



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, December 15, 2010, Immediately
following the CRA Meeting
Lake Park Town Hall
535 Park Avenue

Desca DuBois	—	Mayor
Patricia Osterman	—	Vice-Mayor
Steven Hockman	—	Commissioner
Jeanine Longtin	—	Commissioner
Kendall Rumsey	—	Commissioner
.....		
Maria V. Davis	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian M. Lemley, CMC	—	Town Clerk

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

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. ADDITIONS/DELETIONS - APPROVAL OF AGENDA

F. PUBLIC and OTHER COMMENT

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

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

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

For Approval:

1. Regular Commission Meeting Minutes of November 17, 2010 Tab 1
2. Resolution No. 54-12-10 Parks and Facilities Fee Schedule Tab 2

H. ORDINANCE ON 1ST READING

3. ORDINANCE NO. 13-2010 – Ad Valorem Tax Exemption Tab 3
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES TO CREATE A NEW ARTICLE V ENTITLED “ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS”; PROVIDING FOR SECTION 28-251, ENTITLED “TITLE”; PROVIDING FOR SECTION 28-252, ENTITLED “INTENT”; PROVIDING FOR SECTION 28-253, ENTITLED “DEFINITIONS”; PROVIDING FOR SECTION 28-254, ENTITLED “ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION ESTABLISHED”; PROVIDING FOR SECTION 28-255 ENTITLED “APPLICATION FOR EXEMPTION”; PROVIDING FOR SECTION 28-256, ENTITLED “CONSIDERATION OF APPLICATION”; PROVIDING FOR SECTION 28-257, ENTITLED “APPLICATION FEE”; PROVIDING FOR SECTION 28-258, ENTITLED “REVOCATION OF EXEMPTION; RECOVERY OF FUNDS”; PROVIDING FOR SECTION 28-259 ENTITLED “APPEALS”; PROVIDING FOR SECTION 28-260, ENTITLED “SURVIVAL”; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**I. PUBLIC HEARING
QUASI-JUDICIAL**

4. RESOLUTION NO. 53-12-10 - Special Exception Application for 110 10th Street
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR BOAT SALES AND SERVICE FOR AL’S YAMAHA SALES & SERVICE INC., WITHIN A 5,500 SQUARE FOOT ENCLOSED BUILDING LOCATED AT 110 10TH STREET IN THE C-2 COMMERCIAL ZONING DISTRICT. Tab 4

J. DISCUSSION AND POSSIBLE ACTION

5. Traffic / Street Closure of Poplar Court Tab 5
6. Consultant Presentations and Selection to Provide General Engineering Consultant Services Tab 6

K. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

L. ADJOURNMENT:

Consent Agenda

TAB 1



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

Meeting Date: **December 15, 2010**

Agenda Item No. *Tab 1*

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

SUBJECT: Regular Commission Meeting Minutes of November 17, 2010

RECOMMENDED MOTION/ACTION: To approve the Regular Commission Meeting Minutes of November 17, 2010.

Approved by Town Manager *W. Davis* Date: *12/8/10*
 Deputy Clerk *[Signature]* Date of Actual Submittal *12/1/10*

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

Summary Explanation/Background:



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, November 17, 2010, 7:00 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 17, 2010 at 7:00 p.m. Present were Commissioners Kendall Rumsey, Steven Hockman and Jeanine Longtin, Town Manager Maria Davis, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley. Mayor Desca DuBois and Vice-Mayor Patricia Osterman were absent.

Attorney Thomas Baird explained that a Community Redevelopment Agency Meeting was scheduled but unfortunately due to illness and other circumstances there were not enough members present for a quorum. He explained that they would begin the Regular Commission meeting but since Mayor DuBois and Vice-Mayor Osterman were not present the Commissioners who were present would need to nominate someone to chair the meeting.

Motion: A motion was made by Commissioner Hockman to nominate Commissioner Rumsey to chair the meeting; Commissioner Longtin made the second.

Vote on Motion:

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

Motion passed 3-0

Commissioner Rumsey led the Invocation and the Pledge of Allegiance.
 Town Clerk Vivian Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Motion: A motion was made by Commissioner Hockman to approve the Agenda; Commissioner Longtin made the second.

Commissioner Rumsey asked if the Presentation for Cost Alternatives for Town Wide Street Lighting could be deferred to the next meeting since they did not have a majority of the Commissioners present.

Commissioner Longtin stated that she did not object to that.

Commissioner Hockman stated that he did not object.

Motion: A motion was made by Commissioner Hockman to approve the Agenda as amended; Commissioner Longtin made the second.

Vote on Motion:

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

Motion passed 3-0

PUBLIC AND OTHER COMMENTS:

None

CONSENT AGENDA:

1. Regular Commission Meeting Minutes October 20, 2010
2. Resolution No. 52-11-10 Final Budget Amendment for Fiscal Year 2009-2010
3. Non-Exclusive Roll-Off Service Franchise Agreement

Public Comment Open.

None

Public Comment Closed.

Commissioner Longtin stated that she wanted to discuss each Consent Agenda item. She stated that on page 7 of the Commission Meeting Minutes of October 20, 2010 it states that she wanted to make it clear that it was the “business owners” that wanted to change the Town logo. She stated that it should say the “CRA business owners” because that is what she has stated time and time again.

Commissioner Hockman stated that on page 9 of the Meeting Minutes there was a typo in one of his statements where the word “out” should be “our”.

Motion: A motion was made by Commissioner Hockman to approve item #1 of the Consent Agenda with corrections; Commissioner Longtin made the second.

Vote on Motion:

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

Motion passed 3-0

Commissioner Longtin asked that staff confirm the accuracy of the total of the “General Fund Appropriations” on the attachment for Resolution No. 52-11-10. She stated that upon her review it was inaccurate.

Motion: A motion was made by Commissioner Longtin to approve item #2 of the Consent Agenda with verification of the total “General Fund Appropriations” on the attachment for Resolution No. 52-11-10; Commissioner Hockman made the second.

Vote on Motion:

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

Motion passed 3-0

Commissioner Longtin asked if Town Attorney reviewed the Non-Exclusive Roll-Off Service Franchise Agreements.

Town Attorney Baird stated that he had.

Motion: A motion was made by Commissioner Longtin to approve item #3 of the Consent Agenda; Commissioner Hockman made the second.

Vote on Motion:

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

Motion passed 3-0

BOARD APPLICATION
CRA Board – Gladys Bryant

Ms. Bryan introduced herself to the Commission and stated that she owned a salon on Park Avenue. She gave a brief explanation of her credentials and spoke about why she would be a good candidate for the CRA Board.

The Commissioners turned their completed ballots in to Town Clerk Lemley.

Town Clerk Lemley announced that Ms. Bryant was appointed as the new CRA Board Member.

Commissioner Rumsey congratulated Ms. Bryant and stated that he looked forward to working with her on the CRA Board.

Commissioner Rumsey stated that the next item on the agenda was the “Presentation on Cost Alternatives for Town Wide Street Lighting” which was deferred to the next Commission meeting of December 1, 2010. He asked if postponing the item would affect the ballot question.

