# Minutes
# Town of Lake Park, Florida
# Regular Commission Meeting
# Wednesday, September 2, 2015, 6:30 PM
# Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 2, 2015 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Mayor DuBois announced that he had received several public comment cards regarding the cell tower agenda item. He clarified that agenda item number 13 Resolution No. 25-09-15 Crown Castle Amendment 1 Agreement was an amendment to the existing cell tower located in the Palm Beach Sheriff's Office (PBSO) substation parking lot not the Harbor Marina. Town Manager D'Agostino explained that the Marina cell phone tower agenda item being reviewed by staff. The application had several deficiency issues that were being discussed with the applicant. Once the issues were resolved, staff would place the item on an agenda.

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

## SPECIAL PRESENTATIONS/REPORTS

**1. Proclamation Honoring Library Employee Carrie Chappelle**

Mayor DuBois presented Ms. Carrie Chappelle with the proclamation. Ms. Chappelle thanked the Commission, the public, and especially the children that she had worked with over the year for their recognition and appreciation.

## PUBLIC COMMENT:

1. Cynthia Grey, 503 Sable Palm Drive – expressed concern that too many cars were parked at a single family residency on Teak Drive. She stated that the Code Compliance Department had been contacted and asked to investigate. She asked how many unrelated people could live at a residency. Town Attorney Baird explained that three (3) unrelated people could live at a residency. He stated that there are no limits on how many related people could live under one residency.

Commissioner O'Rourke asked that this item be placed on a future agenda. Mayor DuBois stated that it could be discussed during Commissioner Comments.

2. Jaime Andrade, 502 Teak Drive – expressed concern regarding the same neighbor having more than 10 cars in their driveway and that they were parking along the street. Mayor DuBois stated that the Code Compliance Department would investigate what they could under the guidelines of the Town Code.

Commissioner O'Rourke asked that two items under New Business be moved to the Consent Agenda. Item number 11, "Resolution No. 24-09-15 Recognizing Florida City Government Week, October 18-24, 2015" and item number 12, "An 'After-the-Fact' request to support the Back-to-School Explosion Event being organized by Bridges at Lake Park and Children's Home Society".

**Motion: Commissioner O'Rourke moved to add two items from New Business to the Consent Agenda. Item number 11, "Resolution No. 24-09-15 Recognizing Florida City Government Week, October 18-24, 2015" and item number 12, "An 'After-the-Fact' request to support the Back-to-School Explosion Event being organized by Bridges at Lake Park and Children's Home Society"; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**CONSENT AGENDA:**

**2. Budget Workshop Meeting minutes of August 12, 2015**
**3. Regular Commission Meeting Minutes of August 19, 2015**
**11. Resolution No. 24-09-15 Recognizing Florida City Government Week, October 18-24, 2015**
**12. An "After-the-Fact" request to Support the Back-to-School Explosion Event being Organized by Bridges at Lake Park and Children's Home Society**

**Motion: Commissioner O'Rourke moved to approve the consent agenda as amended; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:**
**None**

**PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

**4. Ordinance No. 07-2015 Adoption and Updated 20-Year Water Supply Facilities Work Plan and related Comprehensive Plan Amendments related to Sanitary Sewer/ Solid Waste/Drainage/Potable Water/Natural Groundwater Aquifer Recharge; Intergovernmental Coordination; Conservation; and Capital Improvement Elements**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO ADOPT AN UPDATED 20-YEAR WATER SUPPLY FACILITIES WORK PLAN AS REQUIRED BY 163.3177, *FLORIDA STATUTES;* PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN TO IMPLEMENT THE UPDATED WATER SUPPLY PLAN; PROVIDING FOR ADOPTION OF UPDATED OBJECTIVES AND POLICIES WITHIN THE COMPREHENSIVE PLAN SANITARY SEWER/SOLID WASTE/DRAINAGE/POTABLE WATER/NATURAL GROUNDWATER AQUIFER RECHARGE, INTERGOVERNMENTAL COORDINATION, CONSERVATION AND CAPITAL IMPROVEMENTS ELEMENTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager D'Agostino explained that Ordinance 07-2015 was being heard on second reading with no changes since the first reading. Vice-Mayor Glas-Castro asked if South Florida Water Management District had made any review comments regarding the Ordinance. Community Development Director Nadia DiTommaso stated that South Florida Water Management District had no review comments regarding the Ordinance.

**Public Comment Opened:**
None
**Public Comment Closed:**

**Motion: Vice-Mayor Glas-Castro moved to approve the Ordinance 07-2015; 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.

**PUBLIC HEARING (S) – QUASI-JUDICIAL - RESOLUTION:**

**5. Resolution No. 22-09-15 Special Exception Amendment Application for 900 10th Street to Amend the Previously Approved Site and Landscape Plan including**

**Architectural Elevations.**

The members of the Commission made the following ex-parte communication disclosures:

Commissioner O'Rourke had no ex-parte communications to disclose.

Vice-Mayor Glas-Castro had no ex-parte communications to disclose.

Mayor DuBois had no ex-parte communications to disclose.

Commissioner Flaherty had no ex-parte communications to disclose.

Commissioner Rapoza had no ex-parte communications to disclose.

Town Attorney Baird swore in all of the witnesses.

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

Mr. Howard F. Ostrout and Associates LLC, applicant for 900 10th Street LLC gave a brief presentation of the project (see Exhibit "A"). Commissioner Flaherty asked for clarification regarding the Planning and Zoning Board condition number 4 to Section 78-337(3) where it refers to the roof edge. He asked what the roof edge was supposed to look like. Mr. Ostrout explained that there were concerns with the parapet weight restriction, the cost, and the parapet impact to the structure. He stated that after a discussion with the Planning and Zoning Board, the Board agreed to keep the roof edge as it was proposed. Mayor DuBois asked where the parking spaces would be in the front of the building. Mr. Ostrout explained that the public would park in the front of the property and employees would park in the back of the newly acquired property.

**Public Comment Opened:**
None
**Public Comment Closed:**

**Motion: Commissioner O'Rourke moved to approve Resolution 22-09-15 with the conditions of approval; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**NEW BUSINESS:**

**6. Amendment Eleven (11) Palm Beach Sheriff's Office Proposed Fiscal Year 2016 Budget Amendment.**

Town Manager D'Agostino explained the item (see Exhibit "B"). Commissioner O'Rourke asked if the Palm Beach County millage rate included law enforcement services. Town Manager D'Agostino stated that the Palm Beach County millage rate did include law enforcement services. Commissioner O'Rourke stated that the Palm Beach Sheriff's Office (PBSO) should consider that residents pay local millage and County millage for the same law enforcement services. He stated that PBSO does a great job for the Town. Town Manager D'Agostino agreed and included that PBSO has resources that were beyond what the Town could fund. Vice-Mayor Glas-Castro stated that the Town would not be able to fund all the services provided by PBSO plus the capital expense. Town Manager D'Agostino agreed that the startup cost would be much higher than what the Town pays for PBSO services. Mayor DuBois gave a brief history of the positive experience with PBSO almost 10 years ago during the last hurricane.

**Motion: Commissioner Rapoza moved to approve amendment eleven (11) Palm Beach Sheriff's Office Proposed Fiscal Year 2016 budget amendment; 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

**7. Authorizing the Mayor to Execute an Interlocal Agreement between the Town of Lake Park and Palm Beach County Fire/Rescue**

Finance Director Rane explained the item (see Exhibit "C"). Vice-Mayor Glas-Castro asked how much of the Tax Increment Financing (TIF) the Town pays for the Municipal Service Taxing Unit (MSTU). Finance Director Rane explained that there is a formula used to calculate the amount of the TIF. He stated that the formula calculated would be transferred to the Community Redevelopment Department of $391,000. Mayor DuBois asked if the amount includes what the Town collects from Palm Beach County. Finance Director Rane stated no; the amount listed was what the Town funds the CRA.

**Motion: Commissioner O'Rourke moved to authorize the Mayor to execute an Interlocal Agreement between the Town of Lake Park and Palm Beach County Fire/Rescue; 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.

**8. Setting the 2015/2016 Non-Ad Valorem Assessed Sanitation Rates.**

Town Manager D'Agostino explained that there was no increase proposed for sanitation rate.

**Motion: Commissioner O'Rourke moved to set the 2015/2016 Non-Ad Valorem assessed sanitation rates; 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.

**9. Setting the 2015/2016 Non-Ad Valorem Assessed Stormwater Rates**

Town Manager D'Agostino explained that there was no increase proposed for stormwater rates. He explained that staff has requested an independent rate study to be conducted to establish a steady rate that would afford the Town the improvements necessary over-time. Vice-Mayor Glas-Castro asked if expanded properties rates get re-calculated. Finance Director Rane explained that substantial changes are reviewed and the new engineering firm has been asked to conduct an audit and provide, based on percentage of the population, a proposed rate. Commissioner O'Rourke asked if there were a need to increase the amount to assist with defraying the cost of the assessment. Town Manager explained the capital expense needs that the Town has for the flooding issue on Sable Palm Drive and that the General Fund would fund those improvements. He stated that the item would come before the Commission for approval at a future meeting. Commissioner O'Rourke asked to discuss the funds expected from the abandonment of E. Jasmine Drive at a future agenda. Finance Director Rane explained that when the funds are received from the abandonment of E. Jasmine Drive a budget adjustment would be brought forward to the Commission and at that time, the Commission could direction staff on how the funds should be allocated.

**Motion: Commissioner O'Rourke moved to set the 2015/2016 Non-Ad Valorem Assessed Stormwater Rates; 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.

**10. Resolution No. 23-09-15 Award the Purchase of Stage Curtains and Window Treatments for the Mirror Ballroom in the amount of $15,750.00.**

Recreation Director Kathleen Walters introduced Bernadette Upton and Daniel Giordano from Eco Décor to present the item (see Exhibit "D"). The Commission discussed the type of curtains, weight, style, pleading, cleaning, and fire retardant material with the representative from Eco Décor. Commissioner Flaherty asked what the life expectance of the curtains was. Ms. Upton explained that with proper care and cleaning the curtains could last more than 10 years. Vice-Mayor Glas-Castro asked when the curtains were last replaced. Recreation Director Walters stated that all the curtains were replaced in 2007. Mayor DuBois asked if the window treatments could be installed after the windows are installed in the Mirror Ballroom. Human Resources Director Bambi Turner explained that the Florida League of Cities conducted a safety inspection in 2013 and the curtains failed the safety inspection. Because of the safety inspection, the curtains need to be replaced sooner rather than later. Town Manager D'Agostino stated that staff would begin addressing the issue with the windows as soon as October 1. Ms. Upton stated that it would take about 12 weeks to order the curtains.

