resources Director Turner and asks for an explanation of what is meant. He stated that he does not think that is legislating that it is him getting a question answered so that he understands the document further. He stated this is something this Commission should be able to do and should do so that the Commission does not have to come to this meeting and ask for the explanation. He stated that he does not think a Commissioner should be calling Human Resources Director Turner and directing her to remove "Engaging in an action which the Town Manager determines is sufficient".

Mayor DuBois concurred with Vice-Mayor Rumsey's comments. He stated that there has been enough discussion for there to be understanding regarding the bounds of discretion regarding legislation.

Commissioner Longtin stated that she is appreciative of Vice-Mayor Rumsey's comments. She explained that a Commissioner cannot speak to staff without permission of Town Manager Sugerman and requested that Town Manager Sugerman is copied on correspondence. She stated that Commissioners need to be careful that their communication is for clarification purposes only and not to request changes unless it is a spelling error or something. She stated that she agrees with Vice-Mayor Rumsey's comments.

**Motion: A motion was made by Commissioner Hockman to postpone the Employee Handbook to the next meeting; Vice-Mayor Rumsey made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5-0

#### **14. Contract Adjustment to the Downtown Alleyway Improvements, 7<sup>th</sup> to 8<sup>th</sup> Street Project**

CRA Project Manager Richard Pittman explained the project and stated that during the project there were changes most of which were based on unit prices that were in the bid as part of the original submittal of the contractor. He stated that the original contract amount was \$269,457.15 the final construction amount is \$297,406.35 for a difference of \$27,949.20. The contingency amount approved by the Commission was \$26,945.72 and the contract is essentially \$1,003.48 over the contact and contingency amount. He stated that staff is recommending that the Commission approve a contract amendment of \$27,949.20, the use of the construction contingency amount of \$26,945.72 and additional funds in the amount of \$1,003.48. He stated that the funds are available in the Seacoast Loan account that was used to fund the project.

Commissioner Hockman asked what caused the changes to result in the increase of the cost.

CRA Project Manager Pittman stated that in some cases the consultant had an error in the quantity take off and provided the example of an error in the amount of fencing. He stated that the quantity of fencing was not changed in the field, but the consultant had an error in his takeoff. He stated that a major change at a cost of over \$13,000 was that the west end of the alley was rebuilt and that was not anticipated to have to redo the alley on

the west end from the rock base up. He stated that when the contractor began to excavate for the valley gutter it was determined that they would also have to dig into the rock base and it would make the rock base thinner and it would not be the standard thickness for the rock base.

Commissioner Hockman stated that the overall project is \$350,000 and asked if it includes the landscaping and irrigation that has not been completed.

CRA Project Manager Pittman stated that is correct and that portion of the project is out for bid and \$40,000 has been set aside for that. He stated that the estimate that he has received puts the cost at close to \$30,000.

Commissioner Longtin stated that this is all after the fact.

CRA Project Manager Pittman stated that is correct and that he does not like to do that, but one does not want to stop a construction contract. He stated that not only does it become about the work that needs to be done, but the time factor is essentially demobilized to remobilized.

Commissioner Longtin stated that she hopes this kind of stuff does not happen again.

**Motion: A motion was made by Commissioner Hockman to approve the contract adjustment; Commissioner Stevens made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5-0

**15. Award of Contract, Flagler Boulevard Median Irrigation & Sod, Town Bid: 05-2012**

CRA Project Manager Pittman stated that this item is the construction contract for the installation of irrigation and sod in the median on Flagler Boulevard between Palmetto Road and West Jasmine Drive. He explained the project and stated that a Community Development Block Grant was received for \$52,200.00 and that the project was put out to bid and three quotes were received. The low bid is Chris Wayne & Associates for \$64,401.75. He stated that the low bid did come in over the grant amount and staff is

recommending to the Commission to fund the difference between the bid and the grant amount plus a 5% contingency and funding would come from the Street and Road Account in the amount of \$15,422.

Commissioner Hockman asked who prepared the plans that went out for bid.

CRA Project Manager Pittman stated that he prepared the plans.

Commissioner Hockman asked if the contractor is being required to create a set of plans or is the project to be installed per the set of plan provided in the bid documents.

CRA Project Manager Pittman stated that the contractor is not being required to do their own set of plans. He stated that the contractor has been provided a schematic and that basically all the medians are the same width however they do vary in length. He stated that contactor has been provided with a schematic drawing, which shows the number of valves and sprinkles in each segment of median. If the contractor provides as-builts he would want to know where every valve is not necessarily every sprinkler head.

Commissioner Hockman asked why they drew two rows of sprinkler heads versus one row down the center.

CRA Project Manager Pittman stated that it keeps the main line and sprinkler heads out of the center in case the Town wants to add more trees in the future.

Commissioner Hockman stated that his concern is that by putting these sprinkler heads down the edge of the road that Public Works would be constantly out there fixing them because cars would potentially be driving over the heads. He stated that he is concerned that the number of sprinkler heads and maintenance has been doubled and whether Public Works is going to be able to handle this stretch of sprinkler system.

CRA Project Manager Pittman addressed that concern by placing a note into the plans that states to stay six inches or more away from edge of pavement.

Commissioner Hockman asked why the pump on the east end is being replaced since the Town just paid \$3,000 to put in a new pump.

CRA Project Manager Pittman stated that there was a choice to install a three horse power pump there or use the two horse power high pressure pump, but there are some long runs in this system. He stated that he agrees that the system is over designed, but he designed it so that if one of the pumps fails the other pump can compensate for some of the watering needs.

Commissioner Hockman asked if the recommendation is to put pipes under Seminole Boulevard to connect the whole length.

CRA Project Manager Pittman stated "yes" that the intention is to put a pipe under Seminole and to water the two triangles with the pump at the east end of the project.

Commissioner Hockman stated that in one section of the bid package it calls for a two horse power pump and in another it calls for a three horse power pump and asked which is it.

CRA Project Manager Pittman stated that it would be a two horse power high pressure pump.

Commissioner Hockman asked if the contractor bid it that way.

CRA Project Manager Pittman stated "yes".

Commissioner Hockman asked why at the east pump station the requirement is for 100 amp service and asked why not 60 amp.

CRA Project Manager Pittman stated that it can be reduced to a 60 amp.

Commissioner Hockman asked if the valve boxes will be traffic rated.

CRA Project Manager Pittman stated that the valve boxes are not traffic rated. He stated that the valve boxes can be located close to the middle of the median if he wants them there, but the valve boxes will be located further off the edge of pavement than the sprinkler heads will be.

Commissioner Hockman stated that in the contract price there is a deduction of \$4,200 for an open cut road and he is concerned with how the contractor came up with that price because, as per the drawings detail, the contractor is going to have to make a five foot cut in the asphalt in order to dig down to install the pipe. He stated that with a five foot stretch of asphalt and rock base that it he finds it hard to believe that there would be a deduct for that type of installation versus a directional bore.

CRA Project Manager Pittman stated that he is not favoring open cut but the contractor could use a piece of equipment called a Big Wheel to create a small trench.

Commissioner Hockman stated that the problem with that is it does not get the compaction. He stated that the equipment cuts down approximately two feet and then the trench is backfilled. He suggested that if the contractor is permitted to use the Big Wheel then concrete slurry should be used to avoid sinking of the roadway, but using concrete slurry could increase the cost. He stated that there is a \$30,000 difference between the bids and that is a big jump.

CRA Project Manager Pittman stated that the \$30,000 difference is big. He stated that the County reviewed the bid documents and did not question the bid price difference. He stated that he questioned the contractor and that the contractor is not afraid of the difference.

Commissioner Hockman asked why Public Works is contouring the median and removing excess soil from the median prior to the contractor commencing work and then the contractor will be ripping it all up.

CRA Project Manager Pittman stated that he discussed it with the Public Works Director Dave Hunt and it was determined that there is a need to contour the median to a contour that they like, get rid of the excess soil, and get the soil down so when the sod goes in it will allow for the thickness of the sod. The contractor is to restore the contour before installing the sod. He stated that if the contractor was to remove the soil and some of the debris that Public Works is going to remove the contractor's price would be higher.

Mayor DuBois asked if the median is being re-contoured for drainage.

CRA Project Manager Pittman explained that the median is an excellent retainage area for water and if it can be contoured to be deeper and the soil can be excavated and leave it so the contractor does not have to do a lot of re-grading and the sod goes down even with the pavement and the water from the roadway will drain into the grass area faster and will retain more of the water helping the drainage.

Mayor DuBois stated that it will actually look differently than it does now.

CRA Project Manager Pittman stated that near the trees the root system limits the amount of the contour, but in between the trees there will be more of depressed areas which will hold more water.

Commissioner Hockman stated the most the medians are two to three inches below the edge of pavement now so in reality when the sod is installed it will bring it more even to the edge of the road. He stated that along the edge of the medians a lot of the asphalt is being busted up and that there is nothing to really stabilize the asphalt edges.

CRA Project Manager Pittman stated that he agrees and that there is not a good asphalt edge to edge the grass against. He stated that it will not look as sharp as then it would if a concrete header curb was there.

Commissioner Stevens asked if the project is estimated around \$64,000.

CRA Project Manager Pittman stated that the contract is based on unit prices and estimated quantities is \$64,401.

Commissioner Stevens asked if the grant the Town is receiving is \$52,000.

CRA Project Manager Pittman stated "yes".

Commissioner Stevens stated that the total cost to the Town is approximately \$12,000 to \$15,000.

CRA Project Manager Pittman stated "yes"

Commissioner Stevens asked in CRA Project Manager Pittman's professional opinion that the contract being awarded per this plan will meet the Town's irrigation and sod needs.

CRA Project Manager Pittman stated "yes".

**Motion: A motion was made by Commissioner Stevens to approve the award of contract; Vice-Mayor Rumsey made the second.**

Mayor DuBois stated that he would support this project with the directional bore for the installation of the pipe as recommended by CRA Project Manager Pittman.

Commissioner Hockman stated that the system should be installed as it is now with the sprinkler heads in the middle. He stated that by having the sprinkler heads in the middle half the piping and valves would be needed. He stated that with the sprinkler heads in the middle it would be the same watering pattern with less maintenance by Public Works.

Mayor DuBois suggested a compromise to bring the sprinkler heads in from six inches to nine inches from edge of pavement.

CRA Project Manager Pittman stated "yes".

Mayor DuBois asked if moving the sprinkler heads in would protect the sprinkler heads from vehicular traffic that may drive on the median.

CRA Project Manager Pittman stated it would provide a greater degree of safety of the system.

Commissioner Hockman stated that he does not believe the modification would help because if someone drives off the road to go around trucks the vehicle will drive more than six to nine inches into the median. He stated that to avoid this the sprinkler heads should be moved 12 to 14 inches and at that point the sprinkler heads might as well be put back in the middle of the median. He explained the current configuration of the irrigation system.

Mayor DuBois stated that he would prefer that the sprinkler heads be nine inches instead of six inches from the edge of pavement. He asked if there was a way to include that in the motion.

Commissioner Stevens amended his motion to include the moving of the sprinkler heads from six inches to nine inches from the edge of pavement.

Vice-Mayor Rumsey seconded the amended motion.

Vice-Mayor Rumsey stated that once the sprinkler system is fixed that people will stop driving across the median. He stated that he has decided to vote along with Commissioners Hockman and Longtin because they have been so passionate about this issue. He stated that while he would like to see the sprinkler system fixed it does not affect him as much as Commissioners Hockman and Longtin and he wants to make sure their voices are heard on this issue.

Mayor DuBois stated that he has been looking forward to having this project completed and having the median on Flagler Boulevard look good and the property owners making improvements to their property as a result of the project.

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman |     | X   |       |
| Commissioner Longtin |     | X   |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    |     | X   |       |
| Mayor DuBois         | X   |     |       |

Motion failed 3/2

Mayor DuBois asked how the Town can best use the \$52,000 grant because the Town either has to send the money back or have a different plan.

Commissioner Longtin stated that her issue is not the grant, but the amount the Town has to supplement and why the Town cannot copy the plan that is there.

Vice-Mayor Rumsey asked if CRA Project Manager Pittman could be given a couple of weeks to come back to the Commission with alternatives.

Mayor DuBois asked for a review of the timeline for the grant requirements.

CRA Project Manager Pittman stated that in the grant documents the advertise and accept bids deadline is July 15, 2012, and award the contract by September 1, 2012. He stated that from what he has heard that he presumes that Commissioner Longtin and Hockman would have approved the project if the design had the sprinkler heads down the middle.

Commissioner Hockman asked if the design is changed now would the project have to go back out to bid.

CRA Project Manager Pittman stated that is technically correct.

Commissioner Stevens stated that then the Town would lose the grant.

CRA Project Manager Pittman stated that the other option is to tell the County that the Commission did not approve the project and that it sounds like the Commission would approve the project if the design was different and therefore the cost would be different and that the Town would like a time extension.