Town Clerk Lemley stated that it would not.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Hockman stated that the Seafood Festival seemed to be a very good event. The streets were crowded and he heard a lot of good things about it as well as the Art Show event on Saturday evening. He congratulated staff for the successful events.

Commissioner Longtin stated that Ruth Korman, a resident of the Town had passed. She stated that she did not know her very well but that in the few communications she

had with her she noticed that she was a sweet lady. She wished everyone a “Happy Thanksgiving”.

Commissioner Rumsey stated that the Seafood Festival was a phenomenal event and congratulated staff. He apologized that he could not attend the Art Show on Saturday night but heard that it was a phenomenal event and thanked and congratulated Art Gallery Manager Crista Eide for a successful event. He invited everyone to Downtown at the Gardens on Saturday, November 27, 2010 from 6 p.m. to 10 p.m. for a lighting of a quarter of a million lights synchronized to music. He wished everyone a “Happy Thanksgiving”.

Attorney Baird stated that last Friday, November 12, 2010 the Special Magistrate approved a Reasonable Accommodation for two houses leased by Randy Aberns. The approval was for five women or residents in each house with one house manager. He stated that the good news was that it probably would eliminate Ms. Aberns’ complaint to the Equal Opportunity Office against the Town and the Special Magistrate for the Magistrates previous denial of her applications for those same two houses. He wished everyone a “Happy Thanksgiving”.

Town Manager Davis congratulated Finance Director Anne Costello for receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Officer’s Association for fiscal year ending September 30, 2009. She also congratulated Recreation Director Greg Dowling and Economic Development Director Jennifer Spicer for a wonderful Seafood Festival. She congratulated Art Gallery Manager Crista Eide for a successful art opening featuring ceramist Damon Divine. She stated that there were record sales at that opening. She announced a jewelry show at the art gallery on November 27th from 6 p.m. to 8 p.m. The rings, necklaces, bracelets and earrings are all made by hand from fused glass, clay, Swarovski crystals, natural materials, precious stones and hand-painted wooden beads. Light refreshments will be served and she encouraged people to think of the one of a kind artistic jewelry as holiday gifts. She announced the Holiday Tree Lighting Event at the Town Green on 9th and Park Avenue on December 3rd. Santa will be there and the Lake Park Elementary choir will be singing and there will be plenty of snow for the kids. She announced the Holiday Arts and Crafts Fair on December 18th and 19th on Park Avenue. She stated that there will be arts, crafts, food and entertainment and the special guests that would be performing was the Lake Park Baptist School choir.

She explained that the County Commission voted yesterday to grant the Town 2.4 million dollars from the Water Access Bond to purchase a parcel of land adjacent to the Marina for boat trailer parking. The owner of that land plans to build a restaurant across the street from the Marina on additional land that he owns. She stated that this was huge for the Town and they had been working on it for years and it was nice to finally see it come to fruition. She thanked Community Development Director Patrick Sullivan and Mayor DuBois for assisting with the project. She stated that she was elated that it has finally come to fruition. She wished everyone a “Happy Holiday”.

Commissioner Rumsey stated that he also wanted to recognize Town Manager Davis for her hard work on getting that grant.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Hockman and seconded by Commissioner Longtin, and by unanimous vote, the meeting adjourned at 7:16 p.m.

Mayor Desca DuBois

Deputy Town Clerk, Jessica Shepherd, CMC

Town Seal

Approved on this _____ of _____, 2010

TAB 2



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: December 15, 2010

Agenda Item No. *Tab 2*

- PUBLIC HEARING
- RESOLUTION
- ORDINANCE ON FIRST READING
- DISCUSSION/POSSIBLE ACTION
- ORDINANCE ON SECOND READING
- BID/RFP AWARD
- PRESENTATION/PROCLAMATION
- CONSENT AGENDA
- Other:

SUBJECT: Town Facilities Rental Rates and Usage Fees

RECOMMENDED MOTION/ACTION: Adopt Resolution.

Approved by Town Manager *W. Davis* Date: *12/9/10*
Anne M. Costello *12/9/10*
 Anne M. Costello/Finance director Date of Actual Submittal

Originating Department: Finance	Costs: \$ Funding Source: Acct. #	Attachments: Resolution and Attachment
Department Review: <input type="checkbox"/> Attorney _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance <u><i>AMC</i></u> <input type="checkbox"/> Fire Dept _____	<input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Information Technology _____ <input type="checkbox"/> Library _____ <input checked="" type="checkbox"/> Marina <u><i>Mullins</i></u>	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Recreation <u><i>BTJ</i></u> <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u><i>n/a AMC</i></u> Please initial one.

Summary Explanation/Background: It is recommended that the attached resolution be adopted amending the rental fee schedule for activities at Town-owned facilities. As part of revenue enhancement initiatives being undertaken by the Town Manager it has been determined that a two tiered fee structure may be beneficial to the Town. This will allow the Manager options to be more flexible in attracting events to be held at various venues within the Town and at the same time, enhance revenues.

RESOLUTION NO. 54-12-10

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE REVISED FEE SCHEDULE FOR THE RENTAL OF VARIOUS TOWN FACILITIES AS SET FORTH IN THE “TOWN FACILITIES RENTAL RATE AND USAGE FEE SCHEDULE” ATTACHED HERETO AS EXHIBIT “A” 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, the Town Commission has previously adopted a fee schedule which provides for rental rates when members of the public wish to rent various Town facilities; and

WHEREAS, the Town Commission recognizes that periodic adjustments must be made to the rental rate fee schedule in keeping with increased costs and market costs in general; and

WHEREAS, the Town Commission has determined that it is in the best interest of the public health, safety and general welfare to implement a new rental rate and usage fee schedule, which are set forth in the “Town Facilities Rental Rate and Usage Fee Schedule”, a copy of which is attached hereto and incorporated herein as **Exhibit “A”** .

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

Section 1. The foregoing recitals are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the revised “Town Facilities Rental Rate and Usage Fee Schedule” attached hereto as **Exhibit “A”**, and Town staff is directed to implement the fees set forth therein commencing with the effective date of this Resolution.

Section 3. This Resolution shall take effect immediately upon its adoption.

Exhibit "A"
Town Facilities
Rental Rate and Usage Fee Schedule
December 2010

	Current Charge	Proposed Charge w/No Waiver of Parking Fees	Proposed Charge w/Waiver of Parking Fees
Mirror Ballroom			
Per six (6) hour period or part thereof			
Deposit	500.00	500.00	500.00
Rental Fee	400.00	400.00	400.00
Each Additional Hour	60.00	60.00	60.00
Personnel Fee/staff person	90.00	105.00	105.00
Each Additional Personnel Fee/Hour	15.00	17.50	17.50
Cleaning Fee	25.00	25.00	25.00

Lake Shore Park Pavilion
Per four (4) hour period or part thereof

Deposit	200.00	200.00	200.00
Rental Fee	200.00	200.00	300.00
Each Additional Hour	45.00	45.00	75.00
Cleaning Fee	15.00	25.00	25.00

Lake Shore Park and Pavilion (not exclusive)
Per six (6) hour period or part thereof
Special event permit is required

Deposit	-	500.00	500.00
Rental Fee	-	600.00	900.00
Each Additional Hour	-	100.00	150.00
Cleaning Fee		25.00	25.00
Public Works Staff/Person (Weekdays)	-	25.00	25.00
Public Works Staff/Person (OT)		40.00	40.00
Recreation Staff/Person	-	17.50	17.50

Note: Staffing needs will be determined by the Town based on event. Additional charges may apply for site preparation and restoration.