**Motion: Commissioner O'Rourke moved to approve the purchase of stage curtains and window treatments for the Mirror Ballroom from Eco Décor based upon the quote in the amount of $15,750.00; 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.

**13. Resolution No. 25-09-15 Crown Castle Amendment 1 Agreement.**

Town Manager D'Agostino explained the item (see Exhibit "E").

**Motion: Commissioner O'Rourke moved to approve Resolution 25-09-15; Commissioner Rapoza seconded the motion.**

Vote on Motion:

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

| | | | |
|---|---|---|---|
| Commissioner Flaherty | X | | |
| Commissioner O'Rourke | X | | |
| Commissioner Rapoza | X | | |
| Vice-Mayor Glas-Castro | X | | |
| Mayor DuBois | X | | |

Motion passed 5-0.

## TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

**Town Attorney Baird** explained that he would not be available to attend the First Public Hearing on the Budget on September 3, 2015 and Assistant Attorney Kelly Gardner would attend on his behalf.

**Town Manager D'Agostino** explained that the Mixed Coordinator Overlay Zoning Workshop was scheduled for September 21, 2015. He explained that the Town has hired a consultant to work with the Community Development Department on a narrow scope of the project. He requested that the scope of the project be increased so that the firm could assist staff with conducting at least two charrettes. He stated that the charrettes would be conducted with the Planning and Zoning Board members and the public. He explained that although Tropical Storm Erika did not developed into a storm for our area, staff prepared for the storm anyway. He stated that staff worked with Palm Beach County Fire Rescue, PBSO, and the Palm Beach County Emergency Operations Center. He stated that the storm shutters covering the Town Hall conference room windows would remain up until the end of October.

**Commissioner O'Rourke** expressed sadness for the two police officers that were shot around the Country over the past few days. He stated that PBSO were part of our community and expressed how much the Town appreciates what they do. He stated that the Ordinance addressing how many non-related people could live in one residence should be reviewed. He asked that any Ordinance addressing how many vehicles could be parked at a residency also be reviewed. He announced that on Thursday, September 10, 2015 a September 11th Remembrance Ceremony would be conducted at the Fire Station on Park Avenue starting at 10:30 a.m.

**Commissioner Rapoza** had no comments.

**Commissioner Flaherty** asked if the Town could consider Ordinances regulating the amount of homes a person could purchases in Town and how the homes were used.

**Vice-Mayor Glas-Castro** suggested that the Reasonable Accommodations Ordinance be reviewed.

**Mayor DuBois** announced that he would be attending a Mayor's Breakfast on September 16, 2015. He asked if the Commission would like him to include any specific accomplishments made over the past year in his speech. The Commission suggested that the Mayor include the Mixed Use Corridor Overlay charrettes, improvements that were made to the Harbor Marina, and that the parking meters are scheduled to be removed.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner O'Rourke and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 8:57 p.m.

Mayor James DuBois

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this 16 of September, 2015

**Town of Lake Park Town Commission** Exhibit "A"

**Agenda Request Form**

**Meeting Date: September 2, 2015** **Agenda Item No.** Tab 5

**Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 48-12-13 APPROVING A SITE PLAN FOR THE PROPERTY LOCATED AT 900 10th STREET FOR ITS USE AS AN OFFICE/RETAIL AND STORAGE WAREHOUSE BUSINESS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON __ READING
**[ X ] NEW BUSINESS – RESOLUTION – PUBLIC HEARING/QUASI-JUDICIAL**
[ ] OTHER

**Approved by Town Manager** _____ **Date:** 9-26-15

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

| | | |
|---|---|---|
| **Originating Department:**<br>**Community Development** | Costs: **$147.92 (Advertisement), plus previous Ad and Certified Mail**<br>Funding Source: **Applicant**<br>Acct. # **4647**<br>[X] Finance BKR | **Attachments:**<br>➔ **Staff Report**<br>➔ **Resolution 22-09-15**<br>➔ **Copy of Legal Ad**<br>➔ **Copy of Application which includes the original Resolution 13-06-13 approving the Special Exception Use and the amendment Resolution 48-12-13**<br>➔ **Site Plan, Landscape Plans and Architectural Elevations** |
| **Advertised:**<br>Date: **08-23-2015**<br>Paper: **Palm Beach Post**<br>[ ] 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 – see notation in costs field***<br>or<br>Not applicable in this case ____<br>**Please initial one.** |

**Summary Explanation/Background:** PLEASE REFER TO THE STAFF REPORT.

**Recommended Motion: I MOVE TO APPROVE RESOLUTION 22-09-15 WITH THE CONDITIONS OF APPROVAL.**

**TOWN LAKE OF PARK**
**TOWN COMMISSION**
**Meeting Date: Wednesday, September 2, 2015**

STAFF REPORT

## SPECIAL EXCEPTION AMENDMENT

**AN APPLICATION BY HOWARD F. OSTROUT AND ASSOCIATES LLC AS AGENT FOR 900 10TH STREET/WATERFRONT SERVICES INC. TO AMEND RESOLUTION 48-12-13, TO REVISE THE PREVIOUSLY APPROVED SITE AND LANDSCAPE PLANS TO RECONFIGURE THE ONSITE PARKING BY ADDING AN ADDITIONAL PARKING AREA WHICH IS BEING UPGRADED WITH LANDSCAPING. ASSOCIATED BUILDING ELEVATIONS ARE ALSO BEING PROPOSED.**

**VARIANCE APPLICATIONS HAVE BEEN APPROVED BY THE PLANNING AND ZONING BOARD AND THEY INCLUDE:**

(1) Section 78-253(h)(1) to reduce the west landscape buffer around the outdoor storage area to 0 feet and 3 feet on the south side;

(2) to Section 78-253(h)(2) to eliminate the shade tree requirements required on the west side of the outdoor storage areas and reduce the requirement to clustered palm (or oak) on the south side;

(3) to Section 78-333(3) to eliminate the need of a recess or projection along the east and north walls; and

(4) to Section 78-337(3) to eliminate the recess/projection requirement along the roofline of the front façade

**BACKGROUND:**

| | |
|---|---|
| Applicant(s): | Howard F. Ostrout Jr. and Associates LLC |
| Owner(s): | 900 10th Street LLC (Business Name: Waterfront Services, Inc./Pool Tek) |
| Address/Location: | 900 10th St. |
| Net Acreage: | 0.6123 ACRES (PCN: 36-43-42-20-06-001-0020); 0.2381 ACRES (PCN: 36-43-42-20-06-001-0040). TOTAL = 0.8504 ACRES |
| Legal Description: | CITY SQUARE SLY 115.77 FT OF NLY 277 FT OF ELY 174 FT & SLY 102.86 FT OF NLY 231.86 FT OF WLY 81.20 FT |
| Existing Zoning: | C-2 |
| Future Land Use: | COMMERCIAL |

**Adjacent Zoning District**

| | |
|---|---|
| North: | Commercial -2 (C-2) |
| South: | Commercial -2 (C-2) |
| East: | Commercial-1 (C-1) |
| West: | Commercial-4 (C-4) & Campus Light Industrial/Commercial (CLIC) (FEC Railway) |

**Adjacent Existing Land Use Designation**

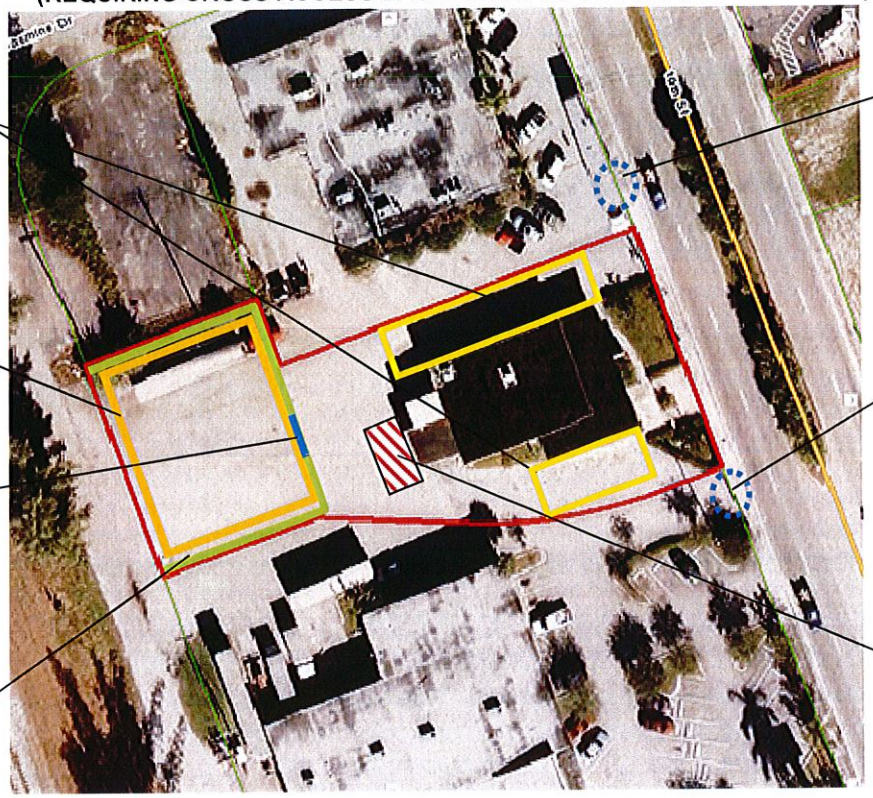
| | |
|---|---|
| North: | Commercial |
| South: | Commercial |
| East: | Commercial |
| West: | Commercial Light Industrial |

**BACKGROUND**

**In June of 2013**, the Town Commission approved Resolution 13-06-13 (the "Development Order"), authorizing the Special Exception Use of "building supplies/retail/storage warehouse (the "Application") to be located at 900 10th Street (the "Property"). The application for the Special Exception Use was submitted by H&L Planning and Development Consultants as the (then) authorized agent for 900 10th Street LLC/Waterfront Services Incorporated (the "Applicant"). The Commission's approval of the Development Order authorized the Applicant to relocate its pool contracting company to the Property. The Property is located in the C-2 Zoning District which permits the Applicant's proposed uses as an approved special exception use.