Commissioner Longtin stated that her concern is not the layout, although she does not like the layout. She is concerned with the \$15,000 over the grant amount that the Town would have to contribute to the project. She stated that the \$15,000 should be used towards curbing to prevent people from driving in the median.

Commissioner Stevens stated the cost of installing curbing would well exceed the \$12,000 to \$15,000 that the Town is contributing for this project.

Mayor DuBois stated that the Streets and Roads Fund would be the appropriate mechanism for funding a curbing project.

Commissioner Stevens agreed and stated that a curbing project could be considered further down the road, but as far as this grant he does not want to risk losing it by shooting down a proposal and missing the deadlines and Lake Park would be out the \$52,000.

Vice-Mayor stated that Town Manager Sugerman told him that the Town would not lose the \$52,000 and asked if that is correct.

Town Manager Sugerman stated "yes".

Mayor DuBois asked how the project would be re-bid and still meet the deadlines.

Town Manager Sugerman stated that Vice-Mayor Rumsey did not ask him about that.

Vice-Mayor Rumsey stated that he did not talk to Town Manager Sugerman about re-bidding the project.

Mayor DuBois stated that re-bidding the project is what is involved.

Commissioner Longtin stated that surely there is a way to do this without putting it back out to bid.

Mayor DuBois stated that the other bids could feel that the project was changed and that they could have provided a more competitive price because of the change in the design to something that they are better at.

CRA Project Manager Pittman stated that if the County was not involved and it was not a grant one way to do it would be to award the contract based on negotiated change, but there is the potential for the other bidder to complain about that process.

Vice-Mayor Rumsey asked what the chances are that the County will give the Town an extension.

CRA Project Manager Pittman stated that in his opinion that the County is losing patience with Lake Park because the Town originally went for the grant, received a grant for \$48,000 and then the Town went back and requested an increase to include the sod. He stated that he can ask for a time extension to re-design and re-bid.

Commissioner Longtin stated that the Commission just took a vote on this and asked Attorney Baird if the Commission can take the exact same vote on this item again.

Attorney Baird stated that a member of the prevailing side can ask for a motion to reconsider the item.

Commissioner Longtin stated that this bugs her because this is one of those maintenance issues that should have never become a political issue. She believes that the Commissioners are being used as pawns to distract from other issues. She stated that she believes that this could have been fixed for under \$5,000 and should have been and that it never should have gotten to this point, but this does have to get done.

**Motion: A motion was made by Commissioner Longtin to reconsider the item; Vice-Mayor Rumsey made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman |     | X   |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 4/1

**Motion: A motion was made by Commissioner Stevens to award the contract; Vice-Mayor Rumsey made the second.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman |     | X   |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 4/1

Commissioner Longtin stated that Commissioner Hockman is correct and that Public Works Director Hunt has stated that it is too much work to take care of this and that this project has increased his workload.

Mayor DuBois stated that it is an asset to the Town and to all of the properties on Flagler Boulevard and that he thinks that the asset value offsets the liability value.

**16. Letters of appreciation from the Mayor on behalf of the Commission and Proclamations for Interim Town Manager Jamie Titcomb and PBSO Commander Pete Palenzuela**

**Motion: A motion by Commissioner Longtin to provide both Interim Town Manager Jaime Titcomb and PBSO Commander Pete Palenzuela a letter of appreciation from the Mayor on behalf of the Commission and Proclamations; Vice-Mayor Rumsey seconded the motion.**

Vote on Motion:

| Commission Member    | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Hockman | X   |     |       |
| Commissioner Longtin | X   |     |       |
| Commissioner Stevens | X   |     |       |
| Vice-Mayor Rumsey    | X   |     |       |
| Mayor DuBois         | X   |     |       |

Motion passed 5/0

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Commissioner Hockman** stated that regarding the irrigation along Flagler Boulevard it will cost the Town \$15,000 when a year ago the Town could not afford to spend \$1,000 to \$2,000 to fix it. He stated that the Town had a cost of \$15,000 to locate all the sprinkler heads and get it functioning the way it should and the Town did not have the money and now the Town has the money. He believes that this system is going to become a maintenance headache because there is no curb and gutter. He stated that he has requested in the past to see these packages before going out to bid and that he would have commented that the project should have been designed the same way it currently is and it would have been a lot less maintenance and cost. He stated that the \$52,000 would not only have fixed the irrigation, installed the sod and replaced a couple of trees along the roadway.

**Commissioner Longtin** asked if something is scheduled to go into the old Cardello's restaurant.

Community Development Director DiTommaso stated that an application has been received from the Pirate's Well to open as a restaurant in that location.

Commissioner Longtin asked if the hours of operation been extended for that operation.

Community Development Director DiTommaso stated "no".

Commissioner Longtin welcomed the new Palm Beach County Sheriff's office District Commander Chris Myers. She stated that the Library and Recreation Departments have many programs and activities and encouraged residents to participate. She stated that the Sunset Celebration will be at the Marina on July 27, 2012 and encouraged residents to come out from 6:00 to 8:00 pm.

**Commissioner Stevens** thanked Ms. Duchene for the Library statistics and stated that the Library is a great benefit to the community. He stated that regarding Mr. Belevic and the sanitation fine and that he reviewed Florida Statutes 162.069(2) and that it does state that prior to a fine that the Town does have to provide notice. However, the Commission is unaware of what legal authority Mr. Belevic was cited under and that he agrees with the recommendations by Town Attorney Baird and Town Manager Sugerman. He welcomed Mr. Miller to the Town and stated that kennel clubs are helping dogs improve their behavior. He stated that he is happy that the Town is one step closer to having a LEED certified school in the Town.

**Vice-Mayor Rumsey** thanked Recreation Director Kathleen Carroll for the July 1 Picnic. He welcomed Mr. Myers to the Town and is happy to have him here.

**Mayor DuBois** stated that he attended the Chamber of Commerce Legislative Round-up on July 18, 2012 and introduced himself to Chamber of Commerce Executive Director Beth Kigel. He stated that Ms. Kigel showed an interest in the Town of Lake Park and that she would like to come to a Commission meeting and introduce herself and would like to expand the Chamber of Commerce's participation in Lake Park. He stated that he appreciates that the Commission has chosen to approve the project for Flagler Boulevard and that he believes that it will enhance the value of the Town and the pride that everybody has on that street in their own properties and in the Town in general.

**Attorney Baird** stated that he will not be attending the August 1, 2012 meeting, but Matt Ramenda from the firm will be attending.

**Town Manager Sugerman** none.

Exhibit "A"

2350 Coral Way, Suite 301  
Miami, Florida 33145  
(305) 860-0780 (Telephone)  
(305) 860-0580 (Facsimile)  
(305) 905-9801 (Mobile)

200 West College Avenue, Suite 204  
Tallahassee, Florida 32301  
(850) 222-9911 (Telephone)  
(850) 807-2539 (Facsimile)

[fgomez@gomezbarker.com](mailto:fgomez@gomezbarker.com)

**Gomez Barker  
Associates, Inc.**

# Memorandum

**To:** Hon. James DuBois, Mayor  
Hon. Kendall R. Rumsey, Vice Mayor  
Hon. Steve Hockman, Commissioner  
Hon. Jeanine Longtin, Commissioner  
Hon. Tim Stevens, Commissioner

**From:** Fausto B. Gomez

**CC:** Dale S. Sugerman

**Date:** July 18, 2012

**Re:** End-of-Session Legislative Report

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We are pleased to present this report detailing the accomplishments of the Town of Lake Park during the 2012 legislative session. This was an exceedingly difficult legislative year, with many opining that the session will be known more for what it did not accomplish than what it achieved. It was marked by continuing reductions in the state budget as Florida faced a \$2 billion budget shortfall, a gaming debate that galvanized early attention and energy but soon fizzled, an attempted leadership coup in the Senate that threw the closing days session into turmoil, and the once in a decade process of redrawing state and federal legislative districts.

In the midst of this Lake Park fared well. While the Town's most critical issue, the regulation of SOBER Homes was not considered, we were nevertheless able to obtain legislative communication to the Speaker of the House of Representatives requesting an "Interim Report." (Please see attached). The report will fully examine all issues related to SOBER Homes and normally leads to legislation being introduced not by an individual member but through the committee process. This is important in light of the opposition to our efforts from other cities in Palm Beach County and the understandable reluctance of legislators to intervene in such disputes. Other accomplishments include:

- Preserved funding for the Library;
- Obtained reduced or waived permit processing fees for completing necessary environmental projects;

- Modified an attempt to make cities liable for bus benches on the state right-of-way. Although Lake Park does not currently have bus benches or shelters, this clarifies the matter in case the Town wishes to contract with a private vendor for the provision of this and participate in the revenue generated;
- Secured reduced advertising rates for public notices that must be published more than once;
- Garnered approval of a \$14.9 million statewide grant program for economic development projects; and,
- Assured that Lake Park was included in legislative districts having commonality of interests.

Equally critical was the ability to pass legislation that reduced the Town's operating responsibilities and expenditures, such as having to prepare the Evaluation and Appraisal Report, and to thwart bad policy that would have preempted home rule authority or imposed additional unfunded mandates. And with few exceptions the bills in the latter category, for example a proposed Constitutional Amendment granting Ad Valorem Tax Exemptions for Low Income Seniors, would require the concurrence of local governments to implement.

Following is a detailed list of key issues that my associates and I lobbied on your behalf. While many facilitate local decision-making with regard to policy and budget, we think you will be surprised at the lack of appreciation of municipalities that some others evidence. We were actively engaged both in helping pass legislation that facilitated local governance as well as assuring that bills that would have negatively impacted Lake Park did not become law.

As always, please do not hesitate to contact us if you have any questions or desire additional information. We appreciate the support and guidance provided by the Mayor, Vice Mayor, and Commissioners, and are honored to represent the Town of Lake Park.

#### **FINANCE AND TAX**

##### *PASSED*

Effective Public Notice - CS/CS/HB 937 requires newspapers that publish legal advertisements to also publish those ads on their website at no additional cost to the city. The bill also requires the Florida Press Association to publish those ads on their website. Municipalities will see cost savings as those legal advertisements that are required to be published more than once can only be charged 85% of the original rate.

Local Option Fuel Tax – CS/CS/CS/HB599 expands the allowable use of the revenues collected by the Local Option Fuel Tax to include the installation, operation, maintenance, and repair of street lighting, traffic signals, traffic engineering, signalization, and pavement markings.

Homestead Property Tax Exemption for Surviving Spouse of Military Veteran or First Responder – CS/HJR93 would allow the legislature to provide ad valorem tax relief to the surviving spouse of a veteran who died from service-connected causes while on active duty or the surviving spouse of a first responder who died in the line of duty. The Revenue Estimating Conference has opined that beginning with the January 2013 tax rolls, and assuming current millage rates, the statewide impact would be annual reductions in local government non-school tax revenues of \$0.3 million beginning in fiscal year 2013-14. The legislation passed unanimously from both the Senate and House.

Additional Homestead Tax Exemption for Seniors - CS/HJR 169 would allow counties and municipalities to grant an additional homestead tax exemption for low income seniors. The exemption would be equal to the assessed value of the property with a value less than \$250,000. To qualify, a person must have maintained permanent residence on the property for at least 25 years, must be at least 65 years old, and must have a household income of less than \$20,000. The Revenue Estimating Conference has estimated that if all counties and municipalities offering the current low-income senior exemption authorized by Article VII, section 6 of the Florida Constitution also pass the required ordinances to offer this additional homestead exemption, the negative statewide revenue impact to local governments would be \$9.1 million in FY 2014-15 and \$9.4 million in FY 2015-16, assuming current millage rates. The legislation passed unanimously from both the Senate and House.

Tangible Personal Property Tax Exemptions - CS/HJR 1003 would grant an additional exemption for tangible personal property when it is assessed at more than \$25,000 but less than \$50,000. It would allow the Legislature to provide by general law that the counties and municipalities may grant this exemption for tangible personal property through ordinance. The Revenue Estimating Conference has estimated that the provision of the amendment would have a statewide negative impact on local government revenues of \$20.1 million beginning in FY 2013-14. The legislation passed unanimously in the Senate and by a vote of 112-2 in the House.

Communications Service Tax - CS/HB809 updates and modifies a number of provisions regarding the manner in which the Communications Service Tax (CST) is levied. It revises definitions relating to bundling of services which are taxed by the CST, revises language that governs the assignment of customers to local taxing jurisdictions for the purpose of imposing the applicable local tax to modify the liability of a communications services tax dealer in the event of underpayment of the tax resulting from the dealer assigning a service address to the incorrect local taxing jurisdiction, and creates the Communication Services Tax Work Group which is comprised of four local government representatives, four industry representatives and the Department of Revenue as the non-voting chair. The Work Group will review the impact of the changes contained in CS/HB 809 as well as make recommendations of how to modernize and simplify this revenue source.

