Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, July 16, 2014, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, July, 16, 2014 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez. Commissioner Michael O'Rourke arrived at 6:33 p.m.

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

SPECIAL PRESENTATIONS/REPORTS
None

PUBLIC COMMENT:
None

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of July 2, 2014.

Motion: Commissioner Flaherty moved to approve the Consent Agenda; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Motion passed 4-0.

PUBLIC HEARINGS - ORDINANCES ON FIRST READING:

2. ORDINANCE NO. 10-2014 Amending Chapter 78, Article I, Section 78-2 to Modify the Definition for "Substance Abuse, Treatment Facility" and Amending Chapter 78, Article III, Section 78-71 (2)(F) to Eliminate the Distance Separation Requirement to Residential Properties for Substance Abuse Treatment Facilities

Community Development Director Nadia DiTommaso explained the item (see attached Exhibit "A").

Vice-Mayor Glas-Castro asked if the Town's Code Special Exception language was strong enough to place the obligation on an applicant and allow the Town to say no when necessary.

Attorney Baird explained that the language proposed is standard.

Commissioner O'Rourke asked why the agenda item was placed on the agenda.

Community Development Director DiTommaso explained that staff received an application from an individual that would like to open a professional counseling office along Northlake Boulevard, along with a letter from the applicant's attorney questioning the existing Code language as possibly being discriminatory.

Mayor DuBois asked if the application was being considered under a Special Exception use.

Community Development Director DiTommaso explained that several inconsistencies in the Town Code were brought to staff's attention, which was what triggered this agenda item.

Public Comment Open:
None

Public Comment Closed:

Motion: Commissioner Rapoza moved to approve Ordinance 10-2014 on first reading; Vice-Mayor Glas-Castro seconded the motion.

Commissioner O'Rourke expressed concern with the proposed Ordinance.

The Commission and Town Attorney discussed the difference between substance abuse, treatment facilities, and sober homes.

Vote on Motion:

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

Motion passed 3-2.

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

PUBLIC HEARINGS - ORDINANCE ON SECOND READING:

3. Ordinance No. 08-2014 Amending Chapter 2, Article II, Division 1, Section 2-32,

Entitled "Mayor and Vice-Mayor" Pertaining to the Declaration of a State of Emergency.

Public Comment:
None

Public Comment Closed:

Motion: Commissioner Flaherty moved to approve Ordinance 08-2014 on second reading; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

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

4. Ordinance No. 09-2014 Repealing Chapter 78, Appendix A, Article I, Division 4, Section 4-3(D) of the Town Code of Ordinances Thereby Eliminating the Compliance Date of July 5, 2014 for Nonconforming Landscape Parcels that Do Not Meet the Definition of a Substantial Modification or New Development.

Public Comment:
None

Public Comment Closed:

Motion: Commissioner Flaherty moved to approve Ordinance 09-2014 on second reading; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

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

NEW BUSINESS:

5. Resolution No. 20-07-14 Establishing Sanitation Rates in Support of a Vehicle Replacement Program.

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

Vice-Mayor Glas-Castro expressed concern with the proposed language such that it would possibly encourage an increase in the amount of trash being put out to the new proposed limit of 20 cubic yards.

Public Works Director Dave Hunt explained that it is important that the language pertaining to the collection schedule and fines remain in place. The goal of the Sanitation Division is to maintain clean streets by collecting the trash loads as soon as possible. He advised the Commission that even though this revised rate schedule will allow for additional trash being put out for no additional fee (up to 20 cubic yards), the Sanitation Division will make sure that all trash is picked up in a timely manner and that the streets of the community will remain clear of trash and debris.

Commissioner O'Rourke asked for clarification about the commercial accounts.

Public Works Director Hunt explained that when a commercial account calls for a special pickup they are charged a special pickup fee. The commercial accounts would maintain their current pickup schedule, but unless their trash load exceeds 20 cubic yards, they would not be charged the special pickup fees.

Town Manager Sugerman clarified that a portion of the commercial rates are also being adjusted so additional revenue would be generated.

Commissioner O'Rourke asked when the fees would take effect.

Town Manager Sugerman explained that they would take effect as of October 1, 2014.

Mayor DuBois commented that the last time the rate was adjusted was in 2009. He stated that it might have been easier on residents to have the rates increased slowly overtime versus one large amount.