As part of the original Application, the Applicant proposed seven (7) parking spaces on both the north and south sides of the existing building. This design relied upon the use of neighboring driveways to access these parking spaces. In order to implement this design, the Development Order imposed a condition which required the Applicant to enter into Cross Access Easement Agreements with the neighboring property owners to the north and south. However, the neighboring property owners were not willing to enter into these Cross Access Easement Agreements. As a result, the Applicant was not able to develop the Property pursuant to the approved Development Order and requested modification to this original development Order approved under Resolution 13-06-13.

**FIGURE 1: CONDITIONS PER ORIGINAL SPECIAL EXCEPTION APPROVAL (REQUIRING CROSS ACCESS EASEMENTS TO THE NORTH AND SOUTH)**




**In December 2013**, the Applicant proposed to amend the Development Order to revise the Site and Landscape Plan and provide parking in the back of the Property, instead of along the north and south sides of the building. The revised Site and Landscape Plan eliminated the need for the cross access easements with the neighboring property owners however, allowed for a unilateral access easement to be placed on the plans should the neighboring property owners agree to enter into cross access easement agreements in the future. The Site and Landscape Plan as revised showed a 25 foot, two way drive aisle (accessed by a driveway) on the north side of the Property. Figure 2 illustrates the revised access at the time to the Property and the relocated parking spaces at the back of the building where the storage area was to have been located pursuant to the Development Order. The revised Site and Landscape Plan was approved under Resolution 48-12-13 (representing the current Development Order for the Property) by the Town Commission on December 18, 2013 with certain conditions that include the following:

(1) The Owner shall develop the Property consistent with the Site and Landscape Plan referenced as Sheet SP-1 prepared by Litterick Landscape Architecture, signed and sealed 12-05-2013 and received by the Department of Community Development on 12-05-2013. **(Being updated with this proposal)**

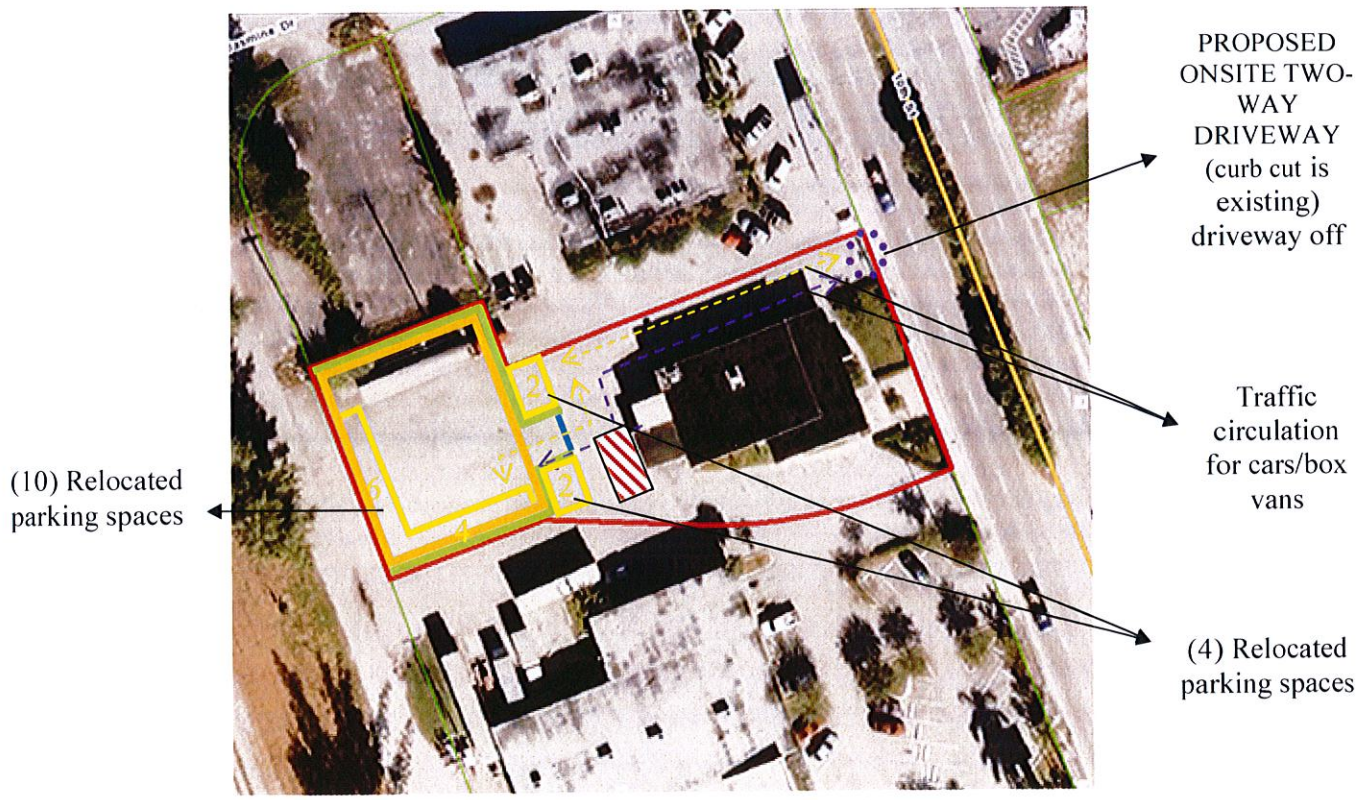
(2) The Owner shall incorporate Identification signs reading "Customer Parking" in the customer parking spaces. **(Included and being proposed with this proposal as well)**

(3) Prior to the issuance of the first development permit, if permitted access, the applicant shall revise the site plan to indicate the area on the property which could serve as ingress and egress to the property from the west. **(Applicant was not granted access)**

(4) Prior to the issuance of the first development permit, the applicant shall revise the Site Plan to indicate the areas on its property that will be dedicated to provide for cross-access easements to its property lines with the adjacent properties north and south. **(indicated on the previous site plan prior to development permit issuance and noted on the revised plan with this proposal)**

Through discussions by the Planning & Zoning Board and Town Commission at the time, it was also suggested to add additional pedestrian markings from the handicapped accessible space to the concrete ramp on the south side of the building, which was done and is reflected on the updated plan as well. The proposal did receive unanimous approval by the Planning & Zoning Board and Town Commission in late 2013 under Resolution 48-12-13

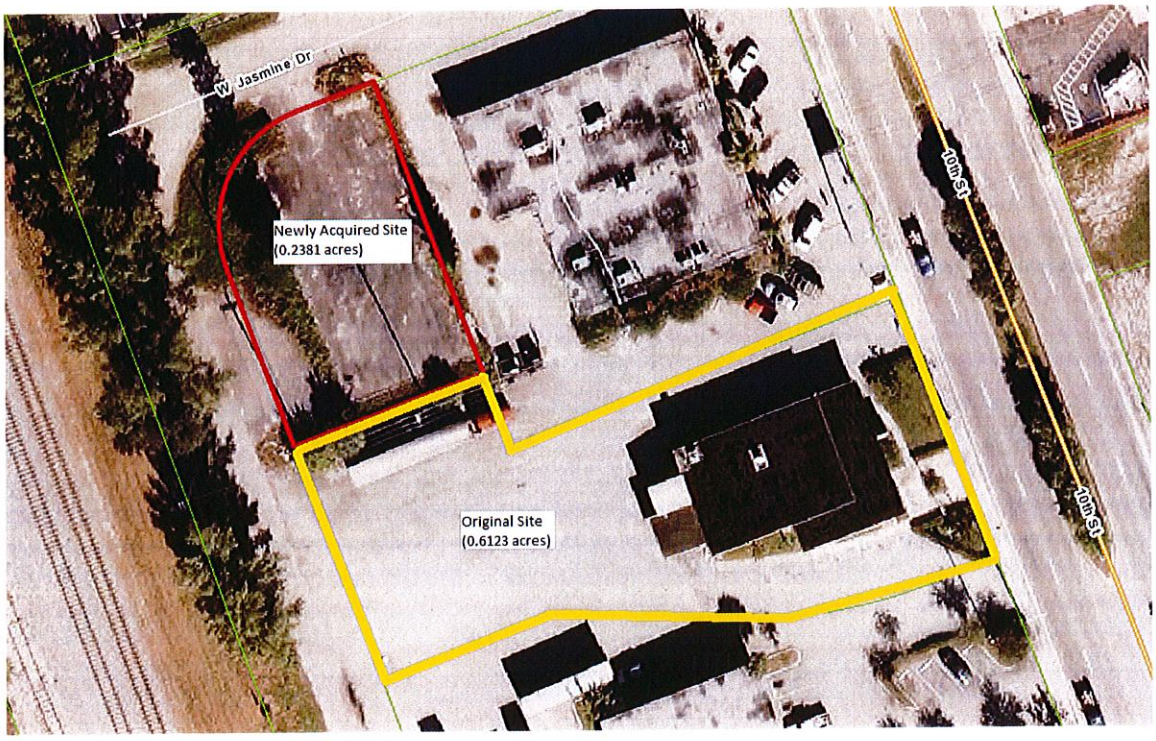
**FIGURE 2: APPROVED MODIFICATIONS IN DECEMBER 2013**



## NEW REQUEST

Throughout most of 2014, the Owner moved forward with the renovations of the Property in order to bring it from an abandoned structure, which it had been for many years since the old post office vacated the site, to an active structure/site. Throughout these renovations, the Owner was presented with an opportunity to purchase a neighboring (adjacent) vacant property. Realizing that this would help with the business' parking, the Owner purchased the adjacent property identified in Figure 3 below:

**FIGURE 3: NEWLY ACQUIRED SITE**




In addition to purchasing the neighboring property, the Owner moved forward with the renovations of the Property which resulted in a renovation value that exceeded 50% of the assessed value of the properties due to the deteriorated state of the structure prior to its renovation. The resulting interior reconfiguration also shifted the square footage allocations of the actual office space and warehouse space, resulting in a different required parking calculation. Consequently, Mr. Howard F. Ostrout, Applicant and Agent for the Owner, 900 10th Street (Business Name: Waterfront Services, Inc./Pool Tek), submitted an application for a Special Exception Amendment in order to incorporate the newly acquired area into the overall Property and reconfigure the parking areas to accommodate the required number of parking spaces. Since the renovation costs exceeded 50% of the assessed value of the properties, the landscaping and architectural codes were also prompted and the Owner was required to meet ALL minimum landscaping and architectural requirements in the Town Code prior to being able to finalize the renovations permits (*the original property at 900 10th Street has a 2014 assessed value of $225,332; the newly acquired property has a 2014 assessed value of $43,443; the total renovation costs were $176,215 for interior, electrical, mechanical, plumbing, and roofing*). This resulted in the Owner hiring Mr. Ostrout's firm

to assist with these added requirements. After numerous months reviewing the site's possibilities, the Owner advised staff that he was able to meet all but four codes sections and that they would subsequently be requesting four variances to the Town Code, which are being presented under separate cover to the Planning & Zoning Board who is the sole decision maker on variance requests.
These variance requests include:

(1) To **Section 78-253(h)(1)** of the Town Landscaping Code which requires a minimum 8-foot wide landscape buffer around all side and rear property lines and a 15-foot wide landscape buffer along the (street) front property line (*does not apply to areas being utilized for access*). The Applicant is unable to meet the minimum buffer width requirements for the west and south property lines and is requesting a reduction to 3 feet for the west property line and 3 feet for the south property line given the previously approved special exception outdoor storage area configuration which was considered as an integral part of the applicant's operation due to their equipment and storage requirements – The Planning & Zoning Board approved this variance, but asked that the configuration allow for a 3 foot buffer along the south side of the outdoor storage area, with trees, and that the west side of the outdoor storage area be reduced to 0 feet.

