



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, August 21, 2013, 6:47 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, August 21, 2013 at 6:47 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty and Kathleen Rapoza, Town Manager Dale S. Sugerman, Town Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call with Commissioner Michael O'Rourke absent.

Mayor DuBois led the pledge of allegiance.

SPECIAL PRESENTATIONS/REPORTS

None

PUBLIC COMMENT:

None

CONSENT AGENDA:

1. **Regular Commission Meeting Minutes of August 7, 2013**
2. **Resolution No. 20-08-13 Support of the All Aboard Florida Project Effort to Install Fiber Optic Cable for Public Use in the Florida East Coast Rail Corridor**
3. **Award of Budgeted Sidewalk Replacement Contract**
4. **Rescheduling the Regular Commission Meeting of September 4, 2013 to Tuesday, September 10, 2013 immediately following the First Public Hearing on the Budget**

Motion: A motion was made by Commissioner Flaherty to approve Consent Agenda; Commissioner Rapoza made the second.

Vote on Motion:

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

Motion passed 4-0.

PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

5. Ordinance No. 11-2013 Text Amendment to Section 78-111 Changing the Fence Height Requirements

Town Manager Sugerman and Community Development Department Director Nadia DiTommaso explained the item (see attached Exhibit "A").

Motion: A motion was made by Vice-Mayor Glas-Castro to adopt Ordinance 11-2013 on First Reading; Commissioner Rapoza made the second.

Vote on Motion:

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

Motion passed 4-0.

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

6. Ordinance No. 12-2013 Text Amendment Section 78-184 Special Exception Notice and Submittal Requirements

Town Manager Sugerman and Community Development Department Director DiTommaso explained the item (see attached Exhibit "B").

Vice-Mayor Glas-Castro felt that direct mail notices are important, but is not a big fan of the newspaper notice because one would have to get the newspaper to see the notice. She asked if the law allows for e-notices or posting on the Town website.

Town Manager Sugerman stated "no" the bill before the legislature regarding e-notices and posting of notices on municipal websites instead of in the newspaper failed.

Motion: A motion was made by Commissioner Flaherty to adopt Ordinance 12-2013 on First Reading; Commissioner Rapoza made the second.

Vote on Motion:

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

Motion passed 4-0.

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

7. Ordinance No. 13-2013 Text Amendment to Section 78-144 to Create Cross and Joint Access

Town Manager Sugerman and Community Development Department Director DiTommaso explained the item (see attached Exhibit “C”).

Vice-Mayor Glas-Castro felt think that the Ordinance does not go far enough. She asked if language could be included requiring that cross and joint access be provided.

Mayor DuBois stated that the Ordinance does not impose cross and/or joint access unless there is a site plan and anything less than a site plan does not improve the situation.

Attorney Baird stated that the Ordinance provides the framework to enable the Commission to impose the cross and joint access conditions on property owners.

Vice-Mayor Glas-Castro asked if the requirement for cross and/or joint access be imposed on an administrative amendment to a site plan that is determined at staff level.

Community Development Department Director DiTommaso stated “yes”.

Attorney Baird stated that the conditions can be imposed to any site plan regardless of the level of review and approval required.

Town Manager Sugerman stated that the Ordinance does permit one property owner who does not meet parking requirements to work something out with an adjacent property owner for cross and/or joint access and have their parking requirement reduced by 50%. Staff believes that this will encourage neighbors to work together now.

Commissioner Flaherty asked if the neighboring property was not willing to participate would the access be built and just not go through to the other property.

Town Manager Sugerman explained that the access would not be created, but they would have a condition on the property that if the other property came in later for site plan approval the original condition would require both properties to provide cross and/or joint access.

Motion: A motion was made by Commissioner Flaherty to adopt Ordinance 13-2013 on First Reading; Commissioner Rapoza made the second.

Vote on Motion:

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

Motion passed 5-0.

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

PUBLIC HEARINGS - ORDINANCE ON SECOND READING/QUASI-JUDICIAL:

8. Ordinance No. 10-2013 Changing the Board Appointment Process

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

Motion: A motion was made by Commissioner Rapoza to adopt Ordinance 09-2013 on Second Reading; Vice-Mayor Glas-Castro made the second.

Vote on Motion:

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

Motion passed 4-0.

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

PUBLIC HEARING - QUASI-JUDICIAL HEARING:

9. Resolution No. 21-08-13 Special Exception Application for the Approval of an Animal Service Establishment at 524 Northlake Blvd.

Mayor DuBois opened the Quasi-Judicial Hearing.

Attorney Baird polled the Commission for ex-parte communication.

Vice-Mayor Glas-Castro stated that she received an e-mail from Marie Bruno, an adjacent property owner (see attached Exhibit “E”).

Mayor DuBois stated that he received an e-mail from Marie Bruno and replied that he received the e-mail with no other comment or communication.

Commissioner Flaherty and Commissioner Rapoza had no ex-parte communication.

Attorney Baird swore in the applicant, witnesses and staff.

Community Development Department Director DiTommaso explained the item (see attached Exhibit “F”).

Commissioner Rapoza asked about the dogs not being permitted outdoors after 8pm as referenced on page two (2) of the staff report.

Community Development Department Director DiTommaso stated that the 8pm timeframe was provided by the applicant and that in the conditions the outdoor area is prohibited from use during the hours of 10 pm and 7 am, which coincide with noise level restrictions.

Public Comment

None

Commission Deliberation

Vice-Mayor Glas-Castro stated that she has concerns regarding the outdoor area and making sure it is compatible with the single family residences. She asked how far the outdoor area is from the single family residences.

Community Development Department Director DiTommaso stated fifty-five (55) feet.

Vice-Mayor Glas-Castro suggested that condition three (3) states “No outdoor area shall be located within 40 feet of any adjacent residential property line” and suggested that it be changed to “No outdoor area shall be located within 55 feet of any adjacent residential property line”. In order to prevent any further encroachment on the single-family homes of the outdoor area. She stated that condition six (6) requires that a noise study be performed and that a study that would be performed by the applicant would be positive. She asked if the Town’s noise meters are calibrated and if the code enforcement officers are certified to use them.