	Current Charge	Proposed Charge w/No Waiver of Parking Fees	Proposed Charge w/Waiver of Parking Fees
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Lake Shore Park Pavilion and Surrounding Park (Exclusive)

Per day or part thereof

Plus 10% of net proceeds to the Town

Special event permit is required

Deposit	-	-	750.00
Rental Fee	-	-	1,320.00
Cleaning Fee	-	-	25.00
Public Works Staff/Person (Weekdays)	-	-	25.00
Public Works Staff/Person (OT)	-	-	40.00
Recreation Staff/Person	-	-	17.50
2CY Dumpster ea.	-	-	45.00

Note: Staffing needs will be determined by the Town based on event. Additional charges may apply for site preparation and restoration.

Lake Shore Park Picnic Shelter

Per six (6) hour period or part thereof

Deposit	100.00	100.00	100.00
Rental Fee	50.00	50.00	170.00
Each Additional Hour	-	-	-

Kelsey Park Gazebo

Per four (4) hour period or part thereof

Deposit	-	50.00	50.00
Rental Fee	25.00	25.00	130.00
Each Additional Hour	5.00	5.00	32.50

	Current Charge	Proposed Charge w/No Waiver of Parking Fees	Proposed Charge w/Waiver of Parking Fees
Marina Meeting Room Only			
Per six (6) hour period or part thereof			
Deposit	200.00	200.00	200.00
Rental Fee	300.00	300.00	450.00
Each Additional Hour	50.00	50.00	75.00
Personnel Fee/staff person	-	17.50	17.50
Each Additional Personnel Fee/Hour	15.00	17.50	17.50
Cleaning Fee	-	25.00	25.00

Note: Staffing needs will be determined by the Town based on event.

Marina Meeting Room and Patio Area

Per six (6) hour period or part thereof

Special event permit is required

Deposit	-	500.00	500.00
Rental Fee	-	750.00	1,050.00
Each Additional Hour	-	125.00	175.00
Personnel Fee/staff person	-	17.50	17.50
Each Additional Personnel Fee/Hour	-	17.50	17.50
Cleaning Fee	-	100.00	100.00

Note: Staffing needs will be determined by the Town based on event.

Marina Event Fee (Tournaments)

Parking Fees not Waived

Special event permit is required

500.00	-	500.00
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Residents receive a 10% discount on rental fees only.

TAB 3



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: December 15, 2010

Agenda Item No. *Tab 3*

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

SUBJECT: Ad Valorem Tax Exemption Ordinance

RECOMMENDED MOTION/ACTION: Approval

Approved by Town Manager

W. Davis

Date: *12/16/10*

Patrick Sullivan
Name/Title

11/30/10
Date of Actual Submittal

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

Summary Explanation/Background: The Town, in March of 2009, agreed by referendum to adopt an Ad Valorem Tax exemption ordinance that would provide for economic development incentives for larger, targeted businesses to locate in Lake Park. The exemption is limited in scope and generally only available to manufacturing companies that create 10 or more jobs or other

businesses that create at least 25 full-time employee positions and take in more revenue out of state than in-state and finally a corporate office that employs 50 or more employees. Generally speaking, retail establishments and smaller businesses are not eligible.

What is before you tonight is the ordinance that provides the framework for future requests for tax exemptions. This ordinance closely follows Florida State Statutes. It should be noted that each and every request for a tax exemption must be reviewed and approved by the Town Commission. This ordinance simply supplies the framework for review. The ordinance has been reviewed by the Town Attorney for legal sufficiency. Staff recommends approval.

ORDINANCE NO. 13-2010

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES TO CREATE A NEW ARTICLE V ENTITLED "ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS"; PROVIDING FOR SECTION 28-251, ENTITLED "TITLE"; PROVIDING FOR SECTION 28-252, ENTITLED "INTENT"; PROVIDING FOR SECTION 28-253, ENTITLED "DEFINITIONS"; PROVIDING FOR SECTION 28-254, ENTITLED "ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION ESTABLISHED"; PROVIDING FOR SECTION 28-255 ENTITLED "APPLICATION FOR EXEMPTION"; PROVIDING FOR SECTION 28-256, ENTITLED "CONSIDERATION OF APPLICATION"; PROVIDING FOR SECTION 28-257, ENTITLED "APPLICATION FEE"; PROVIDING FOR SECTION 28-258, ENTITLED "REVOCATION OF EXEMPTION; RECOVERY OF FUNDS"; PROVIDING FOR SECTION 28-259 ENTITLED "APPEALS"; PROVIDING FOR SECTION 28-260, ENTITLED "SURVIVAL"; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Article VII, Section 3, of the Constitution of the State of Florida and Florida Statutes §196.1995 empowers the municipality to grant economic development ad valorem tax exemptions provided the electors of the municipality, affirmatively vote in a referendum to authorize such exemptions; and

WHEREAS, in a referendum which was held on March 10, 2009, the electors of the Town authorized the Town Commission to grant economic development ad valorem tax exemptions provided a business qualifies for same and;

WHEREAS, It is the intent of the Town Commission by enacting this article to provide an incentive to those new or expanded businesses which, in accordance with the statute are eligible, and which would make a positive contribution to the economy of the Town by providing new jobs and improvements to real and personal property within the Town; and

WHEREAS, It is the intent of the Town Commission to promote the economy by creating jobs in the municipality in such a way so as not to disadvantage existing businesses while recognizing that productive competition assists in economic growth.

WHEREAS, the Town Commission desires to provide incentives to businesses of diverse industries which would have a positive impact on the economy of the Town; and

WHEREAS, the Town Commission declares that the provision of ad valorem tax exemptions pursuant to this article serves the public purpose of fostering economic growth in the Town which will benefit of the Town's residents and its business owners; and

WHEREAS, the Town Commission will consider applicants for exemptions in a rational, nondiscriminatory basis.

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

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

Section 2. Chapter 28, Article V, to be entitled "Economic Development Ad Valorem Tax Exemption" and Sections 28-251, 28-252, 28-253, 28-254, 28-255, 28-355, 28-256, 28-257, 28-258, 28-259, 28-260 and 28-262 of the Code of Ordinances of the Town of Lake Park, Florida are hereby created to read as follows:

ARTICLE V. ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION

Sec. 28-251. Title.

This article shall be known and cited as the "Economic Development Ad Valorem Tax Exemption Ordinance of Lake Park, Florida."

Sec. 28-252. Intent.

It is the intent of the Town Commission by enacting this article to provide an incentive which benefits a new business which agree to locate within the Town, or an existing business in the Town which expands, provided such business meets the statutory intent of Section 196.1995, F.S.

It is the intent of the Town Commission by enacting this article to promote the Town's economy by creating jobs in the Town.

It is the intent of the Town Commission by enacting this article to provide incentives to businesses of diverse industries which would have a positive impact on the Town's economy.