(2) To Section **78-253(h)(2)** of the Town Landscaping Code for the same landscape buffers listed in request #1, as it relates to the minimum 1 tree per 20 linear feet of street frontage and minimum 1 tree per 40 linear feet of interior property line requirements. Given the 3 feet on the west side of the storage area and 3 feet on the south side (if re-approved), trees cannot be accommodated in these areas. The Planning & Zoning Board approved this variance, but asked that the configuration allow for a 3 foot buffer along the south side of the outdoor storage area, with trees, and that the west side of the outdoor storage area be reduced to 0 feet.

Already approved by the Planning & Zoning Board – **NO FURTHER ACTION** is required by the Town Commission on these variance requests.

(3) To **Section 78-333(3)** of the Town's Architectural Design Guidelines which requires facades greater than 50 feet in length to incorporate recesses and projections a minimum of 12 inches in depth along a minimum of 20 percent of the total length of the façade. The east (front) wall measures 55 feet and the north (side) wall measures 77 feet. Even though the Applicant noted that the roofline projects out 5 feet 6 inches along the east (front) façade, the building does not propose any minimum 12 inch projection along 20% of any wall plane (in other words, for a 55 foot façade, according to staff's interpretation of the intent of this section, this projection would be required along 11 feet of width on the front façade which measures 55 feet AND along approximately 15 feet of width along the north (side) façade which measures 77 feet in length. The rear wall is less than 50 feet therefore is not required to have a recess/projection and the south wall already includes a recess/projection of approximately 12 feet. The Planning & Zoning Board approved this variance.

(4) To **Section 78-337(3)** of the Town's Architectural Design Guidelines which requires the roof edge and/or parapet to have a vertical change from the dominant roof condition at a minimum of four feet, with at least one such change to be located on the primary (front) façade adjacent to the street right-of-way. While the Applicant proposes aluminum lattice panels around the rooftop mechanical equipment in an attempt to screen this equipment, the roof edge and parapet treatment code section has not been met and would serve to more appropriately screen rooftop mechanical equipment. The Planning & Zoning Board approved this variance and requested that decorative panels are incorporated immediately around the mechanical equipment to screen them from public view.

**Staff Analysis of the Application**

The special exception use was originally approved using the Town Code criteria for special exception uses and met all the criteria. The use has not changed. The only modifications relate to the modifications parking space requirements and the added requirements for landscaping and architectural details that were prompted due to the increase in renovation costs. This requires an updated Development Order with updated references to newly proposed Site Plan, Landscape Plans and Architectural Elevations. The updated Site Plan has been modified to reflect a revised parking calculation as follows:

→ 2,800 square feet of office space @ 4 spaces per 1,000 square feet = 11 required office spaces

→ 1,161 square feet of warehouse @ 1 space per 2,000 square feet = 1 required warehouse space

→ 8 maximum employees @ 1 space per employee = 8 required employee spaces

...for a **TOTAL OF 20 REQUIRED PARKING SPACES**. With the newly acquired parcel and the reconfiguration of the parking spaces, the Applicant is proposing 24 parking spaces, which exceeds the Code requirement.

**In an attempt to be business-friendly and allow the Owner's business, Waterfront Services, Inc./Pool Tek to carry forth without hindering their operation, the Owner has been able to secure final inspections on the interior renovations in order to safely move into the building however, is awaiting the outcome of this request in order to complete the exterior of the building and the overall site. Since late 2014 however and because the Owner had to invest a lot more money on the building than anticipated, the Owner, through Mr. Ostrout, has been working with the Town to meet the landscaping and architectural codes as best as possible. Four code sections have not been met and variances are being requested as listed above. All variances have been approved by the Planning & Zoning Board.**

Since the use, but for the parking calculations detailed above have not changed, staff finds that the Application meets the special exception criteria set forth in the Code and also finds that even as revised, access to the Property will continue to be provided on the north side and now through the newly acquired lot, without having to depend on the neighboring properties. The Site Plan continues to offer a unilateral cross access as a preferred alternative method should the neighboring owners decide to enter into cross access easement agreements in the future, or if any property is no longer able to meet its own parking and access requirements in the future. The Owner has significantly improved the building and will continue to improve the overall site, all of which is a benefit to the community.

## STAFF RECOMMENDATION

Staff recommends that the Town Commission make a motion to **APPROVE** the Application, and the amendments proposed to the Development Order, subject to the following conditions:

(1) The Owner shall develop the Property consistent with the Site and Landscape Plans, which include an Irrigation Performance standard, referenced as Sheet SP-1, LPP-1 and LPP-2, prepared by Howard F. Ostrout & Associates LLC, signed and sealed 08-24-15 and received by the Department of Community Development on 08-24-15.

(2) The Owner shall develop the Property consistent with the Architectural Elevations referenced as Sheet A-1, prepared by JM Designs of the Palm Beaches, Inc., signed and sealed 08-24-15, and received by the Department of Community Development on 08-24-15.

(3) The Owner shall submit a Plat for the two lots which meets the Town's platting requirements.

(4) Rooftop mechanical equipment shall be screened with decorative panels that are reviewed and approved by the Community Development Director.

# SPECIAL EXCEPTION AMENDEMENT

Applicant: Howard F. Ostrout and Associates LLC

Owner: 900 10th Street LLC

*(Business Name: Waterfront Services Inc./Pool Tek)*

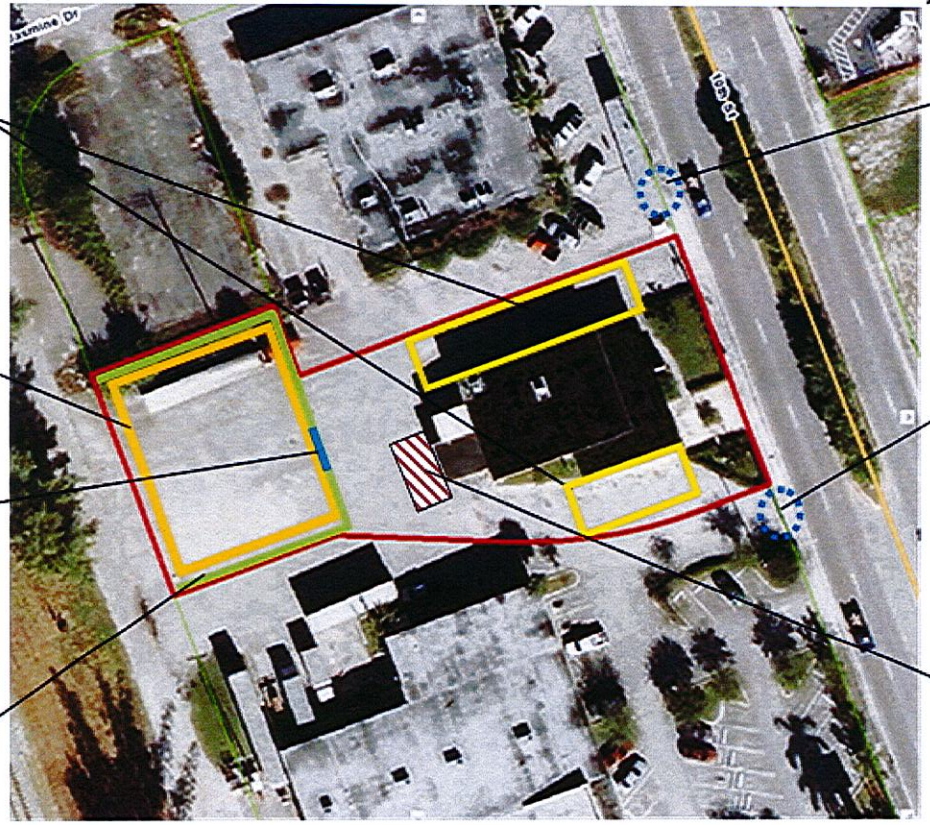
**FIGURE 1: CONDITIONS PER ORIGINAL SPECIAL EXCEPTION APPROVAL (REQUIRING CROSS ACCESS EASEMENTS TO THE NORTH AND SOUTH)**

Existing parking spaces (14)