Community Development Director DiTommaso stated that in the past the Town has used Palm Beach Sheriff’s Office (PBSO) noise meters, but that it has been a long time since last used. She stated that she would have to research if the PBSO meters would be available for the Town’s use.

Vice-Mayor Glas-Castro stated that if the Town performed the noise study it could be done randomly without the business owners being aware of when the noise study would be performed and the cost would be borne by the applicant.

Mayor DuBois stated that the monitoring companies would have professional standards that would have them make independent analysis and reporting.

Attorney Baird stated that the Town does not need a condition to impose its noise decibel levels and condition six (6) does not add anything to the equation because the study will reveal whatever it reveals during the study period. If it is revealed that the levels are being exceeded then the business owner has to take steps to provide a sound barrier. However, the way that the condition is written it is a one (1) time study. He stated that if after the study period the Town were to receive noise complaints it would be incumbent upon the Town to inspect the property and test the noise level to determine if the noise levels are being exceeded and that could result in some type of compliance action.

Commissioner Rapoza asked if the PBSO Deputies carry the decibel meters and if there is a complaint would they be able to take the measurement at the time it is happening. She suggested that a warning system could be utilized to resolve the issue.

Attorney Baird explained that the way it works in most jurisdictions is that a complaint occurs and the complaint is called into the Code Enforcement Division. The Code Enforcement Division would respond and tests the sound and if it exceeds the decibel level prescribed by Code a violation is issued. He stated that it is usually a response system. He stated that unless the complaint is received by PBSO dispatch they would have no way to know to respond.

Commissioner Rapoza asked if incessant and continual barking would be considered a nuisance.

Attorney Baird stated that he does not know if incessant barking is a Code violation, it could be a nuisance depending on how loud, continuous, who's calling and what they are hearing and those are case by case basis. He stated that this condition is intended to establish at the outset what the noise level is and if there is a problem with the noise level after the study that action be taken to block or buffer the sound.

Commissioner Rapoza suggested adding language to deal with multiple noise complaints.

Mayor DuBois thinks that the study, if it is 24 hours a day seven (7) days a week for the four (4) week study period will determine if there is going to be a problem. It may be beneficial to the business owner to have to do the study showing the decibel levels throughout the day.

Attorney Baird stated that the sound barrier material could be required because of the nature of the use it is anticipated that noises will occur and it may be in the business owners best interest to install the noise barrier up front instead of waiting for complaints. It is up to the Commission to determine if to change the condition to require the noise barrier to be installed up front.

Vice-Mayor Glas-Castro suggested that the number of dogs permitted in the outdoor area be limited and specify that there has to be someone out there supervising at all times may keep the sound level down.

Attorney Baird does not think that condition six (6) is intended to address outside noise.

Mayor DuBois thinks that condition six (6) is ample to guard against any excessive noise and thought specifically that the noise would be from the outside area and did not expect that indoor barking would carry very far. His initial thought was that the condition seemed onerous on the applicant.

Vice-Mayor Glas-Castro suggested that condition six (6) not be required and that the Town would have calibrated noise detectors available in case of a complaint.

Mayor DuBois suggested that Vice-Mayor Glas-Castro's suggestion be included in the motion.

Town Manager Sugerman stated that including that the Town have noise detectors would not be required because the Town has an obligation to enforce the Code including noise decibel levels.

Vice-Mayor Glas-Castro stated that condition seven (7) requires "flushing drains which shall be connected to an approved sanitary facility" and asked if the stormwater drain is a catch basin.

Town Manager Sugerman stated that it would be required to be a flushing drain and that waste cannot be permitted to enter the stormwater system. He stated that the condition states it an "approved sanitary facility" and that does not include the stormwater system.

Vice-Mayor Glas-Castro suggested that condition three (3) be modified to limit to outdoor area to 1,150 square feet and that it shall be no closer than fifty-five (55) feet from any adjacent residential property line.

Mayor DuBois suggested that the modification be included in the motion to approve the other conditions.

Commissioner Flaherty asked what is the anticipated maximum occupancy of the facility.

Cindy Hackel, owner of Barkley's Canine Club, stated that the most that they have had is thirty (30) dogs and there was still plenty of room. She stated that one of the things that they pride themselves on is that there is no incessant stress barking and that is why they have twenty-four (24) hour staff to prevent stress barking.

Commissioner Flaherty asked what type of insurance that the business carries.

Ms. Hackel explained that they have full coverage. She stated that they have been open for a year and a half and have spoken to all the neighbors.

Commissioner Rapoza asked about dogs not be allowed outdoors after 8PM.

Ms. Hackel explained that the schedule that the dogs are fed at 6:30 PM, between 8:00 and 8:30 PM the dogs go out for last time, 10 PM the lights are off and the animals go to bed, at 5:30 AM they go out and are fed by 7:30 AM. She stated that she does have an issue with the 7:00 AM being the earliest that the dogs can go outside.

Vice-Mayor Glas-Castro stated that there is an issue with the restrictions on use of the outdoor area that needs to be addressed.

Ms. Hackel stated that they would make adjustments to the schedule for the start of doggy day care and have the dog wake up later in the morning to comply with the condition.

Vice-Mayor Glas-Castro suggested that condition five (5) pertain to no outdoor play activity between the hours of 10:00 PM and 7:00 AM, but that the dogs can go out for “potty”.

Mayor DuBois suggested changing condition five (5) to “The outdoor area in or adjacent to a residential use shall not be used between the hours of 10:00 p.m. and 7:00 a.m. for regular exercise”.

Attorney Baird asked if the Commission would be comfortable with allowing staff to re-write the condition to accomplish the Commission’s intent of the area not being used for play activities between 10:00 PM and 7:00 AM but “natural animal functions” can occur during those periods as necessary.