Town Manager Sugerman stated that staff did try to develop a rate that would generate the revenue needed for this program in smaller increments over the next few years, but that pace would not generate the revenue necessary to properly fund the proposed vehicle replacement schedule, which would be implemented over the next 14 years. He explained that the plan is a combination of both the purchase of new vehicles, as well as the refurbishment of packer arms and container replace parts on the vehicles that still have good chassis.

Motion: Commissioner Rapoza moved to approve Resolution 20-07-14; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

6. Setting the 2014-2015 Non-Ad Valorem Assessed Stormwater Rates

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

Motion: Commissioner O'Rourke moved to approve the 2014/2015 Non-Ad Valorem Assessed Stormwater Rates; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

7. Authorizing the Mayor to Execute the Tenth Addendum to the Law Enforcement Services Agreement between the Town of Lake Park and Sheriff Ric L. Bradshaw For the Period beginning October 1, 2014 through September 30, 2015

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

The Commission questioned the cost of additional deputies, the possibility of going with another law enforcement agency, and the increase of costs from the Palm Beach County Sheriff's Office each year. Town Manager Sugerman addressed all of those concerns.

Motion: Commissioner Rapoza moved to approve the Tenth Addendum to the Law Enforcement Agreement; Commissioner O'Rourke seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird asked the Commission if his attendance was necessary at the budget meeting scheduled for Thursday, July 17, 2014. The Commission stated that his attendance was not necessary. He provided an update on the Town's Voting Rights case. He explained that he had a good conversation with one of the attorney's from the Department of Justice (DOJ) that was involved in the Town's original Voting Rights Act case. He stated that this attorney is the last one left at the DOJ that worked on the case. He explained to this attorney what has occurred in the past few elections in Town and the issues that the residents have with the Limited Voting system. The attorney was sympathetic and surprised that the system did not produce the results that were intended. They agreed that the attorney would speak with his superior and then contact him (Tom Baird) back if they felt it was appropriate to meet with the Commission.

Town Manager Sugerman updated the Commission on his conversation with the Northern Palm Beach County Chamber of Commerce President and CEO Beth Kiegel regarding the Branding Initiative. He explained that they are still in the exploratory stage and have not chosen a specific theme for the brand. Ms. Kiegel stated that the Town could be a sponsor at the $1000 level. He announced that the next Sunset Celebration would be held on July 25, 2014 from 6:00 p.m. through 9:00 p.m.at the Lake Park Harbor Marina. The Commission discussed the event and budgeting of the Sunset Celebration.

Commissioner O'Rourke thanked Public Works Director Hunt, and his staff for all their work on the new Sanitation program. He announced some of the businesses on Park Avenue and other events that are taking place in town: Sunset Celebration; Brew House Gallery; Artist of Palm Beach County. He apologized for not attending the past two meeting because he was away on vacation during the first meeting and was in trial during the second meeting.

Commissioner Rapoza explained that she spoke with Josh Stewart of Earl Stewart Toyota, who proposed a free movie night at Kelsey Park. She thanked Public Works Director Hunt for the great work on the Sanitation plan.

Commissioner Flaherty announced that Thursday, July 17, 2014 would be a budget meeting at 6:30 p.m. He stated that he was concerned when he saw that the Sanitation rates were being adjusted, but after hearing the presentation, he agrees that it would be a great program for the Town.

Vice-Mayor Glas-Castro had no comments.

Mayor DuBois asked if the Town Manager had an opportunity to speak with Shellco Construction Corporation regarding the condition of the roads on Gateway Road.

Town Manager Sugerman explained that he has developed a working relationship with Jean Chardon, the president of Shellco Construction Corporation and they have developed an action plan for how to deal with some of the activities that are taking place in the neighborhood.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Vice-Mayor Glas-Castro, and by unanimous vote, the meeting adjourned at 8:11 p.m.