Approved Outdoor Storage Area

Approved 12 foot wide gate to enclose outdoor storage area

Approved Hedge surrounding Outdoor Storage Area

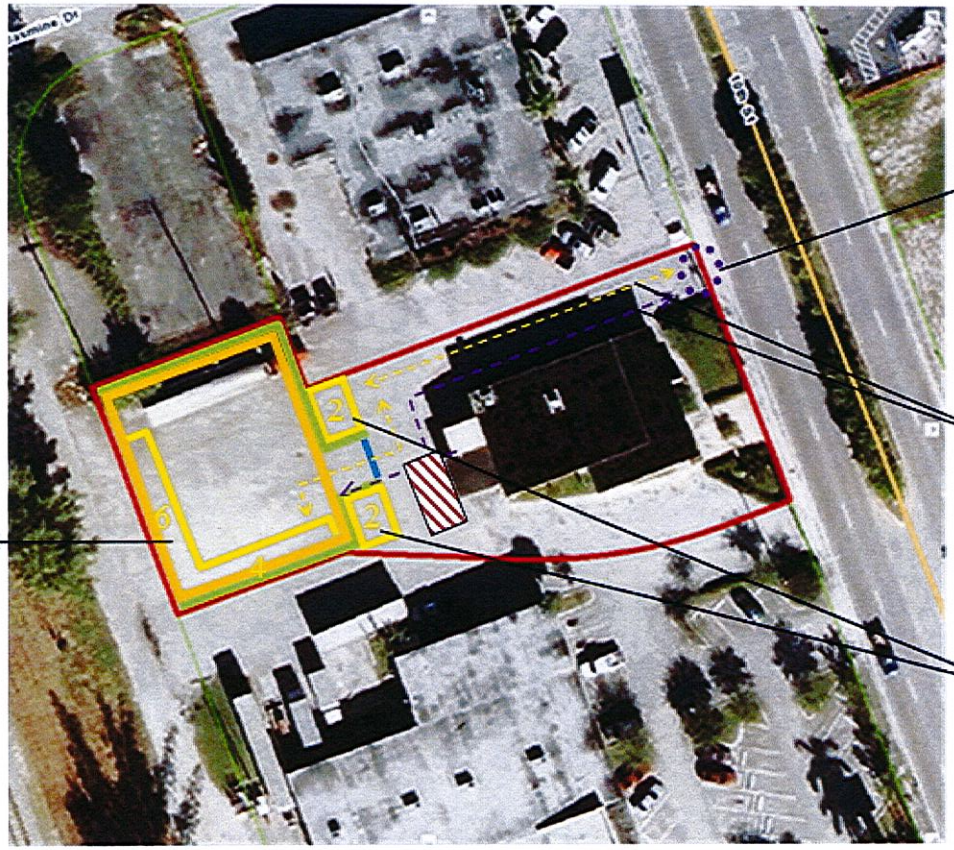


Adjacent North property driveway

Adjacent south Property driveway

Existing Loading Area – Applicant does not utilize large trucks nor has deliveries requiring large trucks to access the Site. Box vans and equipment will be stored in the outdoor storage area in the rear of the Property.

**FIGURE 2: APPROVED MODIFICATIONS IN DECEMBER 2013**



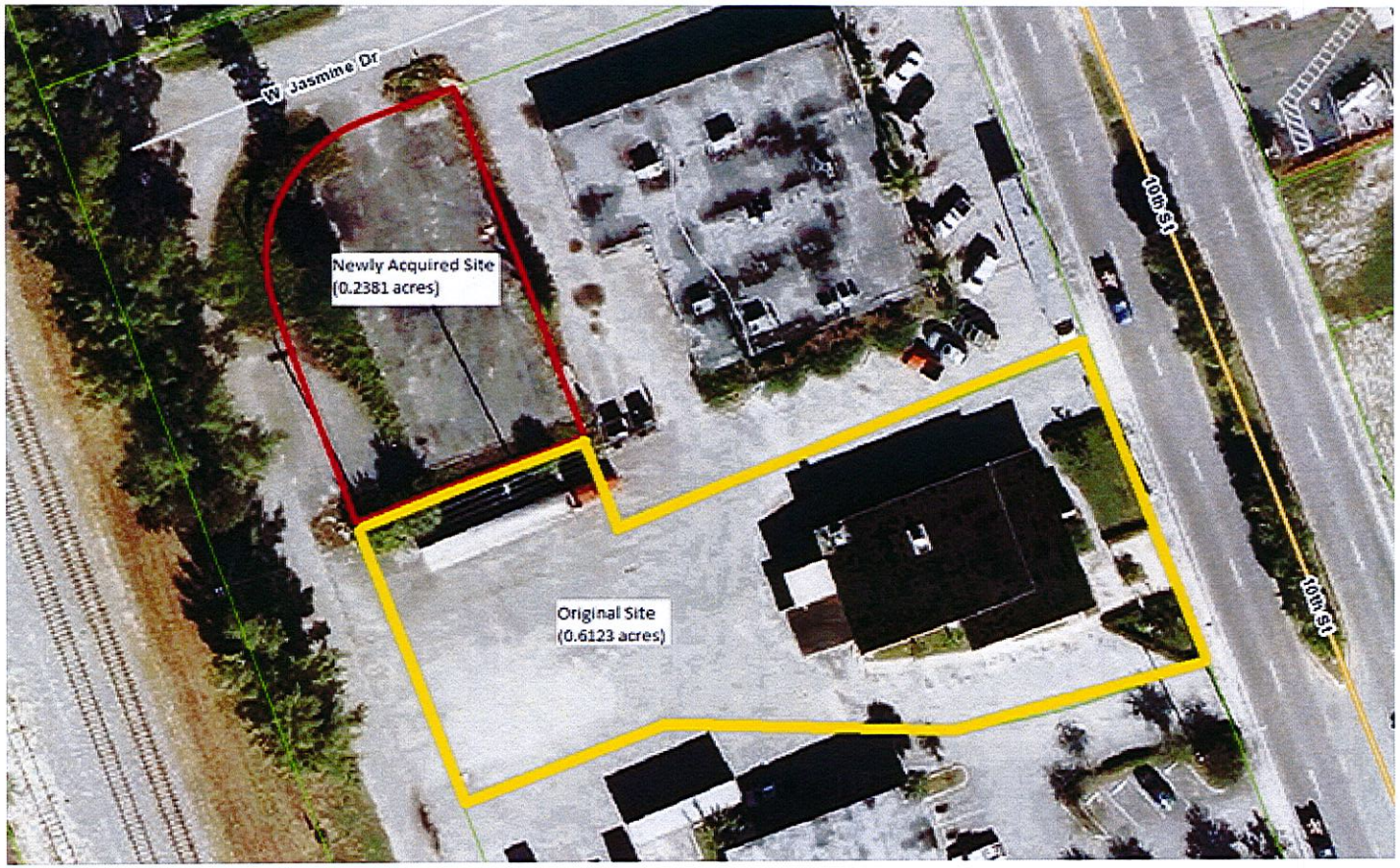
PROPOSED ONSITE TWO-WAY DRIVEWAY (curb cut is existing) driveway off