One key development in the very late stages of the Session was that a bill which accounted for almost a third of the estimated fiscal impact the Florida League of Cities provided did not pass. (The bill proposed shifting state revenue collections from the General Revenue fund and local governments to the Public Education Capital Outlay (PECO) and Debt Service Trust Fund.) Another development was a dispute between the fiscal impact numbers developed by the League, the Revenue Estimating Conference, and industry. The Revenue Estimating Conference estimated that CS/HB809 will have a statewide negative fiscal impact to local governments of \$4.3 in FY2012-13 and a recurring negative impact of \$4.7 million for incorrectly assigned service addresses. The negative fiscal impact for local governments regarding the taxation of items not separately listed is indeterminate.

The legislation passed unanimously from both the Senate and House. The fact local governments share this revenue source with the State offers significant protection against substantial diminution of these revenues in the future.

Business Tax Exemption - HB7125 would exempt real estate brokers and sales associates from paying the local business tax. The negative fiscal impact statewide to local governments is \$3.8 million. The legislation passed the Senate by a vote of 33-7 and the House by a vote of 105-9.

*FAILED*

Taxpayers' Bill of Rights (TABOR) - The Legislature last year placed on the November 2012 ballot a constitutional amendment to limit the revenues and expenditures of state government. Those limitations are based on a complex formula accounting for population growth, cost of living, and other financial factors. Leadership of the House of Representatives this year attempted to amend the proposed constitutional amendment to include local governments. That effort failed.

Repeal of Business Tax - Under Chapter 205, F.S., local governments are authorized to charge a local business tax for the privilege of engaging or managing any business, profession, or occupation within their jurisdiction. The tax proceeds are considered general revenue. SB770 and HB1063 would have phased out the business tax over a six year period with a statewide negative fiscal impact of \$132 million. These bills failed.

Impact Fees - SB603 and HB912 would have prohibited any local government from imposing any impact fee or any fee associated with the mitigation of transportation impacts on new development until July 1, 2015, unless authorized by the affirmative vote of two-thirds of the governing authority of the local government. Opposition to these bills was a priority because of overwhelming negative fiscal impact to local governments. These bills failed.

Insignificant Fiscal Impact - SB444 sought to define the term "insignificant fiscal impact" for purposes of unfunded mandates. The Florida Constitution prohibits unfunded mandates but provides an exception for laws that have an "insignificant fiscal impact." The exception would have been defined as an amount equal to or less than 10 cents multiplied by the latest resident population estimate on April 1st by the Demographic Estimating Conference for the applicable state fiscal year. The potential impact of this bill would have been to spur additional unfunded mandates to local governments. This bill failed.

Ad Valorem Taxation - HB1289 proposed a constitutional amendment on the November 2012 ballot that would have increased the homestead exemption for all non-school property taxes. This exemption would have equaled 30% of the homestead property's just value in excess of \$75,000 but less than \$200,000, plus 15% of the homestead property's just value in excess of \$200,000 but less than or equal to \$400,000. Assuming current mileage rates, the negative fiscal impact statewide to local governments would have been \$565.1 million in FY2013-14, \$576.0 million in FY2014-15, and \$579.6 million in FY2015-16. This bill failed.

CS/SJR314 incorporated the "super homestead exemption" of HB1289 and in addition would limit the increase in the assessed value to commercial property from 10% to 7% and provide authority to the Legislature to limit assessment increases for property whose just value has decreased in the preceding year. This bill also failed.

## POLICY

### PASSED

Environmental Regulation – CS/CS/CS/CS/HB503 expands the eligibility for reduced or waived permit processing fees for those municipalities having a population of less than 25,000 and for necessary environmental projects.

Law Enforcement Telecommunicator Certification - CS/HB 1227 exempts sworn law enforcement officers from the public safety telecommunicator certification course provided the officer can pass the certification exam. The bill allows local governments to use sworn law enforcement officers as temporary public safety telecommunicators once they have passed the certification exam.

Financial Emergency - SB368 requires independent auditors of a local government to consider whether a fund balance deficit or net assets deficit exists. If a deficit exists and sufficient resources are not available, the auditor must notify each governing board member. Failure of the members of the governing body of a local government to resolve a state of financial emergency constitutes malfeasance and, as such, they may be subject to suspension from office.

Segways – CS/CS/CS/HB599 would allow local governments to regulate Segways on sidewalks. There have been an increasing number of accidents at various destinations as Segways tours operate on sidewalks or pedestrian areas and accidents resulting from same.

Transactions by Secondhand Dealers and Secondary Metal Recyclers – CS/CS/HB885 is an attempt to restrict the ability to sell stolen metal and copper. The bill not only increases the penalty for three or more violations to a second degree felony but also mandates that metal recyclers maintain and transmit a daily record of purchases to law enforcement and prohibits their purchase before 7:00 am or after 7:00 pm.

### FAILED

Red Light Cameras - SB590 and HB33 and HB343 were joined and significantly amended in the Senate Transportation Committee to require local governments to use a nationally recognized formula for minimum traffic signal timing. The bills further implement standards for when a right turn on red violation can be issued and allows 30 days for a person receiving a red light camera violation to challenge the ticket for pay the \$158 fine. These bills failed.

SB1542 and HB4177 which would have repealed the Red Light Camera program also failed.

Wireless Communications - A total of six bills were filed to prohibit the operation of a motor vehicle while using a wireless communications device. None of the House bills were heard in their first committee of reference and thus died. These include HB187 (prohibited cell phone use by persons under 18 years of age while driving), HB957 (required that driver improvement courses include an explanation of the dangers of using a handheld wireless device while driving), and HB299 (prohibited the operation of a motor vehicle while using a wireless communications device). Although SB416 (companion to HB299) and SB122 (companion to HB957) were considered by the Senate, the reluctance of the House of Representatives to agenda these bills assured their not passing.

Testimony at Public Meetings - CS/CS/CS/SB206 and CC/HB355 required local governments to provide members of the public with an opportunity to be heard on a proposition before the board or commission. There is an exemption for emergency situations or when a board or commission is acting in a quasi-judicial capacity. These bills died.

Reporting of Local Government Contracts - CS/CS/SB1626 and CS/HB1409 required that local governments report all executed contracts to a state contract tracking system. The concern was with the level of detail required and the cost to the local governments. These bills died.

Surplus Lines Insurance – HB245 would have made it easier for less regulated surplus line insurers to take policies out of Citizens Property Insurance Corporation. Following intense debate in both the Senate and House an amendment was adopted to the bill in the Senate requiring policyholders to "opt in" rather than being automatically switched.

## Fausto Gomez

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**From:** Evan Power  
**Sent:** Tuesday, July 17, 2012 10:00 AM  
**To:** Fausto Gomez; Manny Reyes  
**Subject:** FW: Interim Report

**Follow Up Flag:** Follow up  
**Flag Status:** Red

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

From: Casey, Larry [mailto:Larry.Casey@myfloridahouse.gov]  
Sent: Tuesday, July 17, 2012 12:24 AM  
To: Epower@GomezBarker.com  
Subject: FW: Interim Report

Begin Forwarded Message

From: Hager, Bill [mailto:Bill.Hager@myfloridahouse.gov]  
Sent: Monday, May 07, 2012 3:59 PM  
To: Dean.Cannon@myfloridahouse.gov; Will.Weatherford@myfloridahouse.gov;  
Mathew.Bahl@myfloridahouse.gov  
Subject: Interim Report

Mr. Speaker,

The Following is a request I have for an Interim Report. As you are aware "Sober Homes" have become a big issue in Boca Raton. In the past Boca Raton has been involved in a court case with the Federal Government about this issue, but in the past few months newspaper articles have been written involving other cities. Before session I had planned on introducing legislation to clarify the law, but a consensus could not be reached. I hope that a study can give us the needed direction to make all parties comfortable moving forward.

Sincerely,

Bill Hager

### SUMMARY

Municipalities are being adversely impacted by the proliferation of unregulated "Sober Homes" in single family residential neighborhoods. These are businesses housing an unlimited number of unrelated individuals who are recovering from drug and alcohol abuse. Because the Americans with Disabilities Act (ADA) classifies individuals suffering from substance abuse as handicapped, and a legal theory has emerged that they qualify as a "family" when living together in a supportive environment, Sober Homes currently operate without any adherence to local occupancy or other community standards. In fact, Sober Homes are not defined in Florida Statutes and their operators are not regulated or licensed.

### BACKGROUND

Boca Raton, Delray Beach, Lake Park and other municipalities are experiencing a proliferation of "Sober Homes" as businesses buy properties in single family residential neighborhoods to house individuals who are recovering from drug and alcohol abuse. Individuals recovering from addiction are protected under the Americans with Disabilities Act (ADA) and that has led to a legal theory qualifying unrelated persons as "family" for purposes of living together in a supportive environment. This allows them to evade local

occupancy and other community standards.

The impact on municipalities is the deterioration of single family residential neighborhoods. Most Sober Home operators "house" from two to four adults per bedroom in addition to a "House Manager." In one example in Lake Park, a Sober Home owner proposed to house 12 unrelated adults in a four bedroom home along with a House Manager. Since residents of Sober Homes are supposed to work or be in school, this could have had led to 12 vehicles parked outside the home. Also of concern is the very dynamic of the neighborhood which results from introducing a transient population. Since resident of a Sober Home usually stay 3 months, the example above would generate 48 new residents per year. Invariably the neighboring families complain about too many residents, too many vehicles, and the resulting increase in noise, loitering, and trash.

Sober Houses are not defined in Florida Statutes and their operators are not regulated or licensed. Because of this, residents of Sober Homes may not receive the care and support for successfully maintaining their sobriety and this puts them in a vulnerable position. It is also believed that some facilities unlawfully provide treatment.

The Department of Children and Families facilitated a workgroup on Sober Houses last summer. Participants included the Florida League of Cities, The Florida Alcohol and Drug Abuse Association, individuals Mayors, and other stakeholders. City representatives voiced their concern about occupancy standards not being adhered to, clustering, the disturbances sometimes caused by recovering addicts, the changes to the residential character of the neighborhoods, and the taxing of public facilities and resources. The workgroup conducted a national survey of legislation and best practices with a focus on balancing the rights of addicts in recovery with the needs of residents of a community to preserve the character of their neighborhoods.

#### Legislation

Senator Bogdanoff filed SB 1026 to attempt to remedy this situation with proposed legislation that was a result of the efforts of key members of the workgroup. The legislation would not allow municipalities to ban Sober Homes, but simply defines them, establishes best practice standards for their operations, and requires that they adhere to local occupancy standards. The bill also exempts any community residential facilities or providers licensed by the state. The proposed bill does not mandate licensing or regulation, but simply provides a tool so that the state and local governments can protect Floridians as well as preserve the residential character of neighborhoods. After it was introduced several cities including Boca Raton agreed with the concept but not how to establish this goal in statute. As a result no house bill was filed.

#### Project

Since the Department does not want to license and regulate these homes. We would like to request an Interim project in order to find out what options are available to this growing problem that is not just affecting more and more cities in South Florida but now moving to other parts of the state. As well as determining how any proposed language would fit under the ADA requirements.

Town of Lake Park  
Community Development Department



Nadia Di Tommaso, *Community Development Director*

Meeting Date: July 18, 2012  
Staff Report Date: July 6, 2012

To: TOWN COMMISSION

Re: TEXT AMENDMENT - Amending the permitted use language in Section 78-75 (2)(C)(4) of the Town of Lake Park Code of Ordinances

Applicant: Community Learning Outreach Center, LLC  
Location: Campus Light Industrial and Commercial (CLIC) – Zoning District Text Amendment

SUMMARY

The Applicant, Community Learning Outreach Center, LLC ("Applicant") is proposing to develop an educational facility on a parcel of property located within the CLIC zoning district. The Town of Lake Park Code of Ordinances (the Code), section 78-75(2)(c)(4) allows educational facilities and schools in the CLIC zoning district, but only along parcels which front the ultimate right-of-way of Park Avenue as extended. The Applicant met with staff to discuss an amendment to this section of the Code so that it may develop the property for its educational facility. The Applicant proposes a text amendment to this section of the Code as shown below (*proposed language is Bold and Underlined*):

78-75 (2)(c)(4)

*PROPOSED TEXT AMENDMENT.*

c. The following uses are permitted on parcels which front on the ultimate right-of-way of Park Avenue as extended:

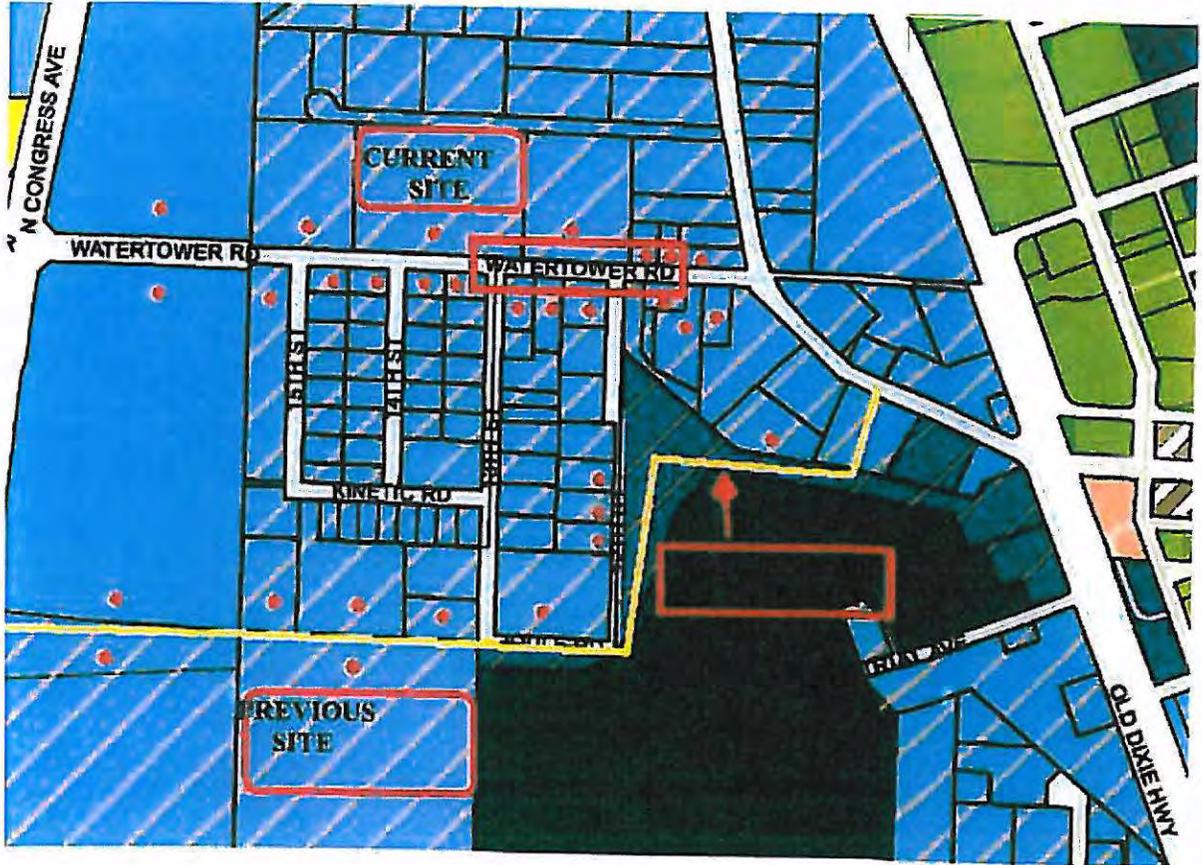
- 4. Educational facilities, **training centers**, and schools, **Permitted along parcels which front the ultimate right-of-way of Watertower Road. Conditional use approval required by the Town Commission.**

Staff reviewed the request to amend the permitted use language using the following criteria:

- (1) Compatibility with underlying land use designation
- (2) Economic impacts
- (3) Compatibility with BioScience Research Protection Overlay

**ANALYSIS:**

The underlying land use designation remains the same for parcels fronting the ultimate right-of-way of Park Avenue as extended, as well as for parcels fronting Watertower Road as shown on the following excerpt from the Town of Lake Park Future Land Use Map. The dotted areas below represent the parcels fronting Park Avenue as extended, as well as Watertower Road:



The land use designation is Commercial/Light Industrial and the Future Land Use Element in the Town's Comprehensive Plan designates commercial uses as compatible with this land use. Furthermore, the Comprehensive plan also states that the permitted uses are those uses specifically outlined in the Town's Zoning Code.

The text amendment is also requesting that the proposed use be approved as a conditional use by the Town Commission. By providing for a conditional use stipulation, the educational facilities, training centers and schools would be subject to Town Commission approval with conditions that are specific to the project and are in the best interest of the Town. By definition, a *Conditional Use* is a use that is generally compatible with the other uses permitted in the district, but which requires individual review as to its location, design, configuration, intensity and/or density of use, buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. The conditional use review process can also include discussions on ad valorem taxes and preserving the existing tax base in order to abide by Policy 1.5 of the Town's Comprehensive Plan which states the Town shall encourage development and redevelopment activities which will substantially increase the tax base.

Staff engaged in several discussions with the Property Appraiser's Office. It seems charter schools are growing in demand given the recent funding mechanisms available and the overall community needs. Staff has been advised that a charter school, by simple classification, would be taxed based on its market value, similar to any other commercial property. Currently, the parcel lies vacant and is generating a total Market value of \$ 1,219,244, generating \$ 32,525 in ad valorem taxes. Depending on the market value after the Phase I and Phase II improvements, this amount can rise to approximately \$50,000, if the new market value is approximately \$ 1.7 million, to as much as \$ 66,000 in taxes if the taxable value is approaching \$ 2 million, or even \$ 132,000 in taxes if the taxable value approaches \$ 4 million (will vary slightly depending on the millage rate). The Property Appraiser's office explained that there are certain partial or full exemptions that are available to charter schools, although they must be applied for and if they are, a full exemption would mean the Town can only collect the non-Ad Valorem assessments: Garbage, Stormwater and Solid Waste Authority of Palm Beach County. The non ad-valorem would be minimal and may range from \$ 3,000 - \$ 5,000 as determined by the municipality.

**For the purposes of this request, the Applicant has agreed to a payment in lieu of taxes as well as a deed restriction, as a condition of approval for their Phase I site plan approval which is being presented as a separate item on this agenda. The Town will require a case-by-case review for applications proposing educational facilities which are tax-exempt.**

Finally, the proposed site is also located within the BioScience Overlay, as noted in the hatched area on the zoning map above. This text amendment is directly linked to the BioScience Overlay as it is proposing to increase the available parcels for educational and training facility use. The BioScience Overlay was created on the basis of incorporating science, technology and engineering-related educational uses within the Overlay to promote BioScience. The proposal to increase the available land area for the creation of educational uses retains the intent of the Overlay and is consistent with the Interlocal Agreement between the Town, Palm Beach County and the other northern county municipalities which comprise the BioScience Land Protection Advisory Board (the Board). The Town presented the Applicant's proposed text amendment alongside the Phase I site plan application under separate cover to the Board on May 17, 2012 and the Board voted unanimously to support the Applicant's proposal.

**PLANNING & ZONING RECOMMENDATION: Approval based on a 5-0 vote at the July 2, 2012 meeting.**

**CONCLUSION:** Staff recommends **APPROVAL** of the text amendment to Section 78-75(2)(c)(4).



**TOWN LAKE OF PARK**  
**TOWN COMMISSION: July 18, 2012**  
**Date Prepared: July 6, 2012**

**Prepared By: Nadia Di Tommaso**  
*Community Development Director*

**PLAN DESCRIPTION:** Phase I Site Plan Review for Conditional Use Approval: My Choice Academy - Educational Facility and Training Center - Approved K-7 Charter School.

**APPLICANTS REQUEST:** Community Learning Outreach Center, LLC ("Applicant") as the agent for Florida Public Utilities Company ("Owner") has submitted an application for a Phase I Site Plan consisting of 13,438 square feet of classrooms in portables for 242 students along with all required parking, small playground area, circulation, paving and drainage necessary to operate, per the Code requirements ("Project"). Phase II will be the final phase of the project and will be presented separately to the Boards for approval within 3 months following Phase I approval. Phase II approval will be required within 6 months of the Phase I approval date. Phase II will incorporate all main and accessory buildings, up to two-stories, for a total of roughly 33,000 square feet, along with the incorporation of all additional parking, landscaping, lighting and irrigation. Phase I classroom portables will be removed during Phase II and replaced with the necessary parking and landscaping as will be required as part of the Phase II review. A conceptual plan for Phase II is attached to the Phase I site plan package.

The Project is to be located on a 6.219 acre parcel (the Property) on the north side of Watertower Road, approximately 1,130 feet east of Congress Avenue ("Site" or "property") within the CLIC (Campus Light Industrial and Commercial) zoning district in the Town of Lake Park. Phase I of the Project will include the perimeter road, curb cuts, water and sewer, drainage, lighting, and landscaping and irrigation sufficient for the temporary classroom portables. Phase I will be concentrated on the east side of the Property, and on the north and west sides of the Property for parking and circulation purposes as depicted in the Phase I site plan for the Project.

**STAFF RECOMMENDATION:** APPROVAL subject to the conditions stated herein.

**Planning & Zoning (P&Z) RECOMMENDATION:** The P&Z voted 5-0 for a recommendation of approval with conditions at their July 2 meeting. The P&Z discussion ensued with comments pertaining to traffic circulation, signage, school curriculum, taxing, and cross guard requirements. The Board members suggested that adequate documentation be submitted in order to ensure that a minimum of 50% of the students will be bused in Phase I to meet the condition. In addition, there was a safety concern with the double-access surrounding the roundabout on the northeast corner of the site. The Applicant explained this was a fire requirement. There was additional mention on San Marco Villas and the increased number of students from this development that would frequent the school. The Board suggested that a crossing guard be located along Watertower Road and Congress Avenue. The Applicant explained that their school approval will require the implementation of all necessary cross guards based on the most utilized intersections. The Board also confirmed with the Applicant not needing the loading/unloading space for Phase I due to the lack of cafeteria and related uses in Phase I. Instead, the Applicant will have a food program for Phase I which is administered by the School District. The Board also asked about the proposed curriculum and the Applicant explained that it will be a CORE knowledge that is STEM based (Science/Technology/Engineering/Mathematics), which is similar to Scripps. The Applicant further explained that Phase I would have an 18:1 student/teacher ratio and that Phase II will include additional uses. The first three years would be K-5 and the following years K-7. Finally, the Board did suggest that some form of permanent identification sign be proposed as part of Phase I and the Applicant included this detail in their resubmittal package.

**BACKGROUND INFORMATION:**

Applicant(s): Community Learning Outreach Center, LLC  
Owner: Florida Public Utilities Company  
Address of Location: North side of Watertower Road, approximately 1,130 feet east of Congress Avenue  
Lot Size: 6,219 acre site  
Zoning and Land Use: CLIC / Commercial-Light Industrial / Bio-Science Overlay

**Adjacent Zoning**

North: Commercial-4  
South: CLIC (Campus Light Industrial and Commercial)  
East: CLIC (Campus Light Industrial and Commercial)  
West: CLIC (Campus Light Industrial and Commercial)

**Adjacent Land Uses**

North: Commercial/Light Industrial  
South: Commercial/Light Industrial  
East: Commercial/Light Industrial  
West: Commercial/Light Industrial

**HISTORY**

Approximately three years ago, the Applicant approached the Town with the idea of integrating an educational facility upon the Property which is in the CLIC Zoning District. At the time, the Applicant, Community Learning Outreach Center, LLC (CLOC) proposed a curriculum geared towards science, math and engineering enrichment. CLOC originally proposed to develop its school on a parcel of property located just south of the currently proposed subject site. The originally proposed site, which was intended to be located along the Park Avenue Road as extended, is also within the CLIC zoning district, and has a Commercial/Light Industrial future land use designation under the Town's Comprehensive Plan. CLOC projects that approximately 31% of children that will attend its school will be residents of the Town of Lake Park. At the time, the Town Commission also welcomed the proposal and granted support for the project through Resolution 02-01-11, which is also included in the site plan package. Since 2009, CLOC has been working toward becoming a Charter School with an approved curriculum that has an emphasis on Science, Technology, Engineering and Mathematics for students K-7, also included in the site plan package.

Earlier this year, the Applicant informed staff that it would be submitting an application for a site plan for the Charter School. The Applicant noted that it would be proposing a different location,

just north of the originally proposed site. While retaining the same land use designation and zoning district classification, the Applicant is now in need of a text amendment to the CLIC zoning district to extend the already permitted educational facilities and schools in the CLIC, but along Watertower Road as well. The property appraiser's office confirmed through its recent applications that Charter Schools are growing in demand given the recent funding mechanisms available to them and the overall community needs. Staff has been advised that a Charter School, by simple classification, would be taxed based on its Market Value, similar to any other commercial property. Currently, the parcel lies vacant and has a total Market Value of \$ 1,219,244, generating \$ 32,525 in ad valorem taxes. Depending on the Market Value after the Phase I and Phase II improvements, this amount can raise to approximately \$50,000 if the new Market Value is approximately \$ 1.7 million to as much as \$ 66,000 in taxes if the taxable value is approaching \$ 2 million, or even \$ 132,000 in taxes if the taxable value approaches \$ 4 million (will vary slightly depending on the millage rate). The Property Appraiser's office explained that there are certain partial or full exemptions that are available to Charter Schools, although they must be applied for and if they are, a full exemption would mean the Town can only collect the Non-Ad Valorem assessments: Garbage, Stormwater and Solid Waste Authority of Palm Beach County. The non ad-valorem would be minimal and may range from \$ 3,000 - \$ 5,000 as determined by the municipality. Although the Applicant (CLOC), as Landlord, cannot by law preclude the Charter School from applying for exemption from ad valorem taxes based on Florida Statute 196.1983 (as noted in the Applicant's letter dated July 5, 2012), the Applicant is proposing that if the Charter School does apply and receive Charter School exemption for ad valorem taxes, the Applicant will pay a fee in lieu of taxes to the Town of Lake Park in the full amount of the ad valorem tax exemption. In addition, the Applicant further proposes to impose a deed restriction on the property to stipulate that this payment in lieu of taxes will be required to be paid by any new owner in the event CLOC sells the facility and the Charter School portion continues to operate and receives ad valorem tax exemption (refer to condition of approval #15). These terms have been reviewed and accepted by the Town Attorney.