Mayor James DuBois

Town Clerk, Vivian Mendez, CMC

TOWN OF LAKE PARK
SEAL
FLORIDA

Town Seal

Approved on this 6 of August, 2014

Town of Lake Park Town Commission

Agenda Request Form

Exhibit "A"

Meeting Date: July 16, 2014 **Agenda Item No.**

Agenda Title: AN ORDINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 TO MODIFY THE DEFINITION FOR "SUBSTANCE ABUSE TREATMENT FACILITY" AND AMENDING CHAPTER 78, ARTICLE III, SECTION 78-71 (2)(F) TO ELIMINATE THE DISTANCE SEPARATION REQUIREMENT TO RESIDENTIAL PROPERTIES FOR SUBSTANCE ABUSE TREATMENT FACILITIES.

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

Approved by Town Manager _____ **Date:** 6/30/14

Nadia Di Tommaso / Community Development Director ND
Name/Title

Originating Department: **Community Development**	Costs: **$0** Funding Source: Acct. [ ] Finance _____	**Attachments:** **→ORDINANCE 10-2014** **→Town Code Excerpts for Substance Abuse Treatment Facilities**
Advertised: Date: ***N/A on 1st reading*** Paper: [ ] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone ND or Not applicable in this case ___ **Please initial one.**

Summary Explanation/Background:

Every now and again staff comes across certain regulations of the Town Code of Ordinances that are inconsistent with other sections of the Town Code and brings them forward to the Town Commission for consideration. In this case, a third-party attorney working alongside a new business applicant, alerted staff of certain inconsistencies in the Code.

As the Town Commission is probably already aware, all properties in Town are regulated pursuant to their corresponding zoning district designations. A majority of the south side of Northlake Boulevard is designated as a Commercial-1 (C-1) zoning district. As with all zoning districts, there is a list of permitted uses (for example, professional offices, restaurants, etc.) which may operate within the zoning district "by right". That is, no special permission is needed for any type of use that is on the list of permitted uses for that zoning district. Additionally, there are other types of uses that are allowed in a particular zoning district, but those uses are not allowed to operate "by right" but rather, they need permission to operate as part of a special exception use which requires an additional public hearing review process based on their potential impacts to the surrounding neighborhood where they are proposing to locate the particular use.

A "substance abuse treatment facility" is one of the special exception uses permitted in the C-1 zoning district under Section 78-71(2)(f). However, this is the ONLY zoning district that lists the use of a "substance abuse treatment facility" with an additional distance separation requirement of 1,500 feet to residential properties. This additional separation requirement is problematic due to the fact that all but maybe a few properties located along Northlake Boulevard are immediately adjacent to residential properties. That is, virtually all property fronting the south side of Northlake Boulevard is basically separated by 0 (zero) feet from residential property. It is further problematic in that substance abuse treatment facilities are actually PERMITTED BY SPECIAL EXCEPTION APPROVAL in ALL RESIDENTIAL zoning districts. This therefore creates an unsustainable conflict in the Town Code. To that end, staff recommends eliminating the distance separation language as follows:

Chapter 78, Article III
Sec. 78-71. C-1 business district.
(2)(f) Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility ~~or within 1,500 feet of a residential zoning district~~

Finally, understanding that each zoning district has certain uses that are permitted by right (in other words, can be approved administratively by staff) and other uses that are permitted by special exception use application (Town Commission approval required), staff is also proposing to modify the *substance abuse treatment facility* definition in Section 78-2, as follows:

CHAPTER 78, ARTICLE I
SECTION 78-2
Substance abuse treatment facility means a facility having one or more service components that are not otherwise permitted by right by the governing zoning district and that are operated by service providers licensed by the state as defined in F.S. ch. 397.

This modification would prevent the "double-obstruction" effect from taking place. For example, if a Doctor of Psychology proposes a 'professional office' to counsel individuals with eating disorders, this would currently be classified as a "professional office" in the C-1 zoning district and would be permitted to locate in this zoning district "by right". However, if this same Doctor of Psychology also counsels patients in recovery, which is considered ***one*** component of a 'substance abuse treatment facility' licensed by the State of Florida, this service would not be permitted "by right" solely based on the 'type' of individual being counseled. The only way to rectify this "double-obstruction" regulation is to modify the definition in Section 78-2 as proposed above. If it is not modified, the Code, as it is currently written, essentially provides for an approval by right for certain patients and an approval *only* by special exception use application for individuals in recovery. This double obstruction is inconsistent and could potentially be deemed discriminatory. Consequently, staff recommends modifying the definition in Section 78-2.