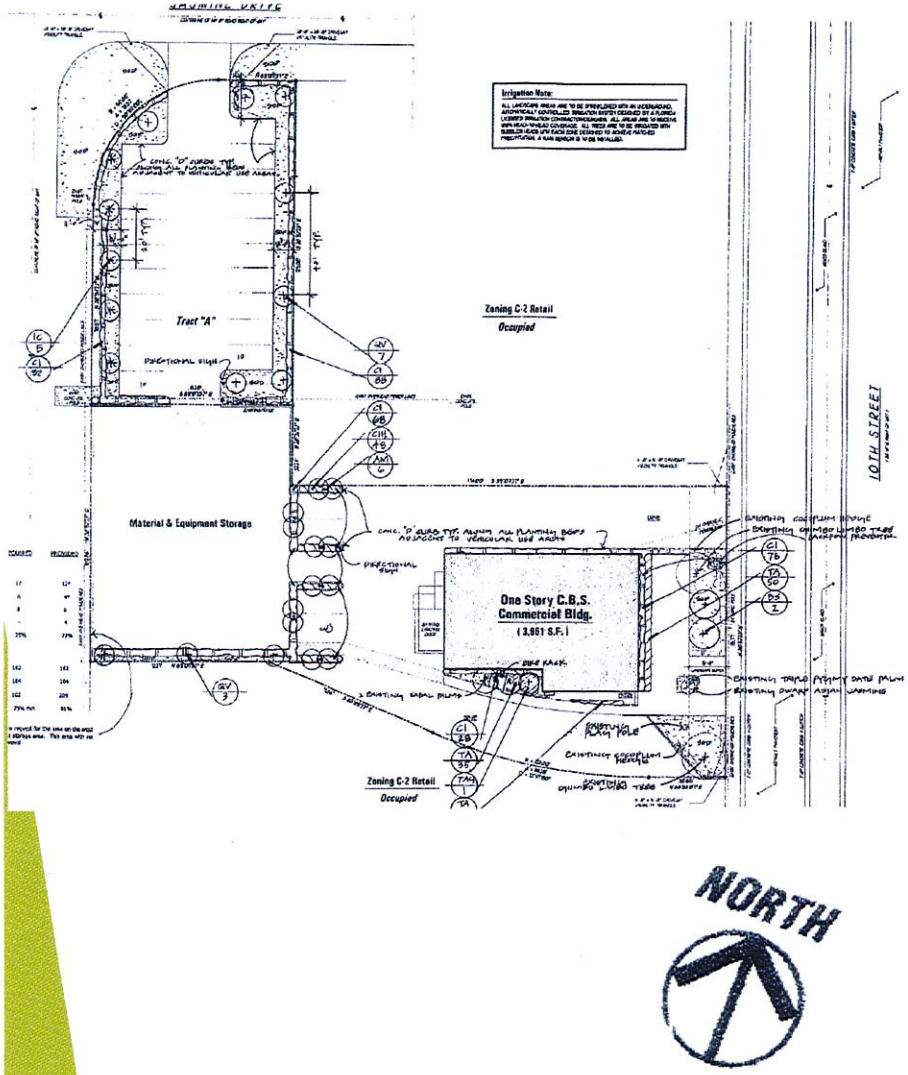
Traffic circulation for cars/box vans

(4) Relocated parking spaces

(10) Relocated parking spaces

## FIGURE 3: NEWLY ACQUIRED SITE





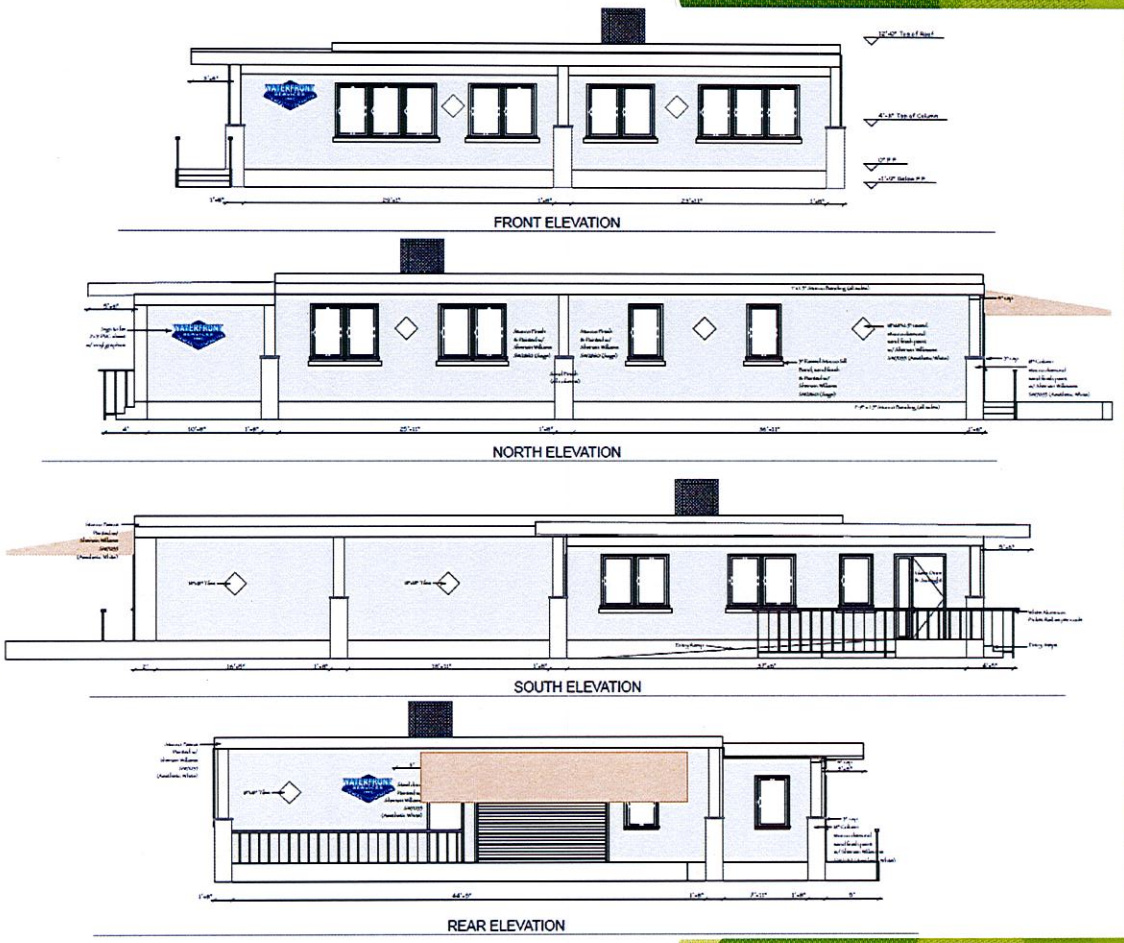




**FIGURE 4: Landscaping and Elevations**

# STAFF RECOMMENDATION

**APPROVAL** of Resolution 22-09-15 with conditions as listed.

## Town of Lake Park Town Commission

**Agenda Request Form** Exhibit "B"

**Meeting Date:** September 2, 2015 **Agenda Item No.** Tab 6

**Agenda Title: Amendment Eleven (11) Palm Beach County Sheriff's Proposed FY 16 Budget Amendment.**

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

**Approved by Town Manager** _____ **Date:** 8-19-15

**John O. D'Agostino**
**Name/Title**

| | | |
|---|---|---|
| **Originating Department:**<br>**Town Manager/Finance** | Costs: $ 2,760,914<br>Funding Source: General Fund<br>Acct. # 200-34010<br>[X] Finance _____ | **Attachments:**<br>**1). Eleventh Amendment**<br>**2). Law Enforcement Services Budget**<br>**3). Lake Park Budget Narrative** |
| **Advertised:**<br>Date: _____<br>Paper: _____<br>[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_____<br>or<br>Not applicable in this case JOD<br>**Please initial one.** |

**Summary Explanation/Background:**
The Town of Lake Park's Public Safety operations are provided to the town by the Palm Beach County Sheriff's Department. The Department currently consists of One Lieutenant, Three Sergeants, Nineteen Deputies and one Administrative Assistant. In addition, there are nine crossing guards. The eleventh amendment provides for one additional Crossing Guard and one FT Law Enforcement Administrative Aide. The net increase of one additional FTE will be added to the FY 16 budget for the Palm Beach County Sheriff's Office operating in the Town of Lake Park.

Amendment eleven increases the PBCSO budget for Lake Park by $73,464 or $2,722,314 a 2.77 % increase over last year's budget. The FY 15 budget was $2,648,850. The FY 16 budget is

$2,722,314 including the one additional FTE Law Enforcement Administrative Aide. The increase from nine to ten crossing guards is a requirement of the Florida Department of Transportation and is not part of the municipal operating budget for the Town of Lake Park.

The total budget for the Palm Beach County Sheriff's Office is $2,760,914 inclusive of $1,600 for Telephone, $10,000 for utilities, $2,000 for refuse service and $25,000 for Gasoline and or Diesel Fuel.

**Recommended Motion:** Move to approve the operating budget for the Palm Beach County Sheriff's Office to provide public safety services to the Town of Lake Park in the amount of $2,760,914. Such amount includes an increase of one FTE Law Enforcement Administrative Aide.

**Town of Lake Park Town Commission**

Exhibit "C"

**Agenda Request Form**

**Meeting Date:** **September 2, 2015** **Agenda Item No.** Tab 7

**Agenda Title:** **Authorizing the Mayor to execute an Interlocal Agreement between Lake Park and Palm Beach County Fire/Rescue**

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ X ] NEW BUSINESS
[ ] OTHER: _____ 8-17-15

**Approved by Town Manager** _____ **Date:** 8-17-15

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

| | | |
|---|---|---|
| **Originating Department:**<br>**FINANCE** | Costs: $<br>Funding Source:<br>Acct. #<br>[ X ] Finance ____BKR_____ | **Attachments:**<br>**Interlocal Agreement** |
| **Advertised:**<br>Date: _____<br>Paper: _____<br>[ 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_____<br>or<br>Not applicable in this case _BKR_<br>**Please initial one.** |

**Summary Explanation/Background:**

With the change to the funding method for Palm Beach County Fire/Rescue, Palm Beach County (the County) requests that the Town of Lake Park (the Town) enter into an Interlocal Agreement that exempts the Fire/Rescue MSTU from payment of tax increment (TIF) funds to the Lake Park CRA. The related TIF for the MSTU millage was and should remain the Town's responsibility. The schedule below demonstrated that this is not an added expense for the Town.

| Calculation of Tax Increment if the MSTU was NOT enacted | |
|---|---|
| CRA Taxable Value | $ 46,792,836 |
| Town Millage Rate | 8.8055 |
| TIF formula | Taxable value divided by 1,000 times millage rate times 95% |
| Town Responsibility | $ 391,433 |

| Calculation of Tax Increment after the MSTU was enacted | |
|---|---|
| CRA Taxable Value | $ 46,792,836 |
| Town Millage Rate | 5.3474 |
| PBC F/R Millage Rate | 3.4581 |
| Combined Millage Rate | 8.8055 |
| TIF formula | Taxable value divided by 1,000 times combined millage rates times 95% |
| Town Responsibility | $ 391,433 |

**Recommended Motion:**.

I move to authorize the Mayor to execute the interlocal agreement for fire/rescue MSTU CRA Exemption.

**Town of Lake Park Town Commission**

**Agenda Request Form** Exhibit "D"

**Meeting Date: September 2, 2015** **Agenda Item No.** Tab 10

**Agenda Title: Award the Purchase of Stage Curtains and Window Treatments For the Mirror Ballroom in the Amount of $15,750.00**

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

**Approved by Town Manager** _____ **Date:** 8-24-2015

**Kathleen Carroll Walters/Recreation Director**
**Name/Title**

| | | |
|---|---|---|
| **Originating Department:**<br><br>**Parks & Recreation Department** | Costs: $15,750.00<br>Funding Source: Mid-year budget adjustment approved by Commission on 4/15/2015<br><br>Acct. # 408-62100<br>[X] Finance BKR | **Attachments:**<br>• **Written Proposals (3)**<br>• **Quote Summary Sheet**<br>• **NFPA 701 Explanation of Fire Codes and Tests**<br>• **Resolution** |
| **Advertised:**<br>Date: _____<br>Paper: _____<br>[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_____<br>or<br>Not applicable in this case<br>**KCW**<br><br>**Please initial one.** |

**Summary Explanation/Background:**

The stage curtains and side window curtains located in the Mirror Ballroom (Town Hall) are in need of replacement. Three vendors were contacted and asked to provide written quotes for the purchase and installation of stage curtains and side window treatments. Attached is a spreadsheet

which is an analysis of the quotes received from the three vendors- Eco Décor, Heritage Product Resources, Inc. and Main Stage Theatrical Supply, Inc.

Eco Décor has provided material samples and were the only vendor to have a vast array of colored velour for the stage, as well as, a wide variety of fire retardant material choices for the side draperies. They have clearly explained the fire retardant codes on the sample material and pointed out the differences that should be noted for curtains as opposed to upholstery. Please see attached, "NFPA 701 – Standard Methods of Fire Tests for Flame Propagation of Textiles and Films".

Eco Décor is a licensed interior design company and implemented the concept of designing the Mirror Ballroom as an "Events Room" and not simply a theatre or auditorium.

Eco Décor's quote of $15,750.00 is not only the lowest quote, but Eco Décor offers the quality, fit and design inherent to this iconic asset of the Town of Lake Park. The Town feels this vendor is most suitable for this project.

**Recommended Motion:**

Approve the purchase of Stage curtains and window treatments for the Mirror Ballroom from Eco Décor based upon the quote in the amount of $15,750.00.

TOWN OF LAKE PARK

RECREATION DEPARTMENT

# QUOTES FOR REPLACEMENT OF MIRROR BALLROOM CURTAINS-TOWN HALL

| COMPANY | ADDRESS | PHONE | E-MAIL | CONTACT | COST Main Stage Below Stage Valance | | COST Side Arched Doors | COST Hardware | COST TOTAL | RANK |
|---|---|---|---|---|---|---|---|---|---|---|
| Eco Decor | 636 US Hwy. One Ste 107 North Palm Beach, FL 33408 | 561 845-5433 | bernadette@ecodecor.com www.ecodecor.com | Bernadette Upton | $9845.00 | | $3876.00 | $2029.00 | $15,750.00 | #1 |
| Heritage Product Resources, Inc. | PO Box 6593 Lakeland, FL 33807-6953 | 863 425-7100 | | Dick Bryon | | | | | $15,777.00 | #2 |
| Main Stage Theatrical Supply, Inc. | 8761 A Ely Road Pensacola, FL 32514 | 800-851-3618 | www.mainstage.com | David Herring | | | | | $23,518.00 | #3 |

decor®

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636 US HIGHWAY ONE, SUITE #107
NORTH PALM BEACH, FLORIDA 33408
FL IB #26000827
561.844.7089 PHONE/FAX

Daniel R. Giordano, Industry Partner of ASID
Bernadette V. Upton, FASID, LEED AP, CAPS
FL RID LIC: #713, USGBC FACULTY, ReGREEN TRAINED
bernadette@ecodecor.com daniel@ecodecor.com
561.313.6413C. 561.309.9077C.