The text amendment application is a separate item on this agenda and proposes a "conditional use" mechanism whereby all educational facilities, training centers and schools that are applied for must receive Town Commission approval. The Future Land Use Element of the Town's Comprehensive Plan aims towards protecting the Town's tax base through Policy 1.5 which states:

*Policy 1.5: The Town shall encourage development and redevelopment activities which will substantially increase the tax base (...).*

Public school applications are perceived as contrary to this provision. A conditional use is appropriate as it may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Project is consistent with the Town's Comprehensive Plan. The Project is consistent with the following Policies of the Comprehensive Plan:

### Future Land Use Element

**Objective 1:** *Future growth and development shall be managed through the Future Land Use Map and Comprehensive Plan, as implemented by land development regulations which: (3) encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas; (5) discourage the proliferation of urban sprawl whereby uses of land shall be consistent with the designations shown on the Future Land Use Map (FLUM). The Comprehensive Plan also aims to ensure safe and convenient traffic flow and vehicular parking needs.*

The land use designation of the Property is Commercial and Light Industrial. The Comprehensive Plan defines this land use designation as the following:

Commercial and Light Industrial – Lands and structures devoted to (...), commercial, (...) uses that are supportive of workers in the area such as convenience stores and restaurants and that can be carried on unobtrusively, with a maximum F.A.R. of 2.0. Specific uses are delineated in the Town of Lake Park Zoning Code.

Currently, the Town's Zoning Code allows educational facilities and schools within the Campus Light Industrial and Commercial zoning district, along the ultimate right of way of Park Avenue as extended. The text amendment application is under separate cover and is requesting that this use be extended within the same zoning category to the Watertower Road as well. This Phase I site plan application for conditional use is contingent on the approval of the text amendment.

Policy 1.1 of Objective 1 in the Town's Comprehensive Plan also requires that land development regulations, "*Ensure safe and convenient onsite traffic flow and vehicle parking needs*". The application achieves this in providing the following:

The Phase I Site Plan for conditional use, per Section 78-142 of the Town of Lake Park Code of Ordinances, requires one (1) parking space per classroom; one (1) parking space per employee at maximum shift; and five (5) spaces per 1,000 square feet of office/administrative space. The proposal incorporates 15 classrooms, 20 employees at maximum shift and 1,400 square feet of office space, thereby requiring a minimum of 42 parking spaces for Phase I, inclusive of a minimum of 2 handicap spaces. Bus loading/unloading is also illustrated on the plans. Large deliveries are not applicable to Phase I. Cafeteria uses and other uses requiring large delivery trucks will need to meet the loading/unloading requirement for Phase II once submitted.

**Objective 2 Policy 2.1:** *The owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed those prescribed by the South Florida Water Management District ("District").*

The Application is consistent with Policy 2.1. The Application has been reviewed by the Town Engineer, and is found to be in compliance with the stormwater requirements. Phase I is exempt from the requirements of the District. A Phase II Water Management Statement is already under review for the approximate 53,000 square feet of interior space, with a building footprint of 28,772 square feet, which is anticipated for Phase II and will be reviewed and presented to the Boards within 3 months of the final approval for Phase I.

**Objective 3.** *All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet level of service standards are available concurrent with the impacts of the development.*

The Application will be conditioned to receive all necessary agency permits in order to be consistent with the Policy prior to the issuance of the building permit. A Phase I traffic analysis for the 13,438 square feet of classroom portables has been reviewed and accepted by the Town Engineer. Ms. Troutman P.E., of Pinder Troutman Consulting, Inc. provided a traffic analysis and ascertained that the Phase I proposal will satisfy traffic concurrency standards for 202 students, subject to the following conditions for Phase I:

- a. Two traffic control officers in the morning and evening peak hours for the facility. One officer shall be posted at each of the two driveways to direct traffic into the driveways and stop traffic as necessary on Watertower Road to allow vehicles to enter and exit the site. It is important to note that Watertower Road is already a 35 mile per hour road, and although there is much truck traffic along this road, it is anticipated, based on the worst case scenario that has already been reviewed by Palm Beach County, that it could meet the extended capacity as long as the stacking is kept predominantly internal to the site.
- b. The facility shall require that 50 % of the enrolled students ride the school buses. School buses shall enter and leave the site at the western driveway. The Applicant will mandate that at least 50% will be riding the bus and documentation will be provided to the Town for monitoring purposes.
- c. The facility shall require that all parents arriving from the west (Congress Avenue), enter the western driveway and exit from the eastern driveway after dropping off their students. Parents arriving at the facility from the east shall be required to enter the eastern driveway and exit the eastern driveway after

dropping off their students. The Traffic Control Officer shall direct these operations.

- d. A traffic monitoring study will be conducted within two months for monitoring purposes, after the facility opens, to observe driveway volumes, queuing and delays on the Watertower Road in the morning and evening peak hour. Also, the study will need to include observations of any conflicts between buses and vehicles. The option was presented to the Town whereby left turn lanes may be required of the Applicant if the Town determines vehicle congestion and delays, although the Applicant is moving forward with designing and permitting the turn lanes even though this would not be a requirement until Phase II.

Phase II of the project, which is anticipated to propose a building footprint of 28,772 square feet and a total of approximately 53,000 square feet of educational facility space and ancillary uses for approximately 418 students, has already been submitted to the Palm Beach County (PBC) Traffic Division. In reviewing an overall project, PBC always anticipates a worst case scenario. Consequently, a PBC traffic comment letter was issued for 418 students with certain comments as they will relate to Phase II (*Phase I is limited to 202 students based on the analysis and will meet the criteria above to satisfy concurrency*). These include:

- a. Provide a maximum number of students attending the adult night school. The maximum attendance must be used for determination of the site PM peak hour trip generation. We also suggest ITE private school PM peak hour rate (i.e. 0.90/student) for determination of PM peak hour trip generation. Applicant Response: *The adult night school use will only be incorporated in Phase II and the trip generation has been used for Phase II.*
- b. Provide a description of potential improvements currently planned (if any) for Water Tower Road, between Congress Avenue and Old Dixie Highway. Applicant Response: *There will be a need for left turn lands on Water Tower Road for Phase II given the heightened impacts of increased enrollment and additional uses. The Applicant has decided to move forward with the design and permitting for the left turn lanes on Watertower Road as part of Phase I. Phase I, Plan 101T also delineates sign and crosswalk demarcations necessary for Phase I.*
- c. Provide a schematic figure of the internal site circulation, illustrating the drop-off/pick-up locations, vehicle and bus flow directions and the vehicle queuing areas. Applicant Response: *Phase I, Plan 101T already accomplishes this requirement.*
- d. Revise the project traffic distribution on Watertower Road to 75% west (towards Congress Avenue) and 25% east (towards Old Dixie Highway); Change project traffic assignment on Congress Avenue to 40% and 35%, north and south of Watertower Road, respectively. Also change project traffic assignment on Old Dixie Highway to 15% and

10%, north and south of Watertower Road, respectively. Revise other assignments accordingly. Applicant Response: *Ms. Troutman is working with Palm Beach County regarding this provision to satisfy Phase II of the project. Will be required for Phase II site plan approval. See attached letter dated 6/28/12 from Andrea Troutman P.E.*

Phase I complies with Traffic concurrency standards and Phase II will require official confirmation from Palm Beach County in satisfaction of the comments above.

Stormwater requirements have already been reviewed and signed off by the Town Engineer for Phase I.

**Objective 5:** *As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.*

**Policy 5.4** *Utilize such techniques as distance requirements, buffering, landscaping, lower-intensity development, and scale-down requirements to provide appropriate transitions between uses and districts of different intensities, densities, and functions.*

The Applicant is proposing Phase I approval of 13,438 square feet of portable classrooms and administrative office. Phase II approval will be required within 6 months of the Phase I approval date, and will propose the permanent construction of the site as mentioned above. The proposed location is on the north side of Watertower Road, approximately 1,130 feet east of Congress Avenue, within the CLIC zoning district. The proposed educational facility and training center will be considerate to the surrounding neighborhoods as it is proposed to serve over 31% of Lake Park residents while being located in a commercial zone.

Phase I will be incorporating the required south, west and north perimeter landscape buffers, as well as the required parking islands. Phase II will incorporate all additional code required landscaping. The entire property will be fenced in Phase I to ensure safety and security.

**Objective 8, Policy 8.1:** *Encourages uses within the BioScience Research Protection Overlay (BRPO) that include science/biotechnology research and educational uses and their supporting office uses (...).*

The Property is located within the BioScience Research Protection Overlay (BRPO). The Project was presented to the BioScience Land Protection Advisory Board on May 17, 2012 and unanimous approval was granted on the appropriateness of the proposed use.

## **PROJECT DETAILS:**

**Building Site:** The Property is located in the Campus Light Industrial (CLIC) Zoning District and has a commercial/light industrial future land use designation pursuant to the Town's Comprehensive Plan. This zoning and future land use designation is suitable for the proposal of an educational facility and is contingent on the approval of a text amendment extending the use along Watertower Road, while making it a conditional use requiring Town Commission approval. In sum, educational facilities and schools are already permitted in a certain section of the CLIC zoning district. The Applicant proposes a text amendment to allow "educational facilities and training centers" in the CLIC along "Watertower Road" as well. Approval of Phase I will be contingent on the approval of the text amendment as noted in the conditions of approval below. Section 78-141 of the Code allows temporary structures while a permanent structure is being constructed. The Florida Building Code also allows the Building Official to issue permits for temporary structures in 6 month increments as long as the temporary structures are tied down to withstand the adequate wind controls. The Building Official confirms that the proposed classroom portables will meet the Florida Building Code, which requires tie downs that can withstand a minimum of 180 miles per hour winds. Accessibility as shown on the plans is also a requirement. Temporary structures by title are not meant to replace permanent buildings. Phase I will be conditioned to a 12 month timeframe, while Phase II will be conditioned to apply for site plan approval within 3 months and receive site plan approval within 6 months. Conditions are found below.

**Site Access:** Site access will be off of Watertower. The circulation plan 101T clearly sets forth certain conditions for pick-up and drop-off. The Phase II site plan will incorporate special conditions for construction-related activity.

**Traffic:** This application is phased. Palm Beach County (PBC) Traffic only issues final traffic concurrency letters based on the worst case scenario which in this case is Phase II. Phase I, as proposed, satisfies traffic concurrency standards per Ms. Troutman's letters dated June 14, 2012 and June 28, 2012, with the applicable conditions of approval mentioned in Objective 3 above and listed below. Phase II approval will require final confirmation from PBC.

**Landscaping:** The Applicant meets the standards necessary in the Code for Phase I. The south, west and north perimeter buffers have been included in Phase I, as well as the interior parking island requirements. Phase II is conditioned and will need to meet all remaining standards.

**Drainage:** The Applicant has provided conceptual engineering to the Town, and has been notified that prior to the issuance of a building permit, the Applicant must provide copies of all required agency permits, including, but not limited to, permits from the South Florida Water Management District, as is listed as a condition of approval. The Town's Engineer for this Project has reviewed and approved all engineering plans pursuant to Town Code and Florida Building Code requirements for Phase I.

**Parking:** The Project meets the Code's parking requirements. The Phase I Site Plan, per Section 78-142 of the Town of Lake Park Code of Ordinances, requires one (1) parking space per classroom; one (1) parking space per employee at maximum shift; and five (5) spaces per 1,000 square feet of office/administrative space. The proposal incorporates 15 classrooms, 20 employees at maximum shift and 1,400 square feet of office space, thereby requiring a minimum of 42 parking spaces for Phase I, inclusive of a minimum of 2 handicap spaces. Bus loading/unloading is also illustrated on the plans. Large deliveries are not applicable to Phase I. Cafeteria uses and other uses requiring large delivery trucks will need to meet the loading/unloading requirement for Phase II once submitted.

**Signage:** Site Circulation and School Zone signage meets the requirements per Plan 101T. The Applicant is also proposing a wall sign for Phase I which is included in the details and meets the Town code requirements.

**Zoning:** The Property is located within the Campus Light Industrial and Commercial (CLIC) zoning district. This approval is contingent on the approval of the text amendment mentioned above.

**Water/Sewer:** The Town's consulting Engineer has reviewed the Application and has determined that there is sufficient capacity to meet the levels of service for potable water and wastewater treatment as required by the Town's Comprehensive Plan.