Sec. 28-253. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in current Florida Statutes and the Florida Administrative Code. Should any of these definitions contained in Florida Statutes, or the Florida Administrative Code be amended, the definitions herein shall be interpreted such that they conform to the amended definitions.

Applicant: Any person, firm, partnership, or corporation who files an application with the commission seeking an economic development ad valorem tax exemption.

Commission: The town commission of Lake Park, Florida.

Business: Any activity engaged in by any person, firm, partnership, corporation, or other business organization or entity, with the object of private or public gain, benefit, or advantage, either direct or indirect.

Department: The Florida Department of Revenue.

Enterprise zone: An area designated as an enterprise zone pursuant to F.S. 290.0065.

Expansion of an existing business: As defined in F.S. § 196.012(16), an expansion of an existing business means:

- (1)
 - a. A business establishing 10 or more jobs in the Town which would employ 10 or more full-time employees, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or
 - b. A business establishing 25 or more jobs in the Town which would employ 25 or more full-time employees, the sales factor of which, as defined by F.S. § 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 50 % inside the Town for each year the exemption is claimed; or
 - c. A business occupying office space in the Town which establishes 50 or more jobs employing 50 or more full-time employees; or
 - d. Any business located in an enterprise zone (pursuant to F.S. § 290.0065) which creates new full-time jobs in accordance with the business disciplines identified above.

(2) The expansion of an existing business, including a business located in an enterprise zone, which increases operations on a site which is co-located with a commercial or industrial operation owned by the same business, and which results in a net increase in employment of not less than 10 % or an increase in productive output of not less than 10 %.

Goods: All personality when purchased primarily for personal, family, or household use, but not including personality sold for commercial or industrial use.

Improvements: Physical changes made to raw land, and structures placed on or under the land surface.

New business: As defined in F.S. § 196.012(15), a new business means:

- (1)
 - a. A business establishing 10% or more jobs to employ 10% or more full-time employees in the Town and which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or
 - b. A business establishing 25 or more jobs and which employs 25 or more full-time employees in the Town, the sales factor of which, is defined by F.S. § 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 50% in the Town for each year the exemption is claimed; or
 - c. An office space in the Town which is leased or owned and used by a corporation newly domiciled in the Town; provided such office space houses 50 or more full-time employees of such corporation; or
 - d. Any business located in an enterprise zone (pursuant to F.S. § 290.0065) and creating new full-time jobs in accordance with the business disciplines identified above.
- (2) Any new business, including a business located in an enterprise zone, must first begin operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

Retail operation: A business regularly engaged in, and whose business consists to a substantial extent of, selling goods to a buyer, not principally for the purpose of resale.

Sales factor: As primarily defined in F.S. § 220.15(5), the sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

Sec. 28-254. Economic development ad valorem tax exemption established.

(a) Incentive. There is herein established an economic development ad valorem tax exemption (hereinafter the "exemption"). The exemption is a local option tax incentive for new or expanding businesses which may be granted or refused at the sole discretion of the commission.

(b) Ineligible improvements. The exemptions shall not accrue to improvements to real property made by or for the use of new or expanding businesses when such improvements have been included on the tax rolls prior to the effective date of the ordinance specifically granting a business an exemption as provided in subsection 28-257(g) herein.

(c) Eligible improvements. Any exemption granted by the Town may apply up to 100% of the assessed value of the improvements the business has made to real property for the use of by the business and all tangible personal property of such business, or up to 100% of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate the expansion of an existing business, provided that the improvements to real property are made or the tangible personal property

is added or increased under either of the following two conditions:

(1) By January 1 of the year in which the application will be filed as provided in subsections 28-255(f)(1) and 28-257(g) herein; or

(2) After the effective date of the ordinance specifically granting a business an exemption as provided in subsections 28-255(f)(2) and 28-257(g) herein.

Property acquired to replace existing property shall not be considered to facilitate a business expansion.

(d) Exemption period. The exemption period may extend for up to 10 years from the date the commission adopts the ordinance granting an exemption.

(e) Land. No exemption shall be granted for the land upon which a new or an expanded businesses is located.

(f) Completed or planned improvements. A business may file an exemption under either of the following two conditions:

(1) Completed improvements. No exemption shall be granted to any existing building or an addition to an existing building unless such building or addition was completed within the 12 month period (January 1 to December 31) preceding the date of an application.

(2) Planned improvements. The only exception to subsection (1) above is when a business submits an application and the building or addition was not completed within the 12 month period preceding the date of the application and/or all tangible personal property improvements are not in the building or addition at the time of the filing of the application, but the application identifies all planned improvements, including the total estimated amount of such improvements, none of which can be changed or increased following the adoption of the ordinance granting the exemption.

(g) Retail. No exemption shall be granted to any retail business unless it otherwise qualifies for an exemption as set forth in this article.

(h) Taxes applicable. The exemption applies only to taxes levied by the Town. The exemption does not apply to taxes levied by a county, school district, or water management district, stormwater district, or other special taxing districts or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9 and Section 12, Article VII of the Florida Constitution.

(i) Business maintenance, annual report and annual exemption renewal application. The entitlement to an exemption for the period granted is conditioned upon:

(1) Business maintenance. The maintenance of the new business or the expansion of an existing business as defined in section 28-254 throughout the entire period of the exemption granted; and

(2) Annual report. The applicant shall annually submit to the commission a report which demonstrates that it remains eligible for the exemption. The report shall be submitted to the commission on or before March 1 for each year the exemption is in effect. The report shall be made in such form as prescribed by the Community Development Department. The Community Development Department shall provide the applicant with an annual report form no later than December 1.; and

(3) Annual renewal exemption application. The applicant shall submit an annual exemption renewal application and employee roster to the Property Appraiser on or before March 1 evidencing satisfaction of this condition. The renewal application shall be made in such form as prescribed by the Community Development Department.

(4) Continued performance. Any business granted an exemption shall furnish to the commission or its designee, such information as the commission or its designee may reasonably deem necessary for

the purpose of determining continued performance by the business of the conditions stated in this article and the representations made in the application process.

Sec. 28-255. Application for exemption.

(a) Application. Any eligible person, firm, partnership or corporation which desires an exemption shall file with the Town a written application on a form provided by the Community Development Department.

(b) Information required to evaluate the benefit to the Town. In order to evaluate the economic impact upon the town, the applicant shall, at a minimum, submit information regarding the following criteria:

- (1) The name and location of the new business or of an existing business which is proposing an expansion;
- (2) The name of the owner(s) of the eligible new or existing business;
- (3) A description of the improvements to the real property for which an exemption is requested and the date of the expected commencement of construction of such improvement;
- (4) A description of the tangible personal property for which an exemption is requested and the dates when such property was or is expected to be purchased;
- (5) Proof, to the satisfaction of the commission, that the applicant meets the criteria for a new business or for the expansion of an existing business as defined in section 28-253 hereof;
- (6) The current number of full-time/equivalent (FTE) and seasonal employees of the expanding business; the total number of FTE and seasonal jobs to be created and maintained by the new or expanding business, and the period (total number of years) needed to fill all of the new jobs;
- (7) The expected number of employees who will reside in the municipality;
- (8) The average annual wage of the new jobs, identifying the average annual salary with executives salaries included and with executives' salaries excluded;
- (9) A detailed description of the type of industry or business;
- (10) The environmental impact of the business;
- (11) The current and anticipated volume (in dollars) of business or production, and the percentage of total product sales outside of the municipality;
- (12) Whether relocation or expansion would occur without the exemption;
- (13) The cost and demand for services which are generated by the new business, or the expansion of the existing business;
- (14) The source of supplies (local or otherwise);
- (15) Whether the business will be/is located in a community redevelopment area and/or enterprise zone; and
- (16) The total length (number of years) of the exemption period being requested.
- (17) Other information deemed necessary by the Department to evaluate the applicant's economic impact upon the Town.