**CITY OF LAKE PARK MIRRORED BALLROOM DRAPERY/STAGE QUOTE**

**08/21/2015**

**BELOW STAGE-MAIN STAGE- MAIN VALANCE- LABOR/INSTALLED**

**FABRIC: 20 oz. Crescent (IFR RATED NFPA 701) - Unlined**

**ALSO TO INCLUDE: Upstage: 2 Border draperies, 4 Legs and 1 Rear**
**FABRIC: Athena 16 0z.(IFR RATED NFPA 701) - Unlined** **$ 9845.00**

**SIDE ARCHED DOORS (6)**

**FABRIC: JEREMY (FR NFPA 701)-LINED (NFPA 701) /LABOR/INSTALLED** **$ 3876.00**

**HARDWARE- BLACK IRON RODS/RINGS/FINIALS- INSTALLED** **$ 2029.00**

**TOTAL .....$ 15,750.00**

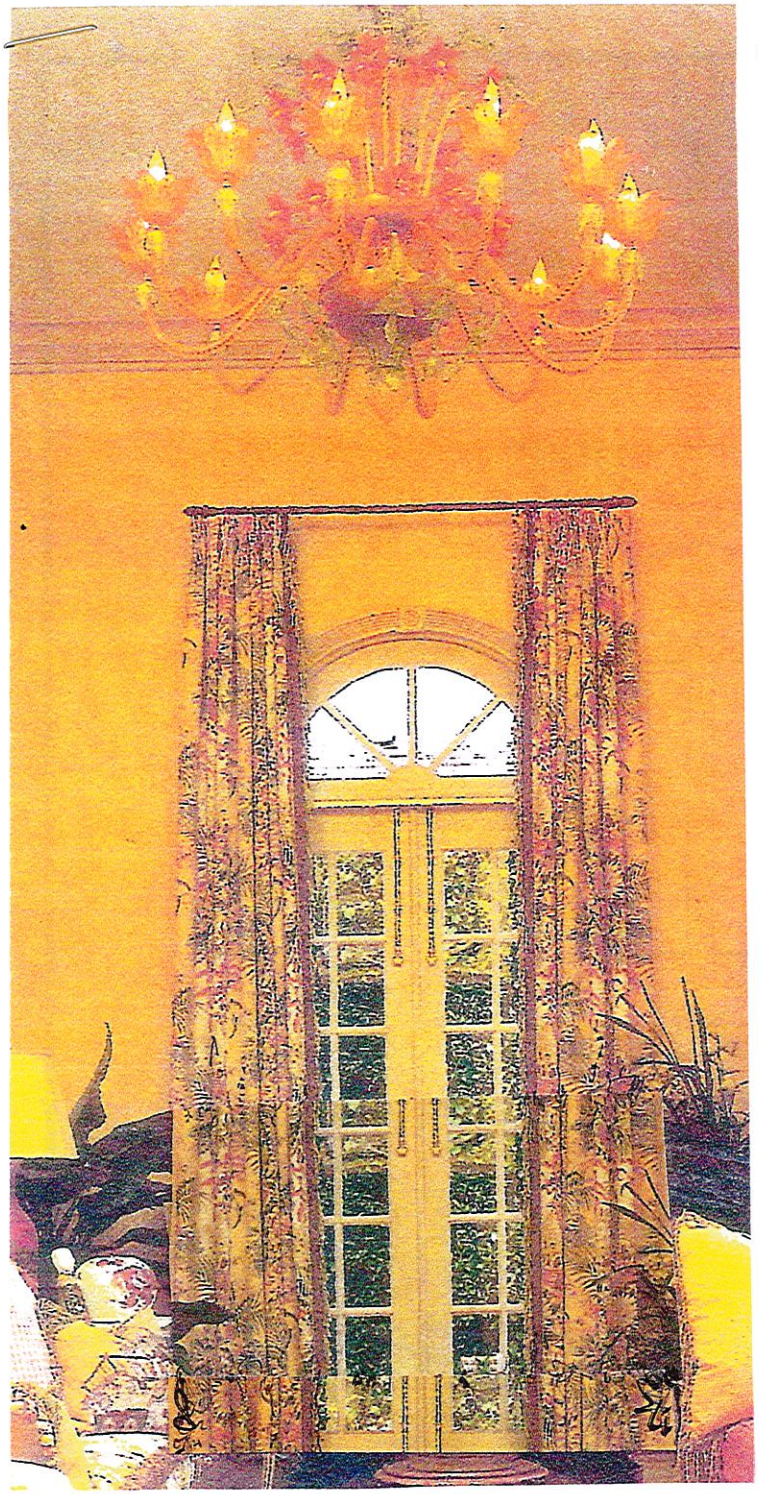
**All fabrics including lining are Fire Rated for NFPA 701 compliance/tested.**