**Design:** Phase I Site Plan consists of 13,438 square feet of classroom portables and office space, along with all required parking, small playground area, circulation, paving and drainage necessary to operate, per the Code requirements. Phase II will be the final phase of the project and will be presented separately to the Boards for approval within 3 months following Phase I approval. Phase II approval will be required within 6 months of the Phase I approval date. This is a condition of approval listed below. Phase II will incorporate all main and accessory buildings for a total of roughly 53,000 square feet of facility space, along with the incorporation of all additional parking, landscaping, lighting and irrigation and required architectural standards to meet all the code requirements for Phase II. Phase I classroom portables will be removed during Phase II and replaced with the necessary parking and landscaping as will be required as part of the Phase II review. A conceptual plan for Phase II is attached to the Phase I site plan package.

**Fire:** Palm Beach County Fire Rescue has reviewed the plans and does not have any outstanding issues for Phase I. They will review Phase II plans when they are applied for under the timelines prescribed in the conditions of approval. Applicant slightly modified parent automobile turnaround in the northeast corner to meet Fire truck turning and maneuvering requirements per Fire's request. Additionally, the Applicant modified an 8'-0" gap between modular classrooms #9 and #10 for require Fire department access.

## STAFF COMMENTS:

Staff recommends **APPROVAL** of the Phase I Site Plan for conditional use, subject to the following conditions:

1. Construction activities are permitted on site only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. Construction is not permitted on holidays or Sunday.
2. In the event the proposed construction will interfere with with the normal traffic patterns along Watertower Road, the Applicant must obtain written approvals from the Town's Public Works and Community Development Directors prior to construction.
3. In the event the proposed construction will disrupt or interfere with any of the entrance/exit and parking areas along Watertower Road, or the daily operation of neighboring businesses, the Applicant must obtain the written approval of the Community Development Director (the Director).
4. The landscaping installed in accordance with the approved landscaping plan, shall be properly maintained by the Applicant. The Applicant shall guarantee all new landscape material installed on the subject property for a minimum of three months from the date of the issuance of the first Certificate of Occupancy issued by the Town. It shall be the responsibility of the Owner to replace any and all dead or dying landscape material at any time the Director determines the landscaping is not in compliance with this condition or the approved landscaping plans.
5. All landscaping shall be maintained at 48 inches around the entire perimeter of the site.
6. The Applicant shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
7. All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
8. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on site are in accordance with the approved landscape plans.
9. Prior to the issuance of any building permit, copies of all other required permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection shall be provided to the Town by the Applicant.

10. Together with the submission of a Phase II site plan, the Applicant shall provide the Town with documentation from the Palm Beach County Traffic Engineering Division that the Phase II proposal satisfies the County's Traffic Performance Standards ("TPS") and meets all traffic concurrency requirements.

11. The student population of the educational facility during Phase I shall not exceed 202 students and requires:

a. Two traffic control officers shall be posted in the morning and evening peak hours to assist in the regulation of ingress and egress to the educational facility. One officer shall be posted at each of the two driveways to direct traffic into the driveways and stop traffic as necessary on Watertower Road to allow vehicles to enter and exit the subject property.

b. The educational facility shall provide school buses or other vehicles for 50%, or 101 students, whichever is greater of the enrolled students. The Applicant shall submit documentation which demonstrates compliance with this condition to the Town on a monthly basis.

c. School buses shall enter and leave the subject property at the western driveway.

d. The facility shall require that all parents arriving from the west (Congress Avenue), enter the western driveway and exit from the eastern driveway after dropping off their students. Parents arriving at the facility from the east shall be required to enter the eastern driveway and exit the eastern driveway after dropping off their students. The Traffic Control Officer shall direct traffic consistent with these operations.

e. The Applicant shall conduct a traffic monitoring study within two months of the opening of the educational facility. The traffic monitoring study shall measure data, including, the volume of traffic entering and exiting the eastern and western driveways; queuing and delays on Watertower Road in the morning and evening peak hour; and the documentation of any conflicts between buses and vehicles.

12. Phase II approval must be submitted no later than 3 months following the approval date of Phase I and must be approved no later than 6 months following the approval of Phase I.

13. The Applicant shall cease operating the educational facility and shall remove all classroom portables on or before July 1, 2013. No extensions are permitted.

14. Phase I site plan is contingent on the approval of the zoning text amendment to permit an educational facility within the CLIC zoning district along Watertower Road.

15. If the educational facility applies for a tax exemption, the Applicant shall pay to the Town a fee which is equivalent to the ad valorem taxes for the subject property for so long as the Applicant operates an educational facility on the subject property. The Applicant shall record a deed restriction on the subject property to require this payment by any subsequent operator of an educational facility.

16. The Applicant shall provide a crossing guard at the intersection of Watertower Road and Congress Avenue.

17. The Phase I educational facility and training center shall be constructed in compliance with the following plans on file with the Town's Community Development Department:

- a. Phase I Site Plan, Site Traffic Circulation/School Zone Plan, and Site Details referenced as sheet 101, 101T, and 102 respectively, prepared by Stuart H. Cunningham P.E. of Ahrens Companies, who is the planner, designer and engineer of record; signed and sealed 07-10-2012 and received and dated by the Department of Community Development on 07-11-2012.
- b. Survey dated 04-26-2012 prepared by David C. Lidberg of Lidberg Land Surveying, Inc., surveyor of record, received and dated by the Community Development Department 07-11-2012.
- c. Engineering Plans, referenced as sheets 103, 104, 105, and 107 prepared by Stuart H. Cunningham P.E. of Ahrens Companies, signed and sealed 07-10-2012 and received and dated by the Department of Community Development on 07-11-2012.
- d. Landscape and Irrigation plans referenced as sheets 201 and 202 prepared by William A. Flint III of Ahrens Companies, who is the landscape architect of record received and dated by the Department of Community Development on 07-11-2012.
- e. Photometric plan referenced as sheet 112, prepared by Xuan Chen P.E. of Ahrens Companies, signed and sealed 07-10-2012 and received and dated by the Department of Community Development on 07-11-2012.

18. Any revisions to the approved Phase I Site Plan, landscape plan, signs, statement of use, or other detail submitted as part of the Application, shall be submitted to the Community Development Department and shall be subject to its review and approval.

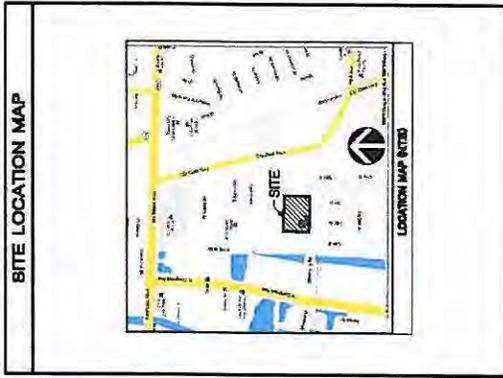
19. Cost Recovery. The Town shall be reimbursed for all fees and costs, including legal fees it incurs from its professionals reviewing the Application and the preparation of the Development Order in accordance with the Town Code.

Exhibit "D"

# COMMUNITY LEARNING OUTREACH CENTER

## PROPOSED SITE PLAN RE-SUBMITTAL COMMUNITY FACILITY - PHASE I

WATERTOWER ROAD  
LAKE PARK, FLORIDA 33403



**LIST OF CONSULTANTS**

| CONSULTANT          | ADDRESS  | PHONE          |
|---------------------|--|----------------|
| PROPERTY CONSULTANT | ALBERTA PUBLIC UTILITIES COMPANY<br>WEST PALM BEACH, FL 33401                                  | (813) 333-6868 |
| ARCHITECT           | YASUDAI ARCHITECTS<br>1000 WEST WINDMILL ROAD<br>LAKE PARK, FLORIDA 33403                      | (813) 335-8889 |
| ASBESTOS            | 1481 PACIFIC ROAD<br>LAKE PARK, FLORIDA 33403  | (813) 853-2004 |
| ENGINEER            | LANDER LAND SURVEYING, INC.<br>875 WEST WINDMILL ROAD<br>LAKE PARK, FLORIDA 33403              | (813) 335-8889 |
| CIVIL ENGINEER      | CHANDLER & DURANCE<br>1000 WEST WINDMILL ROAD<br>LAKE PARK, FLORIDA 33403                      | (813) 335-8889 |
| LANDSCAPE ARCHITECT | WALMA LANDSCAPE ARCHITECTS<br>1605 SE PALM CITY ROAD - SUITE 4-302<br>LAKE PARK, FLORIDA 33403 | (813) 335-8889 |
| STRUCTURAL ENGINEER | 2344 OCEAN BLVD.<br>LAKE PARK, FLORIDA 33403   | (813) 335-8889 |
| ELECTRICAL ENGINEER | 1441 ADELPHI ROAD<br>LAKE PARK, FLORIDA 33403  | (813) 335-8889 |
| MECHANICAL ENGINEER | 1441 ADELPHI ROAD<br>LAKE PARK, FLORIDA 33403  | (813) 335-8889 |
| LIGHTING CONSULTANT | 1441 ADELPHI ROAD<br>LAKE PARK, FLORIDA 33403  | (813) 335-8889 |

**INDEX OF DRAWINGS**

| NO.    | TITLE SHEET  |
|--------|--|
| T-1    | TITLE SHEET  |
|        | SURVEY   |
| 101    | SITE PLAN  |
| △ 101T | SITE TRAFFIC CIRCULATION/SCHOOL ZONE PLAN  |
| 102    | SITE DETAILS   |
| 103    | PAVING, GRADING, & DRAINAGE PLAN   |
| △ 104  | PAVING, GRADING, & DRAINAGE DETAILS  |
| △ 106  | PAVING, GRADING, & DRAINAGE DETAILS (PART OF COMPLETE ENGINEERING SUBMITTAL PACKAGE) |
| 107    | WATER & SEWER UTILITY PLAN   |
| 108    | (PART OF COMPLETE ENGINEERING SUBMITTAL PACKAGE)                                     |
| 109    | (PART OF COMPLETE ENGINEERING SUBMITTAL PACKAGE)                                     |
| 110    | (PART OF COMPLETE ENGINEERING SUBMITTAL PACKAGE)                                     |
| 111    | (PART OF COMPLETE ENGINEERING SUBMITTAL PACKAGE)                                     |
| 112    | SITE PHOTO METRICS PLAN  |
| 201    | LANDSCAPE / IRRIGATION PLAN  |
| 202    | LANDSCAPE NOTES, DETAILS   |

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DATE: 02-28-11  
SCALE: AS SHOWN  
DRAWN: [Name]  
CHECKED: [Name]  
DATE: 12-20-07  
SHEET: T-1  
PROJECT: PROPOSED COMMUNITY FACILITY - PHASE I  
COMMUNITY LEARNING OUTREACH CENTER  
WATERTOWER ROAD  
LAKE PARK, FL 33403

OFFICE: (407) 943-8904  
FIELD: (888) 233-2333  
DESIGN/BUILD - GENERAL CONSTRUCTION  
**AHRENS COMPANIES**  
1441 ADELPHI ROAD, LAKE PARK, FL 33403-1911