(c) Job creation and maintenance. In order to continue to be eligible for the exemption for the period the exemption has been granted, the business must commence the creation of full-time jobs within the period of the exemption and shall maintain those jobs created annually by the business throughout the period of exemption through its expiration. If a business requires time beyond the date of the expiration of the exemption to fulfill its representations regarding new jobs, and any other criteria identified in the application and relied upon by the Town, the business may propose

different terms which shall be reduced to a written agreement with the Town. The agreement will obligate the business to comply fully with those commitments.

(d) Community redevelopment agency. If a new business, or an existing business proposes an expansion in the Town's community redevelopment area, the community redevelopment agency shall be provided a copy of the application for its review and comment. The comments of the community redevelopment agency, if any, may be taken into consideration by the commission when deciding whether to grant an application. The comments of the community redevelopment agency may also be in the form of an objection to an application for an exemption..

(e) Filing deadline. Any applicant who is seeking an exemption shall file the application on or before March 1 of the year in which an exemption is requested.

(f) Review. Upon submittal of the application, the Department of Community Development shall provide an initial review within 10 business days of the applicant's submission of the application and shall notify the applicant of any deficiencies noted as part of its initial review.

(g) Agreement. A business will be required to enter into an agreement with the commission to ensure that the business will satisfy its job creation and maintenance obligations.

Sec. 28-256. Consideration of application.

(a) Action within ninety-day period. The commission shall consider all complete applications and may take action on an application, including the enactment of an ordinance to grant such applications as it determines to be eligible for an exemption, within 90 days of March 1. During this 90 day period, all interested agencies and parties shall have an opportunity to review and comment on any application under consideration for exemption..

(b) Eligibility threshold. The threshold for eligibility is whether the business meets the definition of a new business or for the expansion of an existing business as provided in section 28-253, and one which is not an ineligible business or industry as defined in subsection (d) herein below and subsection 28-255(g).

(c) Economic benefit. The next level to determine eligibility is the commission's consideration of the information in the application to determine whether the economic benefit test set forth in 28-255 of this Code has been met.

(d) Environmental. An existing business which is in violation of any federal, state, or Town law, rule or regulation governing environmental matters is not eligible for the exemption provided for herein.

(e) Property appraiser review. Before the commission takes action on an application, the commission shall deliver a copy of the application to the Palm Beach County Property Appraiser's review of the fiscal impact of the exemption, if granted. The Property Appraiser shall report to the commission the fiscal impact of granting the exemption Within 30 days

(f) Property appraiser report. The property appraiser's report shall include the following:

(1) The total revenue available to the Town for the current fiscal year from ad valorem tax sources or an estimate of such revenue if the actual total available revenue cannot be determined;

(2) The amount of revenue which would be lost to the Town for the current fiscal year for all exemptions previously granted, or an estimate of such revenue if the actual revenue lost cannot be determined;

(3) An estimate of the amount of revenue which would be lost to the municipality for the current fiscal year if the exemption applied for was granted had the property for which the exemption is

exemption is requested otherwise been subject to taxation: and

(4) A determination as to whether the property which is the subject of an application for exemption is to be incorporated into a new business or the expansion of an existing business, or into neither, which determination the property appraiser shall also affix to the face of the application. Upon request, the department will provide the property appraiser such information as it may have available to assist in making this determination.

(g) Ordinance. After consideration of the application and the report of the Property Appraiser, the commission may adopt an ordinance granting the exemption. If granted, the ordinance shall include the following information:

(1) The name and address of the new business or the expansion of an existing business;

(2) The name of the owner(s) of the new business or the expansion of an existing business;

(3) The total amount of revenue available to the Town from ad valorem tax sources for the current fiscal year, the total amount of the revenue lost to the Town for the current fiscal year by virtue of exemptions currently in effect, and the estimated amount of revenue attributable to the exemption granted to the new or expanding business;

(4) That the exemption expires on the 10 year anniversary date of the commission's enactment of the ordinance granting the exemption; and

(5) A finding that the business meets the definition of a new business or an expansion of an existing business as set forth in section 28-253.

(h) Ownership. Any business granted an exemption shall inform the commission in writing within 10 days as to any changes in ownership of the business granted an exemption. The failure of a business which has been granted an exemption to notify the commission in writing of a change in ownership is cause for revocation of the ordinance granting the exemption.

(i) Precedent. No precedent shall be implied or inferred by the granting of an exemption to a new or expanding business. Applications for exemptions shall be considered by the commission on a case-by case basis for each application, after consideration of the application and the Property Appraiser's report on the application.

Sec. 28-257. Application fee.

A nonrefundable fee in the amount of \$1,000.00 plus any additional expenses incurred by the Town which may include attorney's fees, ordinance advertising requirements, etc. shall be charged for processing the economic development ad valorem tax exemption application and preparing, implementing, and monitoring any exemption ordinance adopted by the commission.

Sec. 28-258. Revocation of exemption; recovery of funds.

(a) Commission. Should any new business or expansion of an existing business fail to file the annual report with the commission on or before March 1 of each year the exemption has been granted as required in sections 28-255(i)(1) and (2), or fail to continue to meet the definition of a new business or an expansion of an existing business, and/or fail to fulfill any other representation made to the commission during the application process, including the creation and maintenance of the total number of new jobs identified by a business in the application (exhibit "A," not set out herein, but on file in the office of the municipality clerk), the commission may adopt an ordinance revoking the ad valorem tax exemption.

(b) Revocation. The revocation of an ordinance may occur for a business that fails to fulfill its

obligations as provided for under the ordinance granting the business an exemption after the expiration of this article on March 9, 2019. The effective date for revocation of the exemption will be identified in the ordinance.

(c) Notification. Upon revocation, the commission shall immediately notify the property appraiser.

(d) Recover taxes. For any year that taxes may have been exempted and the commission finds that the business was not entitled to the exemption, such taxes may be recovered and the property appraiser will assist the commission to recover any taxes exempted.

(e) Property appraiser. Should any new business or expansion of an existing business fail to file the annual exemption renewal application with the property appraiser on or before March 1 of each year the exemption has been granted as required in subsections 28-255(i)(3) and in accordance with F.S. § 196.011(1)(a), or fail to continue to meet the definition of a new business or an expansion of an existing business, the property appraiser may deny the exemption in accordance with F.S. § 196.193(5).

(f) Reapply. Nothing herein shall prohibit a business from reapplying for an ad valorem tax exemption pursuant to state law.

Sec. 28-259. Appeals.