Motion: A motion was made by Commissioner Flaherty to approve Resolution No. 21-08-13 Special Exception Application for the Approval of an Animal Service Establishment at 524 Northlake Blvd. with the conditions in the staff report with modifications to conditions three (3) and five (5) as follows: 3. The outdoor area shall be limited to 1,150 square feet and no part of the outdoor area may be located within 55 feet of an adjacent residential property line and to direct staff to modify condition five (5) to comply with the Commission’s intent that the outdoor area not be used between 10:00 PM and 7:00 AM for play activities; Commissioner Vice-Mayor Glas-Castro made the second.

Vote on Motion:

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

Motion passed 4-0.

Mayor DuBois closed the Quasi-Judicial Hearing.

NEW BUSINESS:

10. Resolution No. 22-08-13 To Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Town Clerk; to Revise the Job Description for the Positions of Equipment Operator II, Equipment Operator III, Maintenance Worker II, Mechanic II, Foreman, Vehicle Maintenance Foreman in the Public Works Department; and to Create the New Job Description of Accountant I, Accountant II, and Accountant III in the Finance Department

Town Manager Sugerman explained the item (see attached Exhibit “G”).

Motion: A motion was made by Commissioner Flaherty to approve Resolution No. 22-08-13; Commissioner Rapoza made the second.

Vote on Motion:

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

Motion passed 4-0.

11. Resolution No. 23-08-13 Restricting the Unspent Legal Settlement Proceeds from the Marina Lawsuit and Designating these Funds for the Repair of the Seawall.

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

Mayor DuBois asked if the repair of the seawall comes in less than the unspent legal settlement proceeds could that money be set aside for another type of repair at the Marina.

Town Manager stated "yes", but it would take another action of the Commission because this Resolution restricts the funds to just the repair of the seawall.

Motion: A motion was made by Vice-Mayor Glas-Castro to approve Resolution No. 23-08-13; Commissioner Rapoza made the second.

Vote on Motion:

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

Motion passed 4-0.

12. Award of Contract for Lake Park Harbor Marina Seawall Joint Sealing-Demonstration (Chemical Grouting), RFP No. 103-2013 to Stable Soils of Florida

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

Vice-Mayor Glas-Castro asked what is the length of the demonstration period.

Town Manager Sugerman stated that the length of the demonstration period will be three (3) to four (4) months to ensure that it holds up.

Mayor DuBois asked if after the demonstration period will the area be examined to see if it has accomplished the repair.

Town Manager Sugerman explained that this item is for sealing and grouting between the seawall panels. Staff is hopeful that both demonstration methods work and a cost benefit analysis will be performed to determine the best solution.

Commissioner Rapoza stated that she had an issue with the difference in the cost of the two bids and wants to make sure that who the contract is awarded to is capable of performing the work.

Project Manager Richard Pittman explained that Certified Foundation the higher bidder is not geared up to do marine work whereas Stable Soils of Florida has enough marine work to have in house certified divers to perform the work. He stated that the water side grouting process will require certified divers to perform the work. One of the differences is in house expertise. There is not a lot of companies that do the chemical grouting and are not interested in a small project when there are bigger projects to do. He stated that the parent company for Stable Soils of Florida has been in business for over twenty (20) years. Staff feels comfortable with using Stable Soils of Florida for this demonstration.

Commissioner Rapoza asked if the Commission will be receiving reports during the project.

Town Manager Sugerman stated that the Town Manager monthly report will provide the Commission updates on the project.

Motion: A motion was made by Commissioner Rapoza to approve the Award of Contract for Lake Park Harbor Marina Seawall Joint Sealing-Demonstration (Chemical Grouting), RFP No. 103-2013 to Stable Soils of Florida; Vice-Mayor Glas-Castro made the second.

Vote on Motion:

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

Motion passed 4-0.

13. Resolution 24-08-13 Appointing a Commissioner to the Audit Committee and Authorizing the Town Manager to Identify and Appoint Two Independent Volunteers to the Committee

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

Mayor DuBois volunteered to serve on the Audit Committee.

Motion: A motion was made by Vice-Mayor Glas-Castro to approve Resolution No. 24-08-13 appointing Mayor DuBois to the Audit Committee and Authoring the Town Manager to Identify and Appoint at a Minimum Two other Independent Volunteers to the Committee; Commissioner Rapoza made the second.

Vote on Motion:

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

Motion passed 4-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Attorney Baird no comments.

Town Manager Sugerman no comments.

Commissioner Rapoza no comments.

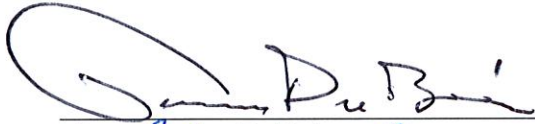
Commissioner Flaherty stated that the next Commission meeting has been rescheduled to Tuesday, September 10, 2013. He thanked staff for their hard work on the Ordinances. He stated that the Historical Society meeting will be on Monday, August 26, 2013.

Vice-Mayor Glas-Castro stated that she participated in the Palm Beach County League of Cities conference call regarding flood maps. She stated that Federal Emergency Management Agency (FEMA) will be allowing municipalities to comment on the preliminary mapping therefore, the Issue Forum that was scheduled has been postponed to a future date to be determined. She stated that she attended the Florida League of Cities Conference in Orlando. She attended the Urban Administration Legislative Policy Committee meeting where they discussed upcoming policy issues for next year including Sober Houses, Noise Nuisance regarding car audio systems, excessive public records requests, allowing for local preference during bidding processes, regulation of smoking on public property, and police districts. The next meeting of the committee will be in September in Jacksonville, Florida to further establish the legislative priorities for the committee. She stated that she learned a lot at the Florida League of Cities Conference. She stated that she also attended other session including "Listening Pays for City Officials", "Civic Involvement", and "All Aboard Florida Presentation".