Recommended Motion: I move to APPROVE Ordinance 10-2014 on first reading.

Town of Lake Park Town Commission

Agenda Request Form Exhibit "B"

Meeting Date: July 16, 2014 **Agenda Item No.**

Agenda Title: Establishing Sanitation Rates in Support of a Vehicle Replacement Program

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

Approved by Town Manager _____ **Date:** 7/3/14

David Hunt / Public Works Director

Originating Department: **Public Works**	**Costs: Program will generate approximately $166,000 per year in additional revenue.** **Funding Source: Non-ad valorem assessments** **Fund Receiving Revenues: Sanitation** **[X] Finance** _____	**Attachments:** **- Vehicle Replacement Schedule** **- Schedule of Adjustments** **- Resolution No. 20-07-14, Adopting New Rates for Services**
Advertised: **Date: July 6, 2014** **Paper: Palm Beach Post** [ ] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	**Yes I have notified everyone**_____ or Not applicable in this case **Please initial one.**

Summary Explanation/Background:

As the Commission is aware, the vehicles within the Sanitation Fund are aging rapidly, are breaking down more frequently, and we continue to be plagued by unexpected repair bills. There are two annual budget line items that reflect the condition of the aging sanitation fleet. The Repair & Maintenance (404-46000) and Vehicle Parts & Supplies (404-46300) budget lines have been steadily increasing over the past three years and are now creating a budget shortfall in the Sanitation enterprise fund. In Fiscal Year 2012, the repair and maintenance line item and the vehicle parts and supplies line item expenses totaled $103,000. It is

estimated that the Fund will have to spend $178,800 through the remainder of Fiscal Year 2014 while only $114,000 was budgeted at the beginning of the year.

In order to halt this escalating budget trend, the Public Works Department has crafted a vehicle replacement and refurbishment plan that is designed to keep the fleet as up to date as possible, based upon a replacement plan for the next 10+ years. The plan is designed to avoid any surprises in the condition of the fleet. As outlined in all of the attachments, this plan calls for a sanitation fee adjustment which, if approved by the Town Commission, will allow the Sanitation Division to immediately lease/purchase two badly needed new pieces of equipment. In the following five years, two additional pieces of equipment will be purchased outright along with five vehicles receiving major refurbishments. Once the lease obligations are satisfied in Fiscal Year 2020, a vehicle purchase can be made every year thereafter without the need for an interest bearing loan. As the fleet is refurbished and new equipment comes on line, the annual expenditures for repair and maintenance and vehicle parts and supplies should stabilize and eventually start to decline.

The proposed vehicle replacement program will require adjustment of the annual sanitation rates based upon the amount of garbage and trash generated by each type of residential dwelling unit and commercial classification. By increasing residential collection rates by four dollars per month per household, the Sanitation Fund would realize additional revenue of 28.7% over current receipts from this category of customer. Currently, single family residences and multi-family dwellings with less than 5 units pay $167.49 per year ($13.96 per month). This rate was set in 2009 and was raised slightly from the 2002 rate of $164.00 per year ($13.67 per month). The Town of Lake Park's new rate would be $17.96 per month. This is competitive with other Palm Beach County municipalities' monthly rates:

- Boca Raton	$16.90
- Boynton Beach	$14.00
- Lake Worth	$20.48
- Lantana	$18.98
- West Palm Beach	$18.35

In addition, in order to meet the goals of the vehicle refurbishment and replacement plan as presented herein, revenues from the annual commercial assessments would need to be adjusted by 25%. This once a year payment would allow the monthly commercial collection rates to remain stable at the current 2009 levels. If approved by the Town Commission, this program of residential and commercial rate adjustments would generate an additional estimated annual amount of $166,000.

Along with the proposed rate adjustments, and recognizing the importance of providing our customers with the best municipal waste collection service that the Town of Lake Park can provide, the Sanitation Division wants to increase the level of service that is being offered. The amount of vegetation and bulk trash that will be collected, at no additional charge, will be expanded to 20 cubic yards from the current two cubic yard pile. Any trash pile over 20 cubic yards (one full truck load) will be collected for a flat rate of $35 plus the Solid Waste Authority's charge for the disposal (based upon weight and classification of the load). The current fee structure requires that any pile collected over two cubic yards be charged back to the homeowner at $5.00 per cubic yard. We also propose that any fines for putting vegetation and bulk trash out on the wrong day will still be assessed at the current rate of $25 but the late fee will be increased to $15.00 or 1.5% (whichever is greater) per month (from the current rate of 1.0% per month) on any outstanding balance in order to recoup processing costs.