The decision of the Town Commission denying an exemption to a particular business is subject only to judicial review based upon the record of the hearing wherein the application was considered.

Sec. 28-260. Survival.

For purposes of enforcement and revocation, this article shall survive the expiration date of March 9, 2019.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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

TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: DECEMBER 15, 2010

Agenda Item No. Tab 4

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

SUBJECT: SPECIAL EXCEPTION APPLICATION FOR 110 10TH STREET

RECOMMENDED MOTION/ACTION:

APPROVAL OF A SPECIAL EXCEPTION APPLICATION TO ALLOW FOR A 5,500 SF BOAT SALES & SERVICE FACILITY TO BE LOCATED WITHIN AN ENCLOSED BUILDING AT 110 10TH STREET

Approved by Town Manager *P. Sullivan* **Date:** 12/9/10

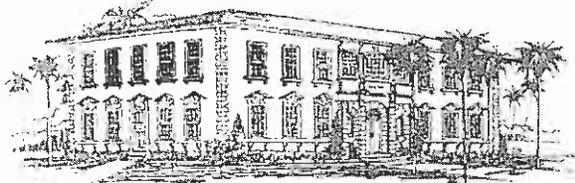
PATRICK SULLIVAN
Name/Title

12/03/2010
Date of Actual Submittal

Originating Department: COMMUNITY DEVELOPMENT	Costs: \$ Funding Source: Acct. #	Attachments: STAFF REPORT RESOLUTION #53-12-10
Department Review: <input checked="" type="checkbox"/> Attorney _____ <input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____	<input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Information Technology _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Recreation _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: <u>12/05/2010</u> Paper: <u>PB POST</u> <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>X</u> OR Not applicable in this case <u>n/a</u> Please initial one.

Summary Explanation/Background:

The Applicant is currently operating his business at 115 North Federal Highway. The Town is purchasing this property and he will have to relocate. He has been in business in the Town of Lake Park for the past two years. The Applicant is proposing to relocate to 110 10TH Street in an attempt to keep his business within the Town's boundaries. The subject site has a "Commercial/Light Industrial" land use which supports the proposed "Boat Sales & Service" zoning use. The building is fully sprinkled and has a fire alarm. Palm Beach County Fire does not have an issue with this type of business locating here. Town staff is recommending approval of this special exception.



LAKE PARK TOWN HALL NATIONAL HISTORIC SITE

"Jewel" of the Palm Beaches

**TOWN LAKE OF PARK
TOWN COMMISSION**
Meeting Date: December 15, 2010
Date Prepared: November 30, 2010

**REQUEST BY AL'S YAMAHA SALES & SERVICE, INC., TO AUTHORIZE A
SPECIAL EXCEPTION USE OF BOAT SLAES AND SERVICE WITHIN A
5,500 SF ENCLOSED BUILDING LOCATED AT 110 10TH STREET IN THE C-2
ZONING DISTRICT.**



APPLICANT'S REQUEST: A application for a special exception use of boat sales and service to allow Al's Yamaha Sales & Service, Inc. to operate a 5,500 sf Boat Sales & Service facility within an enclosed building located at 110 10th Street in the C-2 zoning district.

STAFF RECOMMENDATION: APPROVAL OF THE SPECIAL EXCEPTION USE subject to any conditions of approval set forth by the Town Commission.

BACKGROUND:

Applicant(s): Al's Yamaha Sales & Service, Inc.
Owner(s): Frederick M. Dahlmeier Trust
Address/Location: 110 10th Street, Lake Park, FL 33403
Net Acreage: 0.42 acre lot; 5,500 sf building
Legal Description: KELSEY CITY LTS 20 TO 24 INC BLK 45
Existing Zoning: C-2 Business District
Future Land Use: Commercial/Light Industrial

Adjacent Zoning

North: C-2
South: City of Riviera Beach (Commercial)
East: C-2
West: FEC Railroad

Adjacent Existing Land Use

North: Commercial/Light Industrial
South: City of Riviera Beach (Commercial)
West: FEC Railroad
East: Commercial

SUMMARY OF REQUEST

The Applicant is requesting the approval of a special exception use of an enclosed 5,500 sf building for boat sales & service within the C-2 commercial zoning district. This use is expressly listed in the C-2 zoning district Sec. 78-72 of the Town Code. Section 78-72 states as follows :

"The town commission may permit special exception uses in the C-2 zoning district provided the town commission determines that the proposed use meets the special exception zoning criteria established in this chapter and is consistent with the goals, objectives and policies of the town's comprehensive plan. In order to ensure that the special exception use is consistent with and implements good zoning practices and the goals, objectives and policies of the town's comprehensive plan. The town commission may impose conditions upon the approval of a special exception use, including, but not limited to, conditions which require an applicant to exceed standards which have been adopted pursuant to the town's land development regulations." Sec.78-72

The Applicant is currently operating this business at 115 North Federal Highway. He has been in business in the Town of Lake Park for the past two years. The Applicant is proposing to relocate to the subject property so that he can maintain the business within the Town. The subject property has a "Commercial/Light Industrial" Future Land Use designation which would allow the special exception use of "Boat Sales & Service" zoning use. The building is fully sprinkled and has a fire alarm. Palm Beach County Fire does not have an issue with this type of business locating here.

Staff finds that all the special exception criteria in the Town Code have been satisfied, and recommends that the Town Commission **APPROVE** the special exception use for a 5,500 sf boat sales & service facility, within an enclosed building, in the C-2 district on the subject property.

SPECIAL EXCEPTION CRITERIA

The Town Commission may permit special exception uses in the C-2 zoning district, provided that the Town Commission determines that the proposed use meets the special exception zoning criteria established in Section 78-184 of the Town Code, and is consistent with the goals, objectives and policies of the Town's Comprehensive Plan. The Town Commission may impose conditions upon the approval of a special exception use, including, but not limited to, conditions which require an applicant to exceed standards which have been adopted pursuant to the Town's land development regulations.

The following policies indicate the consistency between the Comprehensive Plan and the proposed use:

Future Land Use Element

Objective 1: Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land regulations which: ... (3) encourage redevelopment, renewal or renovation, where and when necessary; and (4) discourage the proliferation of urban sprawl.

The Applicant is proposing to relocate his boat sales & service facility and remain within the Town in an area zoned Commercial, with a Commercial/Light Industrial land use. This is permitted as a special exception use in the C-2 district and determined solely by the Town Commission.

Policy 1.4: Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for commercial land use intensities as indicated below:

- a. Location shall be in accordance with the Future Land Use Map.
- f. Adequate off-street parking and loading facilities shall be provided.

The Future Land Use Map delineates this area as a commercial/light industrial area. Boat Sales & Service is commercial/light industrial use. Section 78-72 allows for a Boat Sales & Service facility within an enclosed building as a special exception use in the C-2 zoning district.

The proposed business will not generate any additional traffic above and beyond the traffic that is typically generated by a commercial business. The code section 78-145(g) requires employee and customer parking calculated at one space per 500 sf of enclosed gross floor area. The 5,500 sf building requires 11 spaces, and the property currently provides 12 spaces and can be reconfigured if need be to accommodate the necessary parking. The business is not proposing to utilize the property for outdoor storage and all operations will be kept indoors within an enclosed building. The property is fully screened with a fence and landscaping.