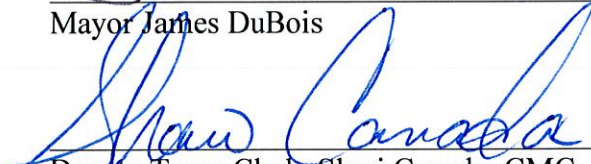
Mayor DuBois stated that he received a call from a lobbyist with "All Aboard Florida" to have a meeting and that he will be meeting with "All Aboard Florida" on Thursday, August 22, 2013 in Town Hall at 10:00 AM. He stated that last week he attended Florida East Coast Initiative (FECI) workshop and the railroad crossings through the Palm Beach County League of Cities. He stated that he attended the Palm Beach County Commission on Ethics re-training on Tuesday, August 20, 2013. He stated that every two (2) years staff, volunteer board members and elected officials are required to attend the Ethics Training.

ADJOURNMENT

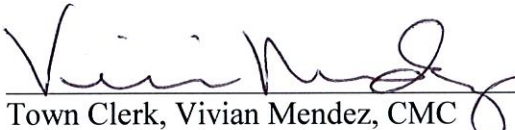
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 8:40 p.m.



Mayor James DuBois



Deputy Town Clerk, Shari Canada, CMC



Town Clerk, Vivian Mendez, CMC



Approved on this 10 of September, 2013

Exhibit "A"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2013

Agenda Item No. Tab 5

Agenda Title: APPROVAL OF THE STAFF INITIATED TEXT AMENDMENT TO SECTION 78-111(B)(1) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO CREATE A MAXIMUM FRONT YARD FENCE HEIGHT OF SIX FEET FOR MULTI-FAMILY STRUCTURES GREATER THAN THREE STORIES WITH PARKING AREAS FACING THE STREET

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

Approved by Town Manager  Date: 8/13/13

Nadia Di Tommaso / Community Development Director
Name/Title 

Originating Department: Community Development	Costs: \$ <u>0</u> Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: → Staff Report → Ordinance __-2013
Advertised: Date: <u>N/A on first reading</u> Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> or Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

Please refer to the Staff Report.

Recommended Motion: I move to APPROVE Ordinance 11-2013 on first reading.

Town of Lake Park Community Development Department



Meeting Date: August 21, 2013

Nadia Di Tommaso
Community Development Director

To: Town Commission

Re: Changes to Section 78-111
Multi-Family Front Yard Fence Height Provisions

Planning and Zoning Board Recommendation (August 5, 2013): Approved unanimously (4-0) with the addition of the "greater than three stories" provision to the proposed language.

I have come across what I believe to be a problem in the Code that needs to be fixed. The problem is in regards to the fence/wall height requirements for multi-family structures. The current Code contains regulations for fences/walls in 'residential' and commercial districts. Multi-family structures are located within the 'residential' districts. The regulations limit the height of front yard fences in the residential districts to 40 inches with an additional 6 inches for decorative caps. While these regulations are suitable for single-family and duplex lots, and may also be suitable for two or three-storey multi-family structures that are newly developed, or developed with interior parking areas, the regulations are not appropriate for higher intensity (more than three-story) multi-family buildings with parking areas facing the street. Generally, these types of multi-family buildings require front yard security which is accomplished through a combination of landscaping with a fence and a gate. Consequently, staff is recommending a modification to the Town's Code of Ordinances to provide for an increased height limitation for multi-family residential structures with parking areas facing the street as follows:

Sec. 78-111. In residential areas.

(b) *Front yard walls and fences.* Front yard walls and fences are those that are located, erected, constructed, reconstructed or altered along the front property line and along the side property line between the front building line and front property line to enclose the front yard.

- (1) *Front yard fences.* The maximum height of front yard fences shall be 40 inches above grade level. Poles and decorative caps may extend an additional six inches above the top of the wall or fence to a maximum of 46 inches in height above grade level. Multi-family buildings greater than three-stories with parking areas facing the street shall have a maximum front yard fence height of six feet and shall be set back a minimum of three feet or sufficiently to include a landscaped strip between the fence and the street right-of-way line. Front yard fences may be constructed of the following materials: painted/stained wood pickets, painted wrought iron, or painted aluminum. Front yard fences may not be constructed of chainlink fabric, chicken wire or unpainted/unstained wood material.

Several condominium buildings which are more than three stories along Lake Shore Drive already have five or six foot high fences/gates which were permitted long ago. Throughout time, the regulations have been modified; however, this has only recently come to staff's attention. The amendment recommended by staff would provide for a commonly accepted security practice for the condominium buildings along Lake Shore Drive that are designed with parking areas adjacent to the street, whereby a combination fence/gate at a maximum height of six feet is a common practice. Staff's intent is to allow what appears to have been permitted many years ago.

STAFF RECOMMENDATION: I MOVE TO APPROVE ORINANCE NO. 11-2013 on first reading.



Exhibit "B"

Town of Lake Park Town Commission


Agenda Request Form

Meeting Date: August 21, 2013

Agenda Item No. Table

Agenda Title: APPROVAL OF THE STAFF INITIATED TEXT AMENDMENT TO SECTION 78-184 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO ADD A CERTIFIED MAIL REQUIREMENT AND SUBMITTAL REQUIREMENTS FOR SPECIAL EXCEPTION USE APPLICATIONS

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

Approved by Town Manager  Date: 8/14/13

Nadia Di Tommaso / Community Development Director 
Name/Title

Originating Department: Community Development	Costs: \$ <u>0</u> Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: → Staff Report → Ordinance ___-2013
Advertised: Date: <u>N/A on first reading</u> Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

Please refer to the Staff Report.

Recommended Motion: I move to APPROVE Ordinance 12-2013 on first reading.

Town of Lake Park Community Development Department



Meeting Date: August 21, 2013

Nadia Di Tommaso
Community Development Director

To: Town Commission

Re: **Changes to Section 78-184**
*Noticing and Submittal Requirements
for Special Exception Use Applications*

Planning and Zoning Board Recommendation (August 5, 2013): Approved unanimously (4-0).