Recommended Motion:

I move approval of Resolution No. 20-07-14.

PUBLIC WORKS
SANITATION DIVISION
LONG RANGE VEHICLE REPLACEMENT SCHEDULE

FISCAL YEAR	VEHICLE NO. BEING REPLACED; YEAR / MAKE / TYPE	EST. COST	COST PER YR. (1ST YR DEFERRED)	VEHICLE NO. BEING REFURBISHED; YEAR / MAKE / TYPE	EST. COST	Increase part & supplies (463-) and R&M (460-)	ANNUAL TOTAL ADDITIONAL FUNDS REQUIRED	ADDITIONAL FUNDS REQUIRED AFTER $112,140 DEBT IS SATISFIED IN 2015	AVAILABLE RESERVES AFTER COLLECTING AN ADDITIONAL $166,000 PER YEAR
2015	lease/purchase: #43 2004 MACK/HEIL FRONTLOADER	$275,000 (inc. interest)	$0			$60,000	$60,000	$60,000	$106,000
	lease/purchase: #48 2006 STERLING/HEIL SIDELOADER	317,500 (inc. interest)	0						
2016			55,000	#49 2006 STERLING/HEIL SIDELOADER	45,000	60,000	254,000	141,860	130,140
			64,000	#45 2009 AUTOCAR/HEIL FRONTLOADER	30,000				
2017			55,000			60,000	349,000	236,860	59,280
	#64 2004 IHC/PETERSEN TL3	140,000	64,000	#47 2009 AUTOCAR/HEIL FRONTLOADER	30,000				
2018			55,000			50,000	309,000	196,860	28,420
	#63 2004 IHC/PETERSEN TL3	140,000	64,000						
2019			55,000			50,000	214,000	101,860	92,560
			64,000	#50 2009 AUTOCAR/HEIL SIDELOADER	45,000				
2020			55,000			50,000	204,000	91,860	166,700
			64,000	#42 2005/IHC/HEIL REARLOADER	35,000				
2021						45,000	360,000	247,860	84,840
	#49 2006 STERLING/HEIL SIDELOADER	315,000							
2022						45,000	320,000	207,860	42,980
	#45 2009 AUTOCAR/HEIL FRONTLOADER	275,000							
2023						45,000	240,000	127,860	81,120
	#54 2005 IHC/LABRIE RECYCLE BODY	195,000							
2024						45,000	195,000	82,860	164,260
	#65 2009 IHC/PETERSEN TL3	150,000							
2025						40,000	330,000	217,860	112,400
	#47 2009 AUTOCAR/HEIL FRONTLOADER	290,000							
2026						40,000	365,000	252,860	25,540
	#50 2009 AUTOCAR/HEIL SIDELOADER	325,000							
2027						40,000	235,000	122,860	68,580
	#53 2009 IHC/LABRIE RECYCLE BODY	195,000							
2028						40,000	220,000	107,860	126,820
	#42 2005/IHC/HEIL REARLOADER	180,000							
								$2,197,180	TOTAL FOR 14 YRS.
								$156,941.43	AVG. REVENUES REQ. EACH YEAR

SANITATION CAPITAL EQUIPMENT
FUNDING CAPABILITIES
AFTER FISCAL YEAR 2015 RATE ADJUSTMENT

Categories 1 & 2; single family and multi-family residences < 5 units		
CURRENT ANNUAL PROCEEDS	ANNUAL PROCEEDS w/28.7% ADJUSTMENT	TOTAL ADD. ANNUAL REVENUES
$297,900	$377,700	**$79,800**
Category 4; multi-family residences >4 units		
CURRENT ANNUAL PROCEEDS	ANNUAL PROCEEDS w/ 28.7% ADJUSTMENT	TOTAL ADD. ANNUAL REVENUES
$150,500	$188,125	**$37,625**
Commercial Property; All categories		
CURRENT ANNUAL PROCEEDS	ANNUAL PROCEEDS w/ 25.0% ADJUSTMENT	TOTAL ADD. ANNUAL REVENUES
$194,265	$242,831	**$48,566**
TOTAL ANNUAL FUNDS AVAILABLE FOR CAPITAL EQUIPMENT PURCHASES:		**$165,991**