8.0 Conservation

Objective 1: Protect air quality within the Town of Lake Park

The Applicant anticipates that the degree of noise, odor or other potential nuisance factors will not be increased by granting the special exception use of a boat sales & service business. The existing business has been operating on Federal Highway without any notable disturbances and/or nuisances.

Analysis of Criteria and Findings for Special Exception

The Code of Ordinances provides for the following process for a special exception approval:

Sec. 78-184. Criteria for special exception.

(a) A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:

(1) The proposed special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

The proposed use is commercial/light industrial in a commercial/light industrial area. Surrounding businesses include auto service, office, warehousing and industrial uses.

(2) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.

The Code allows Boat Sales & Service as a special exception use in the C-2 zoning district under Section 78-72 of the Town Zoning Code. Special review and determination by the Town Commission is required as per Code Section 78-72.

(3) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

The Applicant's current business use is compatible with the character and use of the surrounding properties. The business is of a commercial nature. No changes are being proposed to the business' main function which includes boat sales & service done solely within an enclosed building. The business will be open during daytime hours similar to surrounding businesses and will not generate any additional traffic than that of surrounding businesses. A minimum of eleven (11) customer and employee (*all other operations performed indoors*) parking spaces are required and is provided.

(4) The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

There are no boat sales & service uses in the immediate area. The proposed use will not be detrimental to the area seeing as there haven't been any past disturbances and the business has been in existence for at least 2 years at another location in the Town of Lake Park.

(5) The proposed special exception use does not have a detrimental impact on surrounding properties based on:

- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;
- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and
- c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

The use will not result in an increase in persons utilizing the property at any given time above and beyond a standard commercial/light industrial use. This will subsequently not generate any additional traffic and will not create a heightened degree of noise.

(6) That the proposed special exception use:

- a. Does not significantly reduce light and air to adjacent properties.
- b. Does not adversely affect property values in adjacent areas.
- c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.
- d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.
- e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The proposed special exception will not reduce light and air to adjacent property, adversely affect property values, deter redevelopment, or impact any natural systems. The use will be located internal to an existing building that has been operating as a commercial building since its existence. Employees and customer service areas will remain indoors. The Applicant is requesting that the Town Commission approve his boat sales & service use which is permitted as a special exception in the C-2 zoning district.

STAFF RECOMMENDATION ON SPECIAL EXCEPTION REQUEST:

Staff finds that all the criteria has been satisfied, and recommends that the Town Commission **APPROVE** the special exception request for a 5,500 sf Boat Sales & Service facility located within an enclosed building at 110 10th Street with any conditions of approval as may be set by the Town Commission.

RESOLUTION NO. 53-12-10

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR BOAT SALES AND SERVICE FOR AL'S YAMAHA SALES & SERVICE INC., WITHIN A 5,500 SQUARE FOOT ENCLOSED BUILDING LOCATED AT 110 10TH STREET IN THE C-2 COMMERCIAL ZONING DISTRICT.

WHEREAS, the Frederick M. Dahlmeier Trust , is the owner (the "Owner") of a ± 0.42 acre parcel of real property located in the C-2 business zoning district in the Town of Lake Park, Florida (the "Town"), the legal description of which is attached hereto and incorporated herein as **Exhibit "A"** (the "subject property"); and

WHEREAS, Al's Yamaha Sales & Service, Inc., would be the tenant of the subject property; and

WHEREAS, Al's Yamaha Sales & Service, Inc., (the "Applicant") has submitted an application for a special exception use for a boat sales and service facility (the "Application") within a 5,500 square foot enclosed building on the subject property; and

WHEREAS, Town Code Section 78-72 allows for "boat sales & service" as a special exception use in the C-2 zoning district; and

WHEREAS, the Town Commission conducted a quasi-judicial hearing on December 15, 2010 to consider the Application; and

WHEREAS, at this hearing the Town Commission considered the evidence presented by the Town Staff, the Owner, the Applicant, and other interested parties and members of the public as to the Application's consistency with the Town's Comprehensive Plan, and whether it meets the Town's Land Development Regulations; and

WHEREAS, at this hearing, the Town Commission considered the evidence presented by the Town Staff, the Owner, the Applicant, and other interested parties and members of the public regarding whether the Application meets the special exception criteria of Section 78-184 of the Town Code; and

WHEREAS, the Town Commission has received and considered the recommendations of the Town staff, and has otherwise been fully informed regarding this matter.

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

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

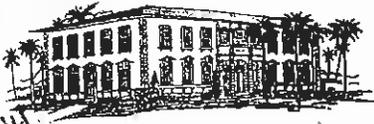
Section 2. The Town Commission having determined that the Application for a Special Exception for a 5,500 square foot boat sales & service facility located within an enclosed building at 110 10th Street meets the special exception criteria of Section 78-184 of the Town Code, the special exception use is hereby granted.

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

Exhibit "A" – Legal Description.

Exhibit "A" – Legal Description
110 10th Street, Lake Park, Florida 33403

KELSEY CITY LTS 20 TO 24 INC BLK 45



2010

THE TOWN OF LAKE PARK
Community Development Department

115 Federal Hwy
Lake Park, FL 33403

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Name of Applicant/Agent: AL's YAMAHA Sales + Service

Address: 110 10th Street

Telephone: 561-844-6668 Fax: 561-881-7903

E-mail address: ALS YAMAHA OUTBOARDS @ Yahoo.com

Owner Agent (Attach Agent Authorization Form)

Owner's Name (if not applicant): Frederick M. Dahlmeier

Address: 760 US Hwy One North Palm Beach, FL 33408

Telephone: 361-848-2200 Fax: 361-691-1901

E-Mail address: fdahlmeier@bellsouth.net

Property Location: 110 10th Street Lake Park, FL 33403

Legal Description: Lots 20-24, BIK 45 Kelsey City

Property Control Number: 36-43-42-20-01-045-0200

Future Land Use: _____ Zoning: _____

Acreage: 17,500 ft² Square Footage of Use: 5500

Proposed Use: _____

Adjacent Property

Direction	Zoning	Business Name	Use
North	C2		Commercial
East	C2		"
South	North Beach (Commercial)		"
West	Industrial Tracts		"

Community

DEC - 8 2010

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SPECIAL EXCEPTION

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Personally appeared before me, a Notary Public, within the jurisdiction of my office, the undersigned, FREDERICK M. DAHLMEIER, who is duly sworn, deposes and says:

1. This Affidavit is made, executed and sworn to, based on the facts stated herein by the Affiant.
2. Affiant is a resident of Palm Beach County, Florida, over the age of 18 years.
3. Affiant owns the following described property in said County: Commercial warehouse facility at 110 10th Street, Lake Park, Florida, 33403 TIN:36-43-42-20-01-045-0200 (the "Premises").
4. Affiant acquired the Premises by way of Warranty Deed recored in Official Record Book 4784, page 87 of the public records of Palm Beach County, Florida; a copy of said deed is attached hereto as Exhibit A.
5. Affiant authorizes Al's Yamaha Sales & Service, Inc., a Florida Corporation, the tenant of the Premises, to act as Agent for Affiant with respect to an Application For Special Exception with the Town of Lake Park with respect to the Premises.