The Town Staff and the Commission have discussed the Town Code's noticing requirements (or lack thereof) pertaining to Special Exception Use applications. Section 55-64 of the Code pertaining to development applications of the Planning and Zoning Board, requires a certified mail notice to property owners within 300 feet (commonly referred to as a "courtesy" notice) of a proposed development application. This notice provision requires an Applicant who has made application to the Town for a development application to notify property owners within 300 feet of the property which is the subject of the application of the dates and times that a public hearing will be held to consider the application. Staff has previously determined that this provision does not necessarily apply to applications for a special exception use given that development applications are specifically referenced in the Site Plan criteria of the land development section of the Code. Consequently, Section 78-184 of the Town's Code of Ordinances which is entitled "Criteria for special exception", does not require a certified mail notice to property owners within 300 feet of a proposed special exception use because being that the Code does not currently identify these applications as development applications and lacks submittal requirement criteria. This being said, special exception use applications, because of their nature, often impact properties within 300 feet of the use to an even greater extent than a permitted use. Accordingly, it is appropriate to require a courtesy notice to property owners within 300 feet of a proposed special exception use. To do so, it will be necessary to extend the requirements of Sections 55-64 to Section 78-184 of the Town Code which deals with Special Exception Use applications.

The Town Commission, at prior public meetings, has also discussed the necessity of requiring Site Plans for owners of properties who propose to locate a special exception use on their property. To do so, it will also be necessary to extend Section 67-37 and 67-38 of the Town Code to incorporate this requirement into Section 78-184 which handles Special Exception Use applications. The text of the language to be added at an appropriate location within Section 78-184 is shown below:

Section 78-184. Application requirements and criteria for the evaluation of special exception uses.

A. Application requirements

The applicant shall be required to submit the following as part of a special exception use application:

- (1) In accordance with Section 67-38 of the Code submit a location map identifying the general area of the proposed special exception use, including the area within a 300 foot radius of the subject property.**
- (2) A Site Plan which identifies the site characteristics of the property upon which the proposed special exception use is located. The Site Plan shall be inclusive of both interior and exterior activity notations.**

The Site Plan shall identify all proposed uses, provide square footage information, and demarcate the required parking spaces, including handicap parking for the property.

- (3) Aerial photographs of the subject property and abutting properties showing existing structures, terrain and vegetation as viewed from all lot lines and street lines of the application property. The photographs shall be clearly dated and labeled as to the location and direction from which the photographs were taken. The use of digital photography is preferred, in which case a disk containing those digital photographs shall also be provided.
- (4) Upon the determination of the Director of Community Development, the applicant may be required to submit additional data, studies, or site characteristics depending upon the type of use proposed.
- (5) A Statement of Use which explains the use that is proposed for the property, including any accessory uses.

(a)B. Criteria for the evaluation of special exception uses. 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.

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

(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.

(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.

(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.

(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.

C. Procedural requirements for special exception use applications.

1. Upon the determination of the Community Development Department that the special exception use application and the accompanying Site Plan are complete, it shall prepare a Staff Report evaluating the anticipated impacts of the proposed special exception use. Thereafter, the Community Development Department shall schedule a public hearing of the Planning and Zoning Board for its consideration of the application. It shall be the applicant's responsibility to provide a courtesy notice pursuant to Section 55-64 of the Code which notifies owners of property within 300 feet of the property which is the subject of the application for special exception use of the date and time that a public hearing of the Planning and Zoning Board and Commission's consideration of the proposed special exception use application.
2. The Planning and Zoning Board shall conduct a public hearing to consider the proposed special exception use. At that hearing, the Board shall receive any public comments, testimony and information from the Town staff, any affected third parties, and the public which is relevant to the application. At the conclusion of the hearing, the Planning and Zoning Board shall make a recommendation to the Town Commission.
3. Within a reasonable time after the Planning and Zoning Board meeting wherein it makes its recommendation to the Commission, and in accordance with the notice requirements of Section 55-64 of the Code and § 166.041, F.S., the Town shall provide for and publish a notice that a quasi-judicial public hearing will be held to consider the proposed special exception use application in accordance with the procedures set forth in section 2-2 of this Code.

D. Notice requirements.

1. Courtesy certified mail notice required. At the applicant's expense, a courtesy notice of the proposed special exception use and Site Plan shall be mailed by the town return receipt requested to the owners of record of properties within a radius of 300 feet of the property which is the subject of the application, at least ten days prior to the Planning and Zoning Board meeting and shall include the date of the Town Commission meeting. The notice shall state the date, time and place of the Planning and Zoning Board and Commission meetings, the name of the owner of the property, the name of the project and/or applicant, and a general written description of the request and the location, or specific street address of the property. Failure to receive such notice, however, shall not affect any action or proceeding taken thereon, nor is it intended to supplement the required notice provisions of state law for due process or any other purposes. A copy of the notice shall be retained for public inspection during regular business hours in the Town Clerk's office.
2. Newspaper notice. Notice of the meetings wherein the proposed special exception use application will be considered shall be published in a newspaper of general circulation in the Town at least ten days

prior to the Planning and Zoning Board and Town Commission hearings. The notice of the proposed public meetings wherein the special exception use application and Site Plan will be considered shall state the date, time, and place of the meetings and general description of the special exception being proposed, as well as the place or places within the Town where the proposed special exception use application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed special exception use application.

(b) E. Conditions. The Town Commission may impose such conditions of approval as it deems necessary to mitigate the adverse impacts of the proposed special exception use. The conditions may require the applicant to exceed the minimum zoning or land development regulations established by this Code. Conditions of approval may include, but are not limited to, the following ~~Should the Town Commission determine that the proposed special exception use is not consistent with the criteria outlined hereinabove, it may either deny the application or impose such conditions of approval as it deems necessary to mitigate the adverse impacts of the proposed special exception use. The condition of approval may require the applicant to exceed the minimum zoning or land development regulations established by this Code. Conditions of approval may include, but are not limited to, the following:~~

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.
- (2) Establish a special setback, open space requirement, and/or lot area or dimension.
- (3) Limit the height, size, and/or location of a building or other structure.
- (4) Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
- (5) Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.
- (6) Limit or otherwise designate the number, size, location, height and/or lighting of signs.
- (7) Require the use of, and designate the size, height, location and/or landscaping materials which may be necessary to screen, buffer, or protect adjacent properties from the potential adverse impacts of the special exception use. This may include designating standards for installation and/or maintenance of the facilities.