Town of Lake Park Town Commission

Agenda Request Form Exhibit "C"

Meeting Date: **July 16, 2014** **Agenda Item No.**

Agenda Title: **Setting the 2014-2015 Non-Ad Valorem Assessed Stormwater Rates**

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

Approved by Town Manager _____ **Date:** 6/30/14

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

Originating Department: **FINANCE**	Costs: $ Funding Source: Acct. # [X] Finance ____BKR_____	**Attachments:** **Copy of Resolution 33-08-09**
Advertised: Date: _____ Paper: _____ [X] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case _BKR_ **Please initial one.**

Summary Explanation/Background:

Each fiscal year, the Commission must either renew the existing non-Ad Valorem stormwater rate by motion or adjust the rate as it sees fit by Resolution.

The existing (FY 2013-2014) rate of $6.50 per month for each Equivalent Stormwater Unit (ESU) was established in August 2009 pursuant to Resolution 33-08-09, a copy of which is attached. Staff recommends that no adjustment be made to the rate and that it be held constant at $6.50 per ESU per month.

Recommended Motion:.

I move that the existing non-Ad Valorem stormwater rate for fiscal year 2014-15 be set at $6.50 per ESU per month.

RESOLUTION NO. 33-08-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA SETTING THE FINAL RATE FOR AN EQUIVALENT STORMWATER UNIT (ESU) TO BE CHARGED FOR STORMWATER MANAGEMENT FOR FISCAL YEAR 2009-2010; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Ordinance No. 09-2008, once adopted by the Town Commission establishes a Stormwater Utility for the Town of Lake Park; and

WHEREAS, this ordinance provides that the rate for an Equivalent Stormwater Unit (ESU) shall be established by resolution; and

WHEREAS, the Town Manager has recommended to the Town Commission a rate schedule ; and

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

Section 1. The foregoing whereas clauses are hereby ratified and confirmed as being true and correct and are incorporated herein.

Section 2. An Equivalent Stormwater Unit (ESU) shall be equal to five thousand two hundred two (5,202) square feet of imperious area. The number of ESU's for a given parcel shall be calculated by dividing the sum of impervious area plus 25 percent of the pervious area of a parcel by 5,202 square feet.

Section 3. The Town Commission hereby establishes that the rate for an Equivalent Stormwater Unit (ESU) shall be $6.50 per month.

Section 4. The rates shall be applied to the various classes of property within the benefited areas according to the terms of Section 4(D)1 of this ordinance.

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

TOWN OF LAKE PARK SEAL FLORIDA

Certification

I, Jessica Shaw Clerk of the Town of Lake Park Florida, do hereby certify that the foregoing is a true and correct copy of the original instrument as contained in the official records of the Town. Witness my hand and the Official Seal of the Town of Lake Park This 20th day of August 2009

Town Seal

Town Clerk

The foregoing Resolution was offered by Vice-Mayor Carey who moved its adoption. The motion was seconded by Commissioner Rumsey and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	✓	
VICE-MAYOR JEFF CAREY	✓	
COMMISSIONER ED DALY	✓	
COMMISSIONER PATRICIA OSTERMAN	✓	
COMMISSIONER KENDALL RUMSEY	✓	

The Town Commission thereupon declared the foregoing Resolution NO. 33-08-09 duly passed and adopted this 19 day of August, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian M. Lemley
VIVIAN M. LEMLEY
TOWN CLERK

TOWN OF LAKE PARK SEAL FLORIDA
(TOWN SEAL)

Approved as to form and legal sufficiency:

BY: [signature]
THOMAS J. BAIRD
TOWN ATTORNEY

Town of Lake Park Town Commission

Agenda Request Form Exhibit "D"

Meeting Date: July 16, 2014 **Agenda Item No.**

Agenda Title: Authorizing the Mayor to Execute the Tenth Addendum to the Law Enforcement Services Agreement between the Town of Lake Park and Sheriff Ric L. Bradshaw for the period beginning October 1, 2014 through September 30, 2015.