FURTHER AFFIANT SAYETH NOT.

[Signature]
FREDERICK M. DAHLMEIER

SWORN TO AND SUBSCRIBED before me by Frederick M. Dahlmeier (who is personally known by me or Mary Beth Carcaise) as identification on this 8th day of November, 2010.



Mary Beth Carcaise
Mary Beth Carcaise

1856

WARRANTY DEED
REC'D. TO INDEX

This Warranty Deed Made the 3rd day of February, 1986 by

Robert Needle, a married person, and Michael Berry, a married person,

hereinafter called the grantor, to

Frederick M. Dahlmeier, Trustee

whose postoffice address is 2001 Broadway, #601, Riviera Beach, Florida, 33404

hereinafter called the grantor:

do hereby and herein the words "grantor" and "grantee" include all the grantor or the grantee and their heirs, legal representatives and assigns of individuals, and the survivors and assigns of corporations.

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, lawfully grants, conveys, sells, releases, remises, releases, conveys and confirms unto the grantee, all that certain land situated in Palm Beach County, Florida, to:

Lots 20 through 24, Block 45, LAKE PARK (formerly Kelsey City), according to the Plat thereof, recorded in Plat Book-8, Page 27, Public Records of Palm Beach County, Florida.

SUBJECT to mortgage executed by Michael Berry and Robert Needle in favor of Sunrise Savings and Loan Association of Florida, Inc., dated December 20, 1983 and filed January 6, 1984 in Official Records Book 4128, Page 1111, as modified by Note and Modification Agreement filed July 2, 1984 in Official Records Book 4285, Page 280 and further modified by Mortgage and Modification Agreement filed October 3, 1984 in Official Records Book 4363, Page 947, Public Records of Palm Beach County, Florida, original principal amount of \$ 157,500.00.

Grantors herein affirm that subject property is not their homestead property. (Robert Needle resides at 1901 Embassy Drive, West Palm Beach, Florida 33401 and Michael Berry resides at 1817 N. Congress Avenue, West Palm Beach, Florida 33401) Together with all the tenements, appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same to be simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple, that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except those accruing subsequent to December 31, 1985.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Edna J. Brown
Edna J. Brown

Michael Berry
MICHAEL BERRY

STATE OF FLORIDA
COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Robert Needle, a married person, and Michael Berry, a married person, to me known to be the person or persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of February, A. D. 1986.

My Commission Expires: 11/2/88

This instrument prepared by:
The Title Store, Inc.
4524 Gun Club Road, #104
West Palm Beach, Florida 33415

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

EXHIBIT A

86 029134

86 FEB -4 PM 3 16

215
1,050.00

B4784 P0087

TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: December 15, 2010

Agenda Item No. *Tab 5*

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

SUBJECT: Street Closure of Poplar Court

RECOMMENDED MOTION/ACTION:

Approved by Town Manager *W. Davis* Date: *12/6/10*

Name/Title

Date of Actual Submittal

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

Summary Explanation/Background: Residents in the Poplar Drive and Poplar Court area have requested that the Town Commission consider restricting through traffic on Poplar Court. They would like to see the street closed so that traffic from Northlake Blvd. would be eliminated. Traffic counts for Poplar Court are minimal and average approximately 430 trips per day (traffic going in both directions in a 24 hour period). The traffic count analysis indicates that 80+% of the traffic volume is coming off of Northlake (going south) during the afternoon. This indicates that Poplar Court is mainly being used as a through street.



Presentation

TAB 6



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: December 15, 2010

Agenda Item No. *Tab 6*

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

SUBJECT: Consultant Presentations and Selection to Provide General Engineering Services

RECOMMENDED MOTION/ACTION: Hear Presentations and Rank Firms

Approved by Town Manager *W. Davis* Date: *12/6/10*

Richard Pittman
Name/Title

December 3, 2010
Date of Actual Submittal

Originating Department: Administration	Costs: \$ 0 Funding Source: Acct. # N.A.	Attachments: Evaluation Tabulation (Consultant Presentation Material will be distributed Dec. 6th).
Department Review: <input type="checkbox"/> Attorney _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____	<input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Information Technology _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Recreation _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: 09/05/2010 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone: RP <i>RP</i> or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: On September 5th the Town solicited for a consultant to perform General Engineering Services for the Town. The solicitation was advertised in the Palm Beach Post.

Responses were received October 12th. Sixteen (16) engineering consulting firms responded. The RFP package advised the interested firms of the services anticipated to be performed by the consultant selected. The RFP package also advised the interested firm on the evaluation criteria and selection process. Qualifications, ability to provide needed services, and availability/proximity were key criteria.

An evaluation team consisting of Chuck Balius, Judith Thomas, Patrick Sullivan, David Hunt and Richard Pittman reviewed each submittal and assigned a numerical score to each consulting firm. The numerical score of each firm was read aloud in a public meeting held at 3:00 Tuesday, October 19th. The tabulation of the results is attached.

The evaluation process scored Mock, Roos & Associates, Inc. the highest with 432 points out of a possible 500 points. The second ranked firm with 411 points is Simmons & White. The consultant firms of Clark & McCarthy Engineers, Inc. and Erdman Anthony both scored 408 points.

Interviews were held Thursday, Nov. 4th with Clark & McCarthy and with Erdman Anthony to determine which firm would move forward in the process. **Clark & McCarthy was selected to continue in the selection process along with the firm of Mock Roos and the firm of Simmons & White.**

The selection process now requires the Town Commission to hear presentations from each firm. Each firm will be given approximately ten minutes to present their qualifications to assist the Town. An additional ten minutes will be allotted for Commission questions and consultant response.

The Commission should rank the firms prior to the adjournment of the meeting and direct Administration to negotiate a contract with the highest ranking firm.

**RFP 104-2010 General Engineering Consultant Services
Shortlist Evaluation Tabulation**

	Balius	Thomas	Sullivan	Hunt	Pittman	Total	Placed
Craig A. Smith & Associates	82	80	70	78	83	393	5
Clark & McCarthy Engineers, Inc.	75	91	79	95	68	408	3
R.J. Behar & Company, Inc.	80	75	46	75	35	311	
Mock, Roos & Associates, Inc.	92	92	67	92	89	432	1
A&B Engineering, Inc.	82	88	52	76	50	348	
Engenuity Group, Inc. **	90	86	52	91	82	401	4
Simmons & White	80	90	65	97	79	411	2
Keith & Schnars, P.A.	95	73	57	66	11	302	
Keshavarz & Associates	75	73	62	75	40	325	
Civil Design, Inc. *	75	78	64	74	50	341	
Michael B. Schorah & Associates, Inc.	84	93	46	74	30	327	
Last Devenport, Inc.	70	87	37	60	15	269	
IBI Group, Inc.	90	90	49	70	0	299	
Erdman Anthony	91	82	58	89	88	408	3
Chen & Associates	70	72	52	75	52	321	
Higgins Engineering, Inc.	70	50	24	65	15	224	
* = Mathematical error, added 20 points to	Civil Design, Inc						
** = Mathematical error, added 5 points to	Engenuity Group						