- (8) Require the protection and/or relocation of additional trees, shrubs, hedges, or other vegetation, water resources, wildlife habitat and/or other appropriate natural resources.
- (9) Require specific architectural details and/or design to produce a physical development which is compatible in appearance with the uses permitted by right in the zoning district.
- (10) Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the Town's Comprehensive Plan.

~~(e)~~ **F. Enforcement.** The violation of any conditions, when made a part of the terms under which the special exception use is approved, shall be deemed a violation of this chapter subject to enforcement under the provisions of this Code.

Recommended Motion:

STAFF RECOMMENDATION: I MOVE TO APPROVE ORINANCE NO. 12-2013 on first reading.

Exhibit "c"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2013

Agenda Item No. Tab 7

Agenda Title: APPROVAL OF THE STAFF INITIATED TEXT AMENDMENT TO SECTION 78-144 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO CREATE LANGUAGE RELATING TO CROSS ACCESS AND JOINT ACCESS

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

Approved by Town Manager [Signature] Date: 8/14/13

Nadia Di Tommaso / Community Development Director [Signature]
Name/Title

Table with 3 columns: Originating Department (Community Development), Costs (\$0), Attachments (Staff Report, Ordinance -2013), Advertised (N/A on first reading), and notification details.

Summary Explanation/Background:

Please refer to the Staff Report.

Recommended Motion: I move to APPROVE Ordinance 13-2013 on first reading.

Town of Lake Park Community Development Department



Meeting Date: August 21, 2013

Nadia Di Tommaso
Community Development Director

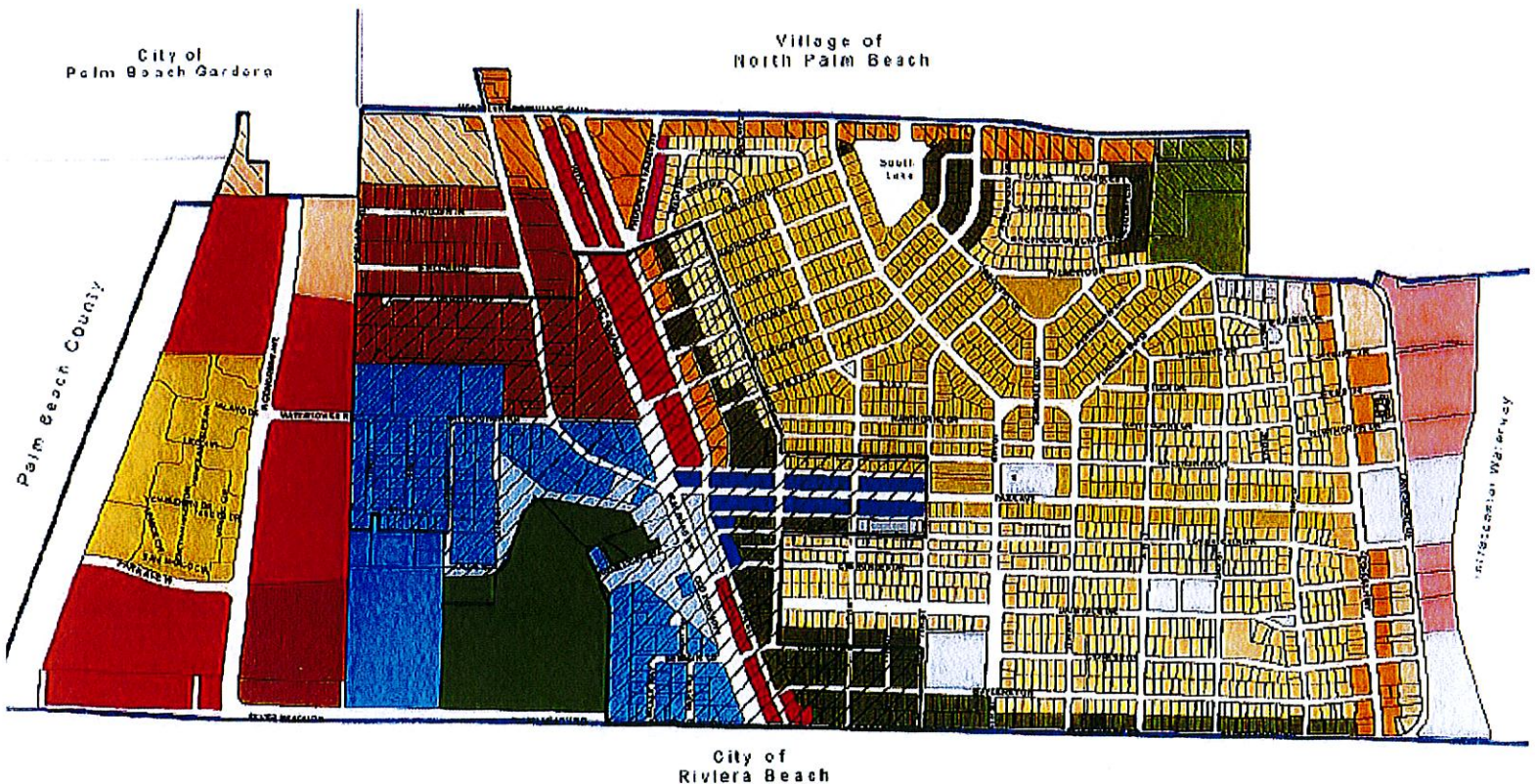
To: TOWN COMMISSION

Re: **Changes to Section 78-144**
Creating Joint Access and Cross Access Language

Planning and Zoning Board Recommendation (August 5, 2013): [Approved unanimously \(4-0\).](#)

Over the past few months, several staff members have participated in conversations with private property owners as it relates to their parking lots, driveway connections and overall access to their properties. The Town's commercial zoning districts are illustrated on the Town's Zoning Map below:

- Commercial-1 (C-1)
- Commercial 1B (C-1B)
- Commercial-2 (C-2)
- Commercial-3 (C-3)
- Commercial-4 (C-4)
- Campus Light Industrial and Commercial (CLIC)
- Park Avenue Downtown District (PADD)