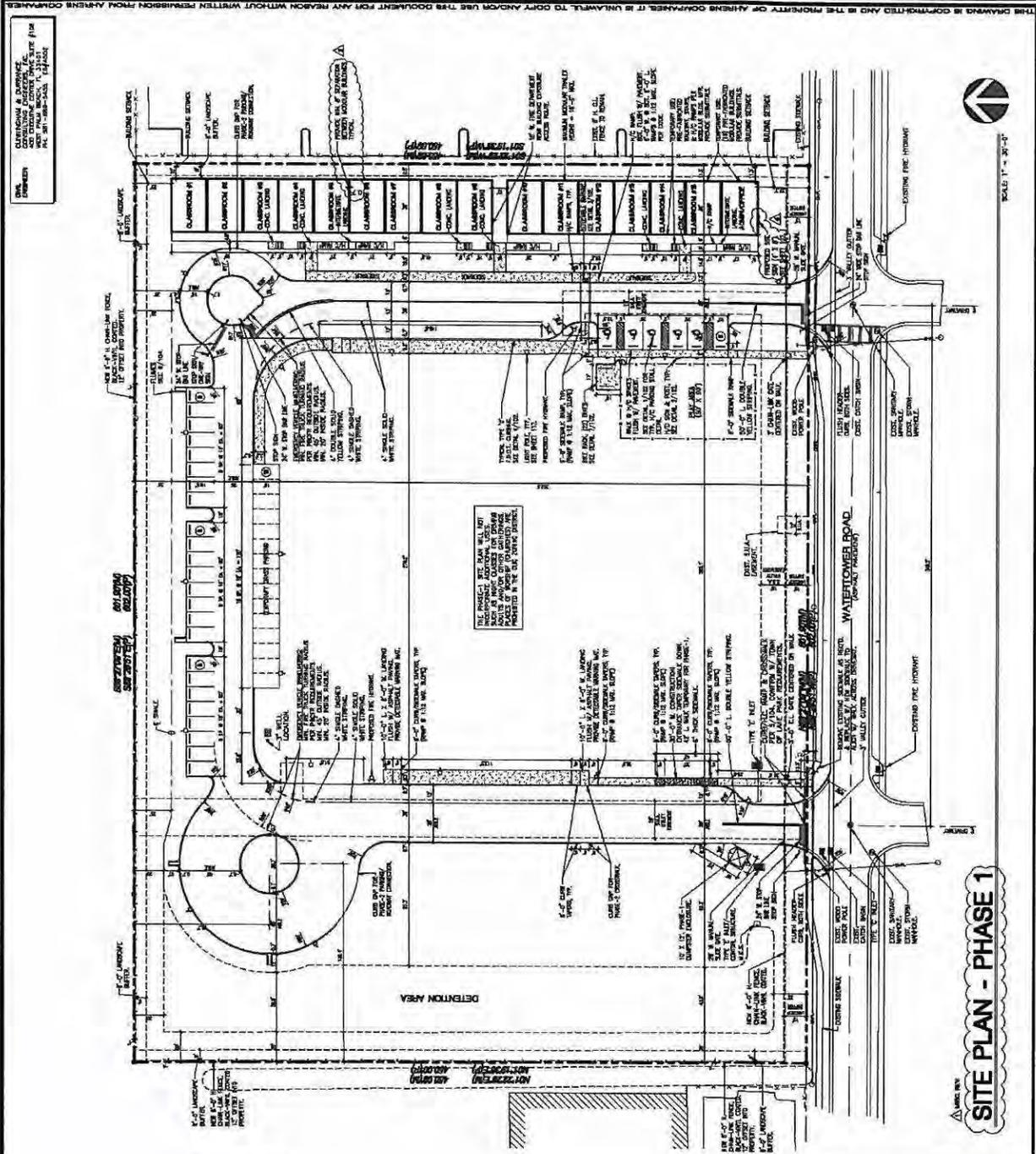


|             |                                       |
|-------------|---------------------------------------|
| DATE        | 10/11/11                              |
| BY          | J. GARDNER                            |
| CHECKED BY  | J. GARDNER                            |
| SCALE       | 1" = 30'-0"                           |
| SHEET       | 101                                   |
| PROJECT     | PROPOSED COMMUNITY FACILITY - PHASE I |
| LOCATION    | LAKE PARK, FL 33409                   |
| OWNER       | LAKE PARK, FL 33409                   |
| DESIGNER    | AHRENS COMPANIES                      |
| PROJECT NO. | LAKE PARK, FL 33409                   |
| DRAWING NO. | LAKE PARK, FL 33409                   |
| DATE        | 10/11/11                              |

**AHRENS COMPANIES**  
DESIGN-BUILD - GENERAL CONSTRUCTION  
OFFICE: 1301 N. W. 10th Ave., Suite 100, Ft. Lauderdale, FL 33304  
PHONE: (954) 561-1111

**PROPOSED COMMUNITY FACILITY - PHASE I**  
**COMMUNITY LEARNING OUTREACH CENTER**  
WATERTOWER ROAD  
LAKE PARK, FL 33409

|             |                                       |
|-------------|---------------------------------------|
| DATE        | 10/11/11                              |
| BY          | J. GARDNER                            |
| CHECKED BY  | J. GARDNER                            |
| SCALE       | 1" = 30'-0"                           |
| SHEET       | 101                                   |
| PROJECT     | PROPOSED COMMUNITY FACILITY - PHASE I |
| LOCATION    | LAKE PARK, FL 33409                   |
| OWNER       | LAKE PARK, FL 33409                   |
| DESIGNER    | AHRENS COMPANIES                      |
| PROJECT NO. | LAKE PARK, FL 33409                   |
| DRAWING NO. | LAKE PARK, FL 33409                   |
| DATE        | 10/11/11                              |



**SITE DATA**  
PROJECT NAME: COMMUNITY LEARNING OUTREACH CENTER  
OWNER: LAKE PARK, FL 33409  
DESIGNER: AHRENS COMPANIES  
DATE: 10/11/11  
SCALE: 1" = 30'-0"  
SHEET: 101

**DESCRIPTION**

| DESCRIPTION             | AMOUNT  | UNIT    | REMARKS |
|-------------------------|---------|---------|---------|
| TOTAL SITE              | 270,000 | SQ. FT. |         |
| CONCRETE                | 10,000  | SQ. FT. |         |
| ASPHALT                 | 5,000   | SQ. FT. |         |
| PAVING                  | 15,000  | SQ. FT. |         |
| LANDSCAPE               | 10,000  | SQ. FT. |         |
| SEWERAGE                | 10,000  | SQ. FT. |         |
| TOTAL IMPROVEMENTS      | 55,000  | SQ. FT. |         |
| PERCENTAGE IMPROVEMENTS | 20.0    | PERCENT |         |

**PERCENTAGE IMPROVEMENTS (BASED ON)**

| DESCRIPTION             | AMOUNT  | UNIT    | REMARKS |
|-------------------------|---------|---------|---------|
| TOTAL SITE              | 270,000 | SQ. FT. |         |
| CONCRETE                | 10,000  | SQ. FT. |         |
| ASPHALT                 | 5,000   | SQ. FT. |         |
| PAVING                  | 15,000  | SQ. FT. |         |
| LANDSCAPE               | 10,000  | SQ. FT. |         |
| SEWERAGE                | 10,000  | SQ. FT. |         |
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| PERCENTAGE IMPROVEMENTS | 20.0    | PERCENT |         |

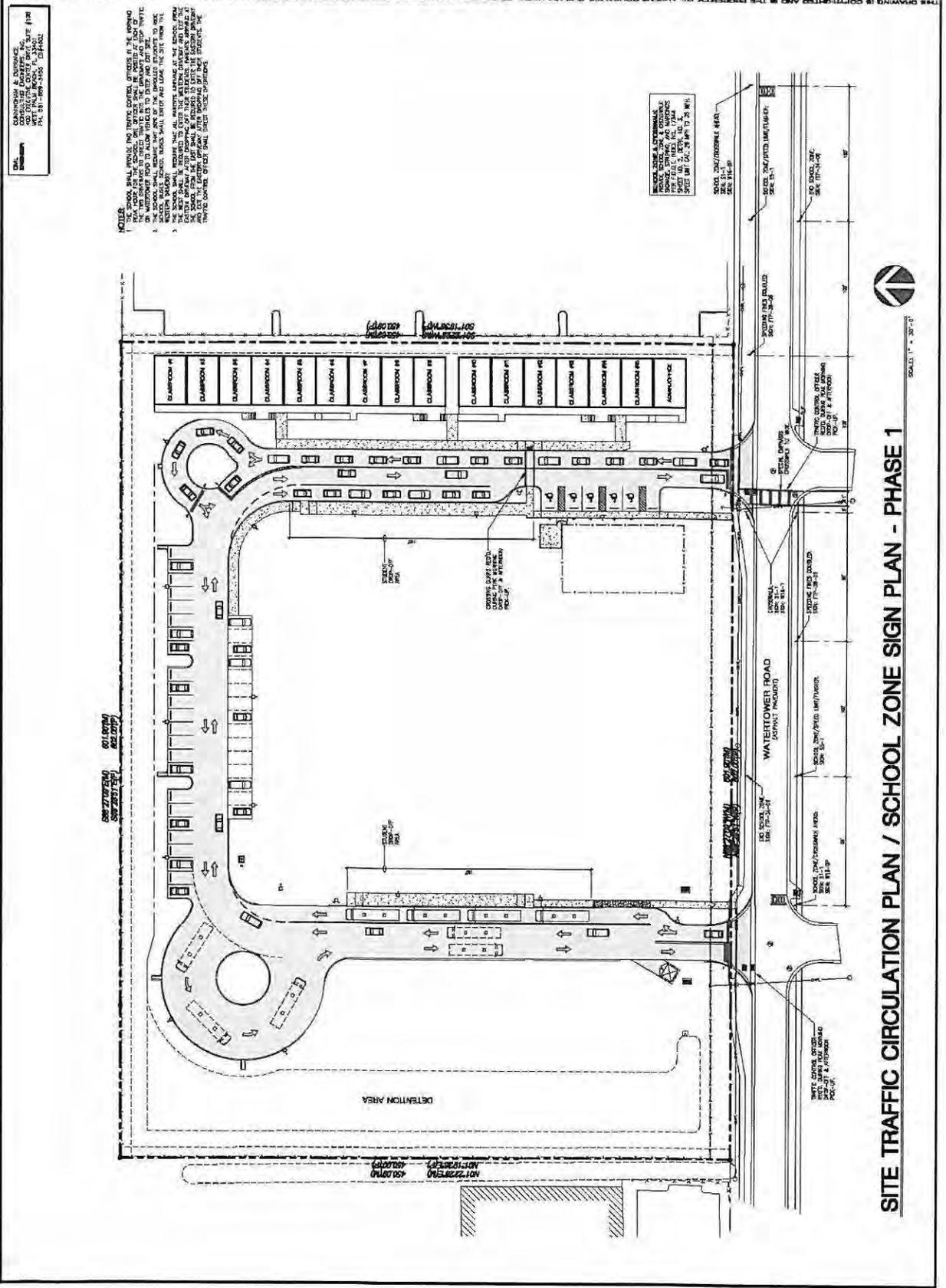
**PERCENTAGE IMPROVEMENTS (BASED ON)**

| DESCRIPTION             | AMOUNT  | UNIT    | REMARKS |
|-------------------------|---------|---------|---------|
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| SEWERAGE                | 10,000  | SQ. FT. |         |
| TOTAL IMPROVEMENTS      | 55,000  | SQ. FT. |         |
| PERCENTAGE IMPROVEMENTS | 20.0    | PERCENT |         |



**SITE PLAN - PHASE 1**

LOCATION MAP (SEE)



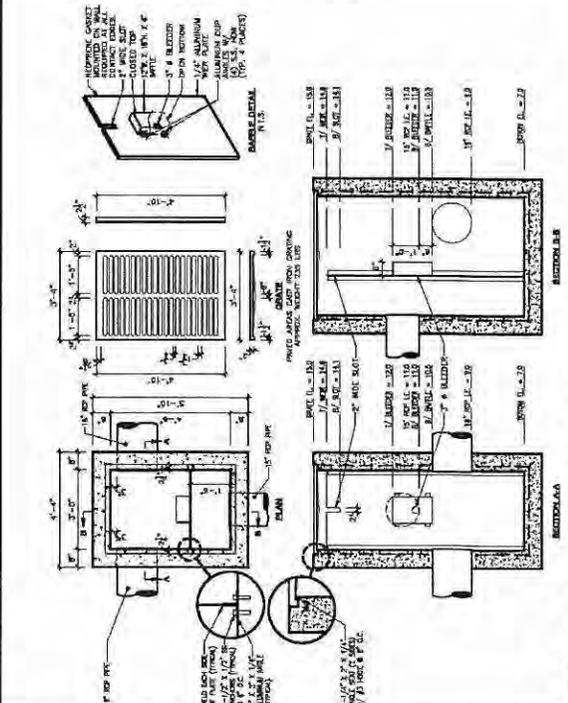
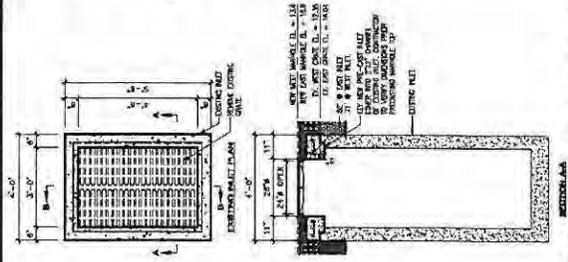
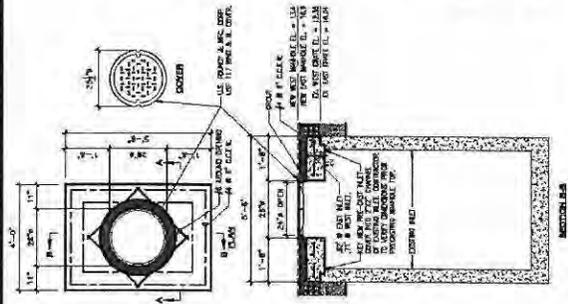
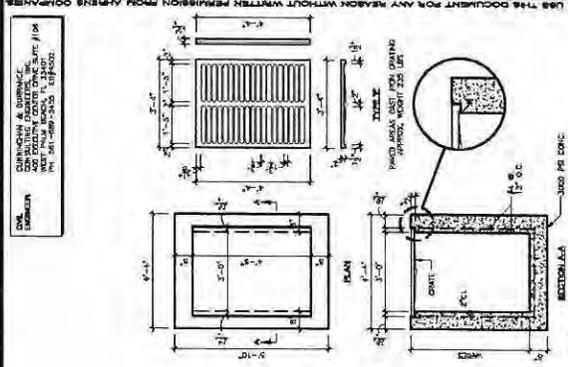
SCALE: 1" = 30'-0"