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

Approved by Town Manager DSS **Date:** 7/1/14

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

Originating Department:	Costs: $ **2,648,850.00**	**Attachments:**
Town Manager	Funding Source: Acct. # 001-52-521-200-34010 [X] Finance BKR	Copy of the Tenth Addendum Base Agreement
Advertised: Date: _____ Paper: _____ [X] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case *DSS* **Please initial one.**

Summary Explanation/Background:

Sheriff Ric L. Bradshaw and his Palm Beach County Sheriff's Office (PBSO) have offered to continue to provide police protection services to the Town of Lake Park for the fiscal year beginning October 1, 2014 and continuing through September 30, 2015. The cost for the next year of police protection services of $2,648,850.00 is an increase of $26,226 over the current year contract of $2,622,624 (a 1% increase year-over-year) and compares favorably to last year's increase of $51,424.00 over the prior year's contract expense of

$2,571,200.00 (which was a 2% increase year-over-year). In all other respects the contractual relationship is not changing.

Attached to this agenda item is the original base agreement (October 1, 2001) which is now being proposed with its tenth addendum.

If the Commission desires to terminate the contract with PBSO, such termination would be governed by Section 11.1 Notice and Section 11.7 Termination of the base agreement. Section 11.7 reads as follows:

11.7 Termination. The TOWN shall retain the right to terminate this Agreement without cause upon one hundred eighty (180) days notice to PBSO pursuant to Article 11.1 of its desire to cancel.

Should the Town Commission desire to cancel the proposed agreement prior to its expiration, it would have to provide PBSO with appropriate notice before March 29, 2015.

Recommended Motion: I move to authorize the Mayor to execute the tenth Addendum to the Law Enforcement Service Agreement between Sheriff Ric L. Bradshaw and the Town of Lake Park.

AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, July 16, 2014, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

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

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

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS
None

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

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

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

1. Regular Commission Meeting Minutes of July 2, 2014 **Tab 1**

F. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

2. ORDINANCE NO. 10-2014 Amending Chapter 78, Article I, Section 78-2 to Modify the Definition for "Substance Abuse, Treatment Facility" and Amending Chapter 78, Article III, Section 78-71 (2)(F) to Eliminate the Distance Separation Requirement to Residential Properties for Substance Abuse Treatment Facilities. **Tab 2**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 TO MODIFY THE DEFINITION FOR "SUBSTANCE ABUSE TREATMENT FACILITY" AND AMENDING CHAPTER 78, ARTICLE III, SECTION 78-71 (2)(F) TO ELIMINATE THE DISTANCE SEPARATION REQUIREMENT TO RESIDENTIAL PROPERTIES FOR SUBSTANCE ABUSE TREATMENT FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:

3. Ordinance No. 08-2014 Amending Chapter 2, Article II, Division 1, Section 2-32, Entitled "Mayor and Vice-Mayor" Pertaining to the Declaration of a State of Emergency. **Tab 3**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, DIVISION 1, SECTION 2-32, ENTITLED "MAYOR AND VICE MAYOR" PERTAINING TO THE DECLARATION OF A STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinance No. 09-2014 Repealing Chapter 78, Appendix A, Article I, Division 4, Section 4-3(D) of the Town Code of Ordinances Thereby Eliminating the Compliance Date of July 5, 2014 for Nonconforming Landscape Parcels that Do Not Meet the Definition of a Substantial Modification or New Development . **Tab 4**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, APPENDIX A, ARTICLE I, DIVISION 4, SECTION 4-3 OF THE TOWN'S CODE OF ORDINANCES TO ELIMINATE SUBSECTION 'D' THEREOF REQUIRING LANDSCAPING COMPLIANCE WITHIN A PRESCRIBED TIMEFRAME; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. NEW BUSINESS:

5. Resolution No. 20-07-14 Establishing Sanitation Rates in Support of a Vehicle Replacement Program **Tab 5**

6. Setting the 2014-2015 Non-Ad Valorem Assessed Stormwater Rates **Tab 6**

7. Authorizing the Mayor to Execute the Tenth Addendum to the Law Enforcement Services Agreement between the Town of Lake Park and Sheriff Ric L. Bradshaw For the Period beginning October 1, 2014 through September 30, 2015 **Tab 7**

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, August 6, 2014