Legend

- | | | | | | |
|------------------|-----|-----|--------|--------------------|--------------|
| — GRA Boundaries | | | | | |
| R-B | R2A | C1 | Public | GRA | Conservation |
| R-AA | R3 | C1B | PUD | NBOZ_overlay | |
| R- | R2 | C2 | PADD | C4 | |
| R-A | TND | C3 | CLIC | Lake_Park_Boundary | |

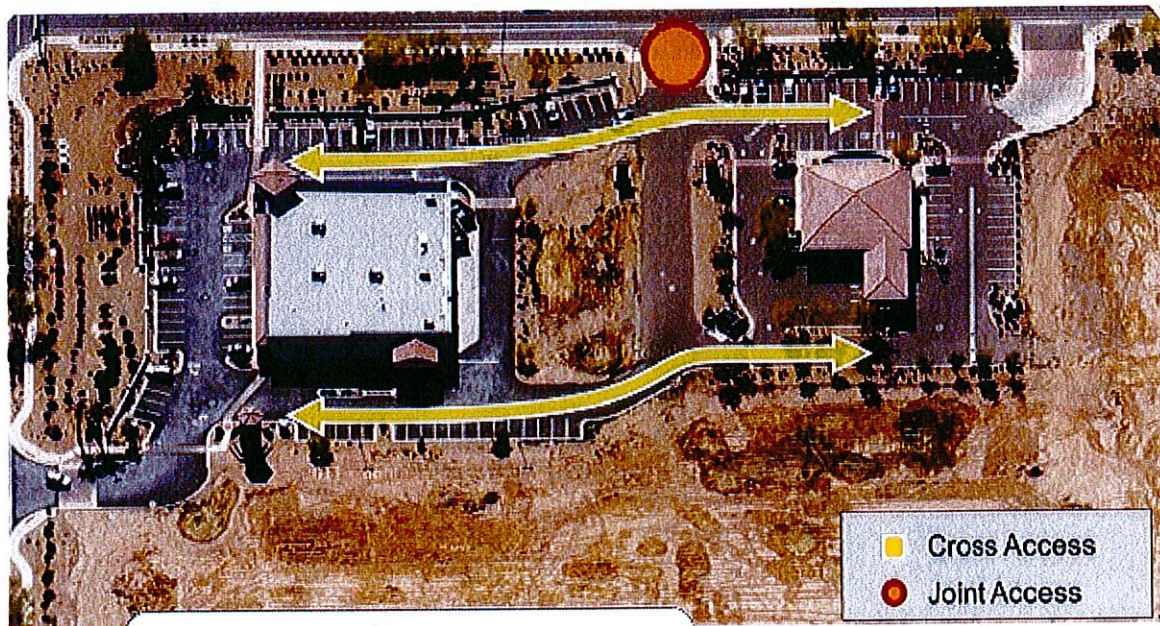
Policy 8.2 of the Town's Comprehensive Plan's Traffic Circulation Element promotes cross access and shared access (joint access) in stating the following:

Policy 8.2: At the time of redevelopment and through cross-access and shared access agreements, the Town shall discourage excessive curb cuts including the control of connections and access points of driveways and roads to roadways on arterial and major collector streets within the confines of the Town's roadway network.

WHAT IS JOINT ACCESS AND WHAT IS CROSS ACCESS?

Joint and cross access are methods of allowing adjacent properties to share driveways, drive aisles, and parking lot facilities. **Joint access** allows two adjacent property owners to share a driveway along their common property line. **Cross access** allows traffic to move between adjacent properties without re-entering the public roadway.

Example of Joint and Cross Access:



WHY IS JOINT ACCESS/CROSS ACCESS IMPORTANT?

The majority of the Town's commercial structures were built in the early 1960's and 1970's. While some of these commercial structures have been renovated, many of these commercial structures were built on lots that do not meet the Town's current land development regulations. Consequently, the majority of the existing parking lots, and the

number of available parking spaces, drive aisles and driveways for commercial properties in the Town, are non-conforming. The businesses and the Town would be better served if these businesses, on separate lots, were operated in conjunction with their neighboring lots. The changes proposed by staff **provide an alternative method** to property owners to meet the access, parking and circulation requirements of the Code. Ultimately, a property owner will have two options:

- (1) Utilize, build, renovate or expand upon their properties such that they meet the existing land development regulations, including those for parking, drive aisles, service drives and access points as required by Code.

OR

- (2) Utilize, build, renovate or expand upon their private property through the sharing of parking spaces, drive aisles, service drives and all relevant access points using the provisions proposed as part of this agenda item. This would require property owners to agree to cross and joint access easements.

Property owners should be encouraged and incentivized to select option (2) because cross and joint access will enhance a property owner's development opportunities; improve roadways, pedestrian, and bicycle safety; reduce congestion; and support multi-modal travel. Cross access may also have an incidental benefit to the businesses to the extent that customers are encouraged to stay on-site and visit multiple businesses.