**SITE TRAFFIC CIRCULATION PLAN / SCHOOL ZONE SIGN PLAN - PHASE 1**







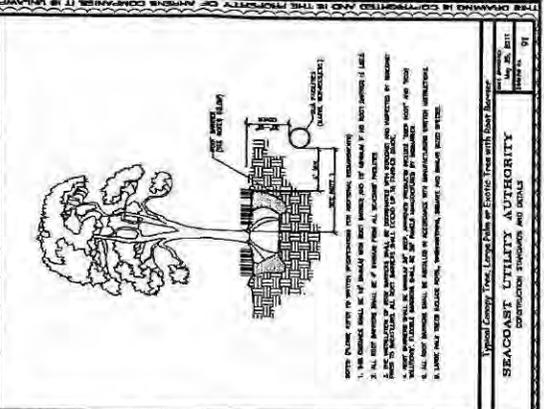
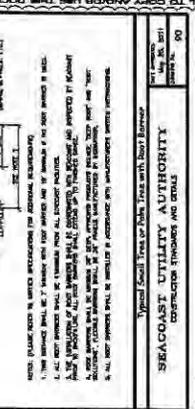
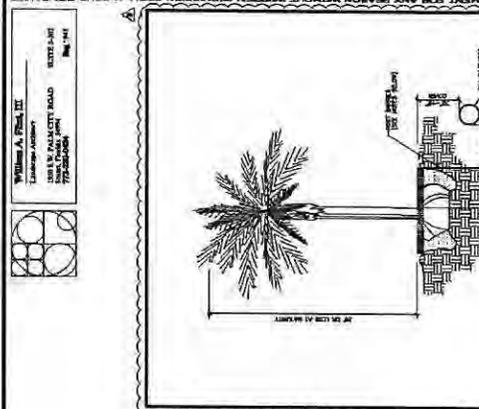


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**IRRIGATION NOTES**

1. ALL IRRIGATION SYSTEMS SHALL BE DESIGNED BY A LICENSED IRRIGATION ENGINEER.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO ALL PLANTS AND SHRUBS THROUGHOUT THE LIFE OF THE PROJECT.
3. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO ALL PLANTS AND SHRUBS THROUGHOUT THE LIFE OF THE PROJECT.
4. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO ALL PLANTS AND SHRUBS THROUGHOUT THE LIFE OF THE PROJECT.
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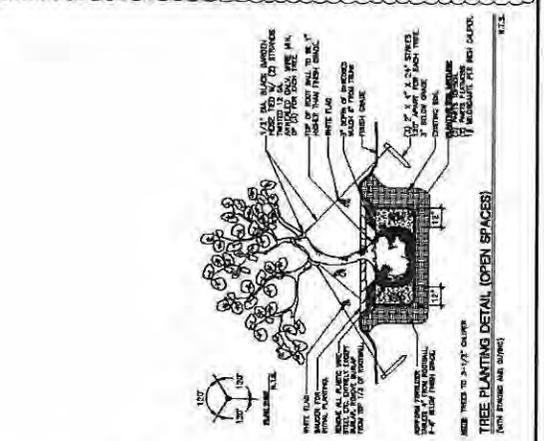
**PLANT & MATERIAL NOTES**

1. ALL PLANTS SHALL BE SUPPLIED BY THE CONTRACTOR AND SHALL BE DELIVERED TO THE SITE WITH A HEALTHY ROOT BALL.
2. ALL PLANTS SHALL BE SUPPLIED BY THE CONTRACTOR AND SHALL BE DELIVERED TO THE SITE WITH A HEALTHY ROOT BALL.
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**SEACOAST UTILITY AUTHORITY**  
 CONSTRUCTION STANDARDS AND DETAILS

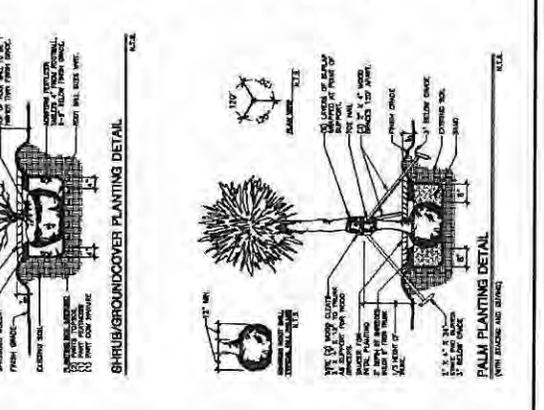
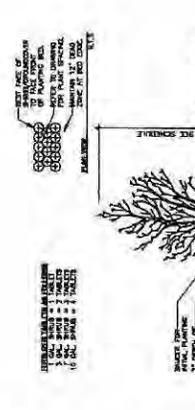
Typical Small Tree or Shrub, Tree with Root Barrier

1. ALL PLANTS SHALL BE SUPPLIED BY THE CONTRACTOR AND SHALL BE DELIVERED TO THE SITE WITH A HEALTHY ROOT BALL.
- 2. ALL PLANTS SHALL BE SUPPLIED BY THE CONTRACTOR AND SHALL BE DELIVERED TO THE SITE WITH A HEALTHY ROOT BALL.
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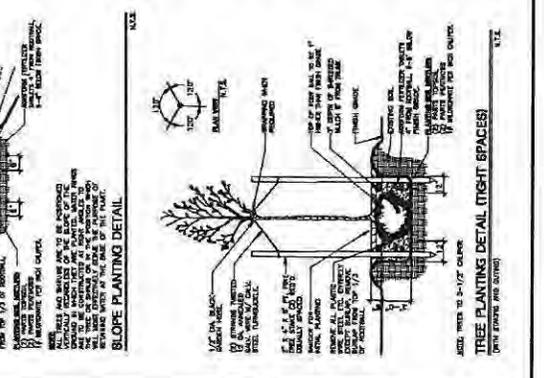
**GENERAL NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
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5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.



**LANDSCAPE PLANTING NOTES**

1. ALL PLANTS SHALL BE SUPPLIED BY THE CONTRACTOR AND SHALL BE DELIVERED TO THE SITE WITH A HEALTHY ROOT BALL.
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5. ALL PLANTS SHALL BE SUPPLIED BY THE CONTRACTOR AND SHALL BE DELIVERED TO THE SITE WITH A HEALTHY ROOT BALL.



# EDUCATION SOLUTIONS

**WILLIAMS SCOTSMAN**  
Has Classrooms For Immediate Delivery



## Need Additional Space for Your Students Now?

### Williams Scotsman Can Help!

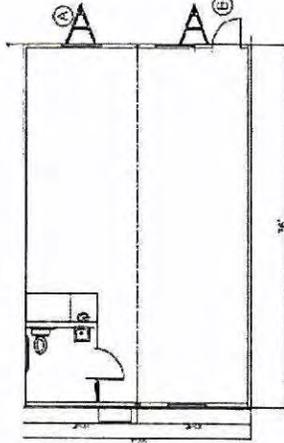
Williams Scotsman offers a range of modular space solutions guaranteed to provide comfortable and safe learning environments for a variety of educational situations. From daycare to K-12 to universities, our products provide affordable, flexible, and, most importantly, much needed additional space. When the needs of your school system change, Williams Scotsman easily removes the unit or relocates it to a new location. That's the beauty of modular space solutions.

Take a look at the sample floor plan and specifications on the back of this sheet. Don't hesitate to contact me at 813-626-2862 or [cmahr@willscot.com](mailto:cmahr@willscot.com)

-Chris Ahr, Williams Scotsman Sales Representative, Tampa, FL



**WILLIAMS SCOTSMAN**  
Has Classrooms For Immediate Delivery



## Standard Single Slope II-B Classrooms

- CRAD/CA approved
- Built to withstand 140 mph wind gust
- Steel frame (non-combustible) construction, no wood materials
- One hour fire rated exterior walls (allows for buildings to be placed less than 6" apart)
- Gain more than 50% utilization of land use
- 8" acoustical ceilings
- Upgraded insulation packages
- SREF 26 oz. carpet
- Vinyl covered gypsum wall covering
- Installed at 6"-12" above grade (does not require ramps and steps)
- Impact rated exterior windows and exterior door
- SREF/ADA compliant bathroom

"From model choice to the permit process to installation, I want to be your local space solutions expert."

-Chris Ahr, Williams Scotsman Sales Representative, Tampa, FL

# CONTACT

**CHRIS AHR**

5002 E. Hillsborough Ave  
Tampa, FL 33610  
P 813.626.2862  
F 813.626.5272  
[cmahr@willscot.com](mailto:cmahr@willscot.com)

SPACE BY  
**WILLIAMS  
SCOTSMAN**

**800.782.1500**  
[www.willscot.com](http://www.willscot.com)

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PRELIMINARY SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

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**AHRENS COMPANIES**  
 DESIGN/BUILD - GENERAL CONSTRUCTION  
 OFFICE: 6411 B.S. ROAD, LOT 100, APODABLES PALM SPRINGS, FL 33403-1111  
 PHONE: 561-990-1111

PROPOSED COMMUNITY FACILITY - PHASE 1  
**COMMUNITY LEARNING OUTREACH CENTER**  
 WATER TOWER ROAD  
 LAKE PARK, FL 33403

|              |    |
|--------------|----|
| DATE         | BY |
| 10-15-13     |    |
| SCALE        |    |
| 1/8" = 1'-0" |    |
| DATE         | BY |
|              |    |
|              |    |
|              |    |
|              |    |

A-1

OF 1 SHEETS

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Rumsey and seconded by Commissioner Stevens, and by unanimous vote, the meeting adjourned at 10:52 p.m.

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

  
\_\_\_\_\_  
Deputy Town Clerk, Shari Canada, CMC

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



Approved on this 15 of August, 2012



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, July 18, 2012, 7:00 p.m.  
Lake Park Town Hall  
535 Park Avenue

|                                  |   |                      |
|----------------------------------|---|----------------------|
| <b>James DuBois</b>              | — | <b>Mayor</b>         |
| <b>Kendall Rumsey</b>            | — | <b>Vice-Mayor</b>    |
| <b>Steven Hockman</b>            | — | <b>Commissioner</b>  |
| <b>Jeanine Longtin</b>           | — | <b>Commissioner</b>  |
| <b>Tim Stevens</b>               | — | <b>Commissioner</b>  |
| <b>Dale S. Sugerman</b>          | — | <b>Town Manager</b>  |
| <b>Thomas J. Baird, Esq.</b>     | — | <b>Town Attorney</b> |
| <b>Vivian Mendez Lemley, CMC</b> | — | <b>Town Clerk</b>    |

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

A. **CALL TO ORDER**

B. **INVOCATION**

C. **PLEDGE OF ALLEGIANCE**

D. **ROLL CALL**

E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**

F. **PRESENTATION:**

1. Legislative Report by Intergovernmental Consultant Fausto Gomez of Gomez, Barker & Associates Inc.

Tab 1

G. **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.

H. **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.

**Recommended For Approval:**

2. Town Manager Candidate Workshop Meeting Minutes of June 16, 2012 Tab 2
  3. Regular Commission Meeting Minutes of June 20, 2012 Tab 3
  4. Special Call Commission Meeting Minutes of June 27, 2012 Tab 4
  5. Resolution No. 16-07-12 Amend the Town Classification and Pay Plan to Include the Position and Job Description of Community Development Technician Tab 5
  6. Purchase of 40 Commercial Dumpster Containers in Assorted Sizes Tab 6
  7. Authorize the Town Manager to Execute the Affiliate Agreement with Palm Beach/Treasure Coast 2-1-1 Program Tab 7
  8. Approval of Town Manager Engagement in Additional Outside Professional Activities Tab 8
  9. Approving the CRA Board's Action of June 6, 2012 Reducing the General Fund's Transfer of Expenses to the CRA Tab 9
- I. **ORDINANCE ON FIRST READING:**
10. Ordinance No. 09-2012 Text Amendment for the Campus Light Industrial and Commercial (CLIC) Zoning District Tab 10  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-75(2)(C)(4) OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "CLIC-1 CAMPUS LIGHT INDUSTRIAL / COMMERCIAL DISTRICT" TO ADD EDUCATION FACILITIES AND TRAINING CENTERS AS A PERMITTED USE ALONG THE ULTIMATE RIGHT OF WAY OF WATERTOWER ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- J. **RESOLUTIONS:**
11. Resolution No. 15-07-12 My Choice Academy Phase One Site Plan Approval for Water Tower Road Tab 11
  12. Resolution No. 17-07-12 Seacoast Utilities Board Appointment of Dale S. Sugerman Tab 12
- K. **DISCUSSION AND POSSIBLE ACTION:**
13. Presentation of Draft of Revised Handbook of Procedures and Policies for Employees of the Town of Lake Park (Employee Handbook) Tab 13
  14. Contract Adjustment to the Downtown Alleyway Improvements, 7<sup>th</sup> to 8<sup>th</sup> Street Project Tab 14
  15. Award of Contract, Flagler Boulevard Median Irrigation & Sod, Town Bid 105-2012 Tab 15
- L. **COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:**
- M. **ADJOURNMENT:**