**Price does not include sales tax, permits or any other unknown or unforeseen conditions.**

**Required check deposit 50% upon signed order confirmation, balance check due at completion of install.**

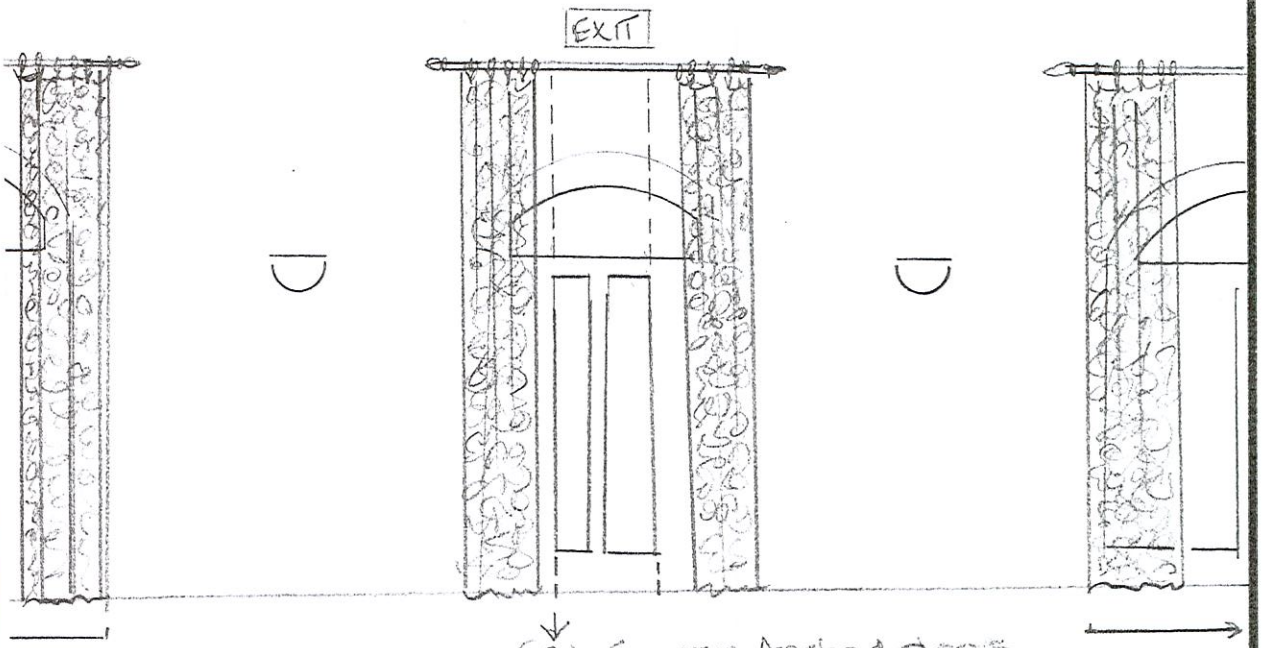
**Thank you for the opportunity.**

**Bernadette V. Upton, FASID, FL Registered Interior Designer, LEED AP, CAPS**



| Item | Description |
|---|---|
| | Bird Cage<br>Finial with Plug |

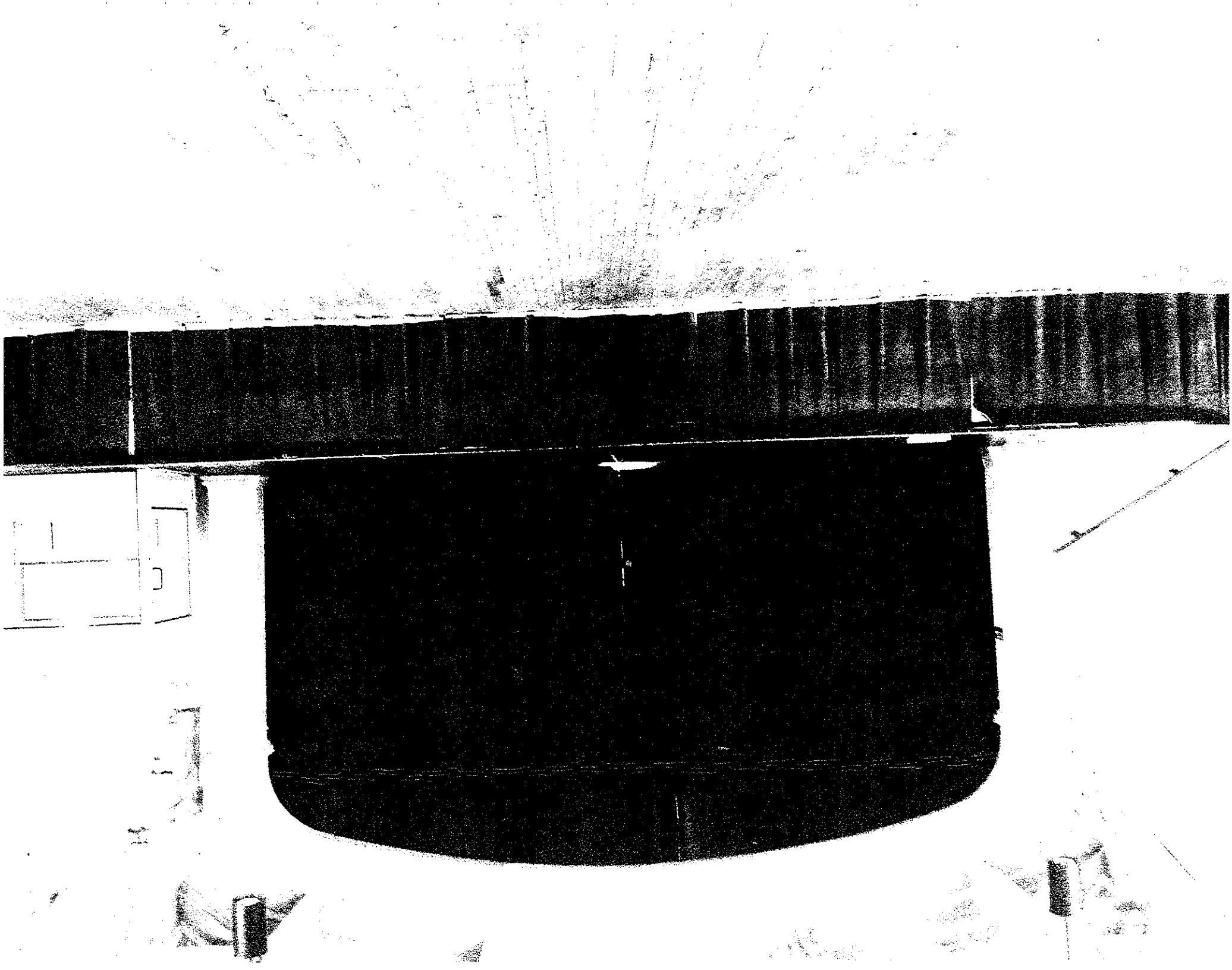
Dust Catcher




(2) Center Arched doors
Limited Closure
Exit Sign Above

MIRROR BALLROOM

| | | |
|---|---|---|
| SCALE: NOT TO SCALE | APPROVED BY: | DRAWN BY Bernadette Upton |
| DATE: | | REVISED |
| Arched French doors / to Traverse Wrought Iron Rods/Rings with Wands | | |
| (6) Lined Draperies Blackout IFR | | DRAWING NUMBER |



# Journal of Flame Retardancy

Formal Interpretation

# NFPA 701

## Standard Methods of Fire Tests for Flame Propagation of Textiles and Films

**2004 Edition**

**Reference: 1.1.1.1**
**F.I. No.: 701-99-1**

**Background:** The requirement within the scope of this document refers to fabrics or other materials used in curtains, draperies, or other window treatments. Vinyl-coated fabric blackout linings shall be tested according to Test Method 2. The terms curtains, draperies, or other window treatments, where used, shall include, but not limited to, the following items:

(1) Window curtains (2) Stage or theater curtains (3) Vertical folding shades
(4) Roll-type window shades (5) Hospital privacy curtains (6) Window draperies
(7) Fabric vertical shades or blinds (8) Horizontal folding shades (9) Swags
(10) Fabric horizontal shades or blinds

**Question:** Is the NFPA 701 test, as currently written, applicable to PVC blinds?

**Answer:** Yes.

**Issue Edition: 1999**
**Reference: 1.1.1.1**
**Issue Date: December 31, 2002**
**Effective Date: January 20, 2003**

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NATIONAL FIRE PROTECTION ASSOCIATION

# Bernadette V. Upton, FASID
## RID, LEED AP BD+C, CAPS
## ReGreen Trained, Green AP

## BIOGRAPHY

Bernadette V. Upton, a Florida licensed interior designer, lecturer and consultant has specialized in environmental interior design since 1982. She is a professional member and Fellow of American Society of Interior Designers (FASID) and Past President for the Florida South Chapter, as well as a founding member of the National ASID Sustainable Design Council. She is a LEED (Leadership In Energy and Environmental Design) Accredited Professional with the US Green Building Council (USGBC), a program that sets standards for the sustainable building and design industry. She has been a featured speaker for numerous conferences and seminars, as well as the host of 'Airtime', a radio talk show addressing indoor air quality issues. She is also a Board and Founding member of the Sustainable Furnishings Council.

Ms. Upton established Bernadette V. Upton Interior Design, in New York, in 1969 and has maintained her business in Florida since she moved here in 1973. Her company EcoDecor provides eco-friendly products and furnishings for the home. Her committed advocacy to 'green' design is that "interiors need to be beautiful, breathable and benign," and that is well established in all her design projects.

An authority on environmental and ecological design, she has designed interiors for organizations such as Green Builder's Vision House, Florida's Conservation Lodge Foundation and the American Lung Association's Health House Program and. Serving on the ALA Southeast Florida Board for nearly a decade, she has also co-authored "A Baby's Breath" program, which educates expectant parents to the importance of creating a healthy nursery and home. She has appeared on the *Bob Vila Show* and his CD for "*Babyproofing the Home*".

Emphatic about 'green' design and creating awareness among the design community, as well as her peers, her continuing education courses (CEU's) are offered throughout the U.S. and are approved by the Interior Design Continuing Educational Council (IDCEC) for both licensed interior designers and architects. She also teaches a FL DBPR approved Advanced Codes course.

She is the recipient of numerous prestigious *Design Excellence Awards* from the American Society of Interior Designers for Sustainable Interiors in categories of Commercial, Residential and a LEED Design.

## Town of Lake Park Town Commission

**Agenda Request Form** Exhibit "E"

**Meeting Date:** **September 2, 2015** **Agenda Item No.** Tab 13

**Agenda Title: Crown Castle Amendment 1 Resolution ~~25~~ 09-15**

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

**Approved by Town Manager** _____ **Date:** 8-25-15

**John O. D'Agostino**
**Name/Title**

| | | |
|---|---|---|
| **Originating Department:**<br><br>**TOWN MANAGER** | Costs: $<br>Funding Source:<br>Acct. #<br>[ ] Finance _____ | **Attachments:**<br>**1) Resolution**<br>**2) Amendment 1**<br>**3) Commission notification to Crown Castle or intent to renew**<br>**4) Letter Agreement signed by Mayor DuBois and Crown Castle South** |
| **Advertised:**<br>Date: _____<br>Paper: _____<br>[ 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_____<br>or<br>Not applicable in this case **JOD**<br>**Please initial one.** |

**Summary Explanation/Background:**
On December 17, 2014, the Town Commission authorized the Mayor to sign the attached letter of Agreement dated November 24, 2014 to extend the lease of a town owned cell towner to Crown Castle. The letter was returned by Crown Castle signed by Rhonda Lullo, Land Acquisition Manager for Crown Castle.

This Resolution would permit the Mayor on behalf of the Town of Lake Park, to execute Amendment 1. Amendment 1 has many advantages for the town. The monthly rent paid by Crown Castle to the Town of Lake Park would increase to $2,950.00. The monthly payment doubles the amount of the previous payments to the town. The total yearly amount is $35,400. Also, the agreement has a Three percent yearly increase of the monthly lease payment. The increase at three percent per month amounts to $88.50 or $36,462 for the second year. Each year thereafter, the increase will compound at 3% of the newly established monthly payment.

With each future subtenant, Crown Castle would split the rental payments fifty percent with the Town in addition to the existing monthly payments mentioned above. Further, Crown Castle maintains an irrevocable option to lease up to 2,000 square feet of real property adjacent to the existing lease area. Subsection 2D does not establish a lease cost (Additional Lease Area). Finally, the term of the new lease with Crown Castle extends the existing lease by four (4) five (5) year terms. The expiration date would be August 9, 2039. The original expiration date of the existing lease without Amendment 1 is August 9, 2019.

**Recommended Motion:** I Move to approve Resolution 25 09-15.

# AGENDA

**Lake Park Town Commission**
**Town of Lake Park, Florida**
**Regular Commission Meeting**
**Wednesday, September 2, 2015, 6:30 p.m.**
**Lake Park Town Hall**
**535 Park Avenue**

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

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

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

**B. PLEDGE OF ALLEGIANCE**

**C. SPECIAL PRESENTATIONS/REPORTS**
**1. Proclamation Honoring Library Employee Carrie Chappelle** **Tab 1**

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

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

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

**2. Budget Workshop Meeting minutes of August 12, 2015** **Tab 2**
**3. Regular Commission Meeting Minutes of August 19, 2015** **Tab 3**

**F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:**
**None**

**G. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**
**4. Ordinance No. 07-2015 Adoption and Updated 20-Year Water Supply Facilities Work Plan and related Comprehensive Plan Amendments related to Sanitary Sewer/ Solid Waste/Drainage/Potable Water/Natural Groundwater Aquifer Recharge; Intergovernmental Coordination; Conservation; and Capital Improvement Elements Tab 4**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO ADOPT AN UPDATED 20-YEAR WATER SUPPLY FACILITIES WORK PLAN AS REQUIRED BY 163.3177, *FLORIDA STATUTES;* PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN TO IMPLEMENT THE UPDATED WATER SUPPLY PLAN; PROVIDING FOR ADOPTION OF UPDATED OBJECTIVES AND POLICIES WITHIN THE COMPREHENSIVE PLAN SANITARY SEWER/SOLID WASTE/DRAINAGE/POTABLE WATER/NATURAL GROUNDWATER AQUIFER RECHARGE, INTERGOVERNMENTAL COORDINATION, CONSERVATION AND CAPITAL IMPROVEMENTS ELEMENTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**H. PUBLIC HEARING (S) – QUASI-JUDICIAL - RESOLUTION:**
**5. Resolution No. 22-09-15 Special Exception Amendment Application for 900 10th Street to Amend the Previously Approved Site and Landscape Plan including Architectural Elevations** **Tab 5**

**I. NEW BUSINESS:**
**6. Amendment Eleven (11) Palm Beach Sheriff's Office Proposed Fiscal Year 2016 Budget Amendment** **Tab 6**

**7. Authorizing the Mayor to Execute an Interlocal Agreement between the Town of Lake Park and Palm Beach County Fire/Rescue** **Tab 7**

**8. Setting the 2015/2016 Non-Ad Valorem Assessed Sanitation Rates** **Tab 8**

**9. Setting the 2015/2016 Non-Ad Valorem Assessed Stormwater Rates** **Tab 9**

**10. Resolution No. 23-09-15 Award the Purchase of Stage Curtains and Window Treatments for the Mirror Ballroom in the amount of $15,750.00.** **Tab 10**

**11. Resolution No. 24-09-15 Recognizing Florida City Government Week, October 18-24, 2015** **Tab 11**

**12. An "After-the-Fact" request to Support the Back-to-School Explosion Event being Organized by Bridges at Lake Park and Children's Home Society** **Tab 12**

**13. Resolution No. 25-09-15 Crown Castle Amendment 1 Agreement** **Tab 13**

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

**K. ADJOURNMENT:**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, September 16, 2015**