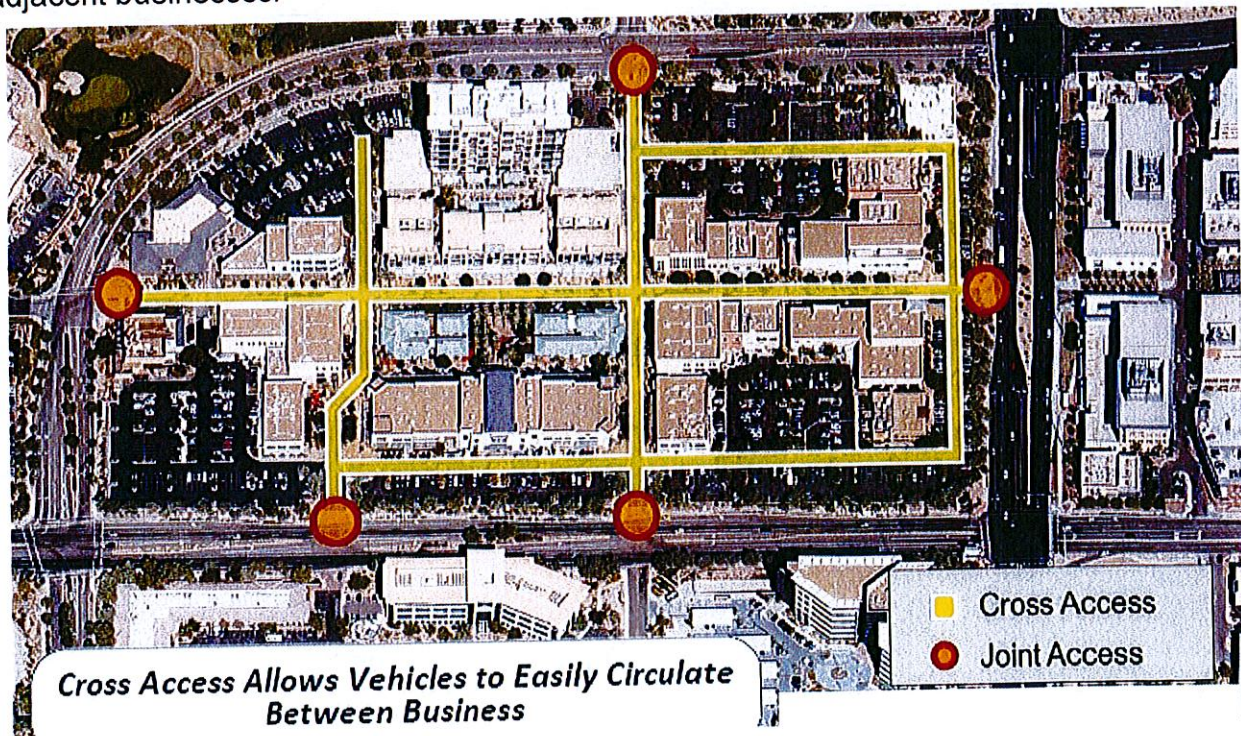
Joint and cross access diminishes roadway inefficiency. "Driveway hopping" occurs when vehicles are forced to go from one driveway to another, using the public street, to access an adjacent property. Slower vehicles that "driveway hop" then mix with higher speed vehicles traveling the street which causes traffic on the public street to slow down, and sometimes brake quickly, on the public street. This can cause accidents and leads to driver frustration. With joint and cross access easement agreements in place, vehicles can travel between adjacent properties without having to use the public street.

Example of driveway hopping:



Joint access increases safety. Consolidating and using shared access points on a public roadway may reduce the number of accidents. Driveways of access points without a traffic signal allow vehicles to enter or exit the public roadway freely. This movement increases the potential for a conflict with vehicles in the traffic stream. When traffic volumes are high, the spacing between vehicles is smaller and drivers have less opportunity to safely enter or exit a driveway. A vehicle exiting the public roadway will generally brake before turning, which may result in rear-end and lane-change collisions. Encouraging adjacent property owners along public roadways to execute cross and joint access easements to share access may improve safety by minimizing driveway conflict areas.

Joint and cross access will benefit businesses. Properly designed driveways shared by multiple businesses may allow more site area for parking and landscaping. Sites with landscaped areas and sufficient parking are generally more attractive and convenient to customers and maintain or even increase their property values. Cross access connections between adjacent commercial developments will improve customer convenience. More businesses will be accessible to a customer without having to re-enter the public roadway. Individual businesses may also experience increased exposure from customers visiting adjacent businesses.



Staff is proposing the following text amendments to Section 78-144 of the Town of Lake Park Code of Ordinances, to include the following language:

Section 78-144 – Access to rights-of-way

(f) Cross access/joint access easements

(1)

In order to provide for an alternative method to ensure the safe and efficient movement of traffic along public roadways and to comply with the minimum parking standards for those properties which front public streets in the Town's commercial zoning districts, property owners shall, whenever feasible, execute cross access and joint access easements to share common driveways, drive aisles, service drives, and parking areas, to facilitate access between their properties and the businesses located thereon. Property owners who agree to execute cross access and/or joint easements may be entitled to a reduction of the number of required parking spaces upon their respective properties by up to 50 percent provided a shared parking study is submitted to the Director of Community Development which demonstrates that the parking demand for the properties subject to the cross access and/or joint access easement can be met. The parking demand study shall be subject to the review and approval of the Community Development Director. The study shall:

- i. List the legal names of the property owners, the size and type of uses located and being operated upon that owners property;
- ii. Include the amount of average and peak daily trips to the uses on their properties;
- iii. Include the rate of turnover of parking spaces during business hours;
- iv. Include the anticipated peak parking and traffic loads to be encountered; and

- v. Include the executed cross access/joint access easement between the property owners.

(2) Any property owner who proposes the expansion of an existing business, the development of a new or different use, or the redevelopment of a property, shall design the site to accommodate vehicular circulation through its site to adjacent owners' sites by the use of a cross access and/or joint access easement which defines the shared access points or driveway, drive aisles, service drives, and parking spaces that can be connected to an adjacent property owners' property. Provided, however, a property owner within a commercially zoned district whose property fronts a public street, who can connect to the public roadway, and whose uses meet the Town's parking standards, may elect to not participate in cross access/joint access easements with adjacent property owners.

(3) All properties with frontage on public streets which are within commercial Zoning Districts shall be subject to the access to rights-of-way regulations in Section 78-144 of the Code which can be supplemented by the execution of cross and joint access easements between Owners of properties whose properties front public streets as shown in Figure 78-144-1. Cross and joint access circulation is encouraged whenever feasible and shall include the following:

- (i) A cross access drive extending the entire length of each block served to provide for driveway separation consistent with the access to rights-of-way system in Section 78-144 and standards;
- (ii) A design speed respective of the individual vehicular drive aisles and which maintains a sufficient width to accommodate two-way travel aisles shall be designed to accommodate personal vehicles and service vehicles; and
- (iii) Stub-outs and other design features to make it visually obvious that adjacent properties may be legally bound to provide cross access points, consistent with the visibility triangle requirements and the landscape requirements of the Town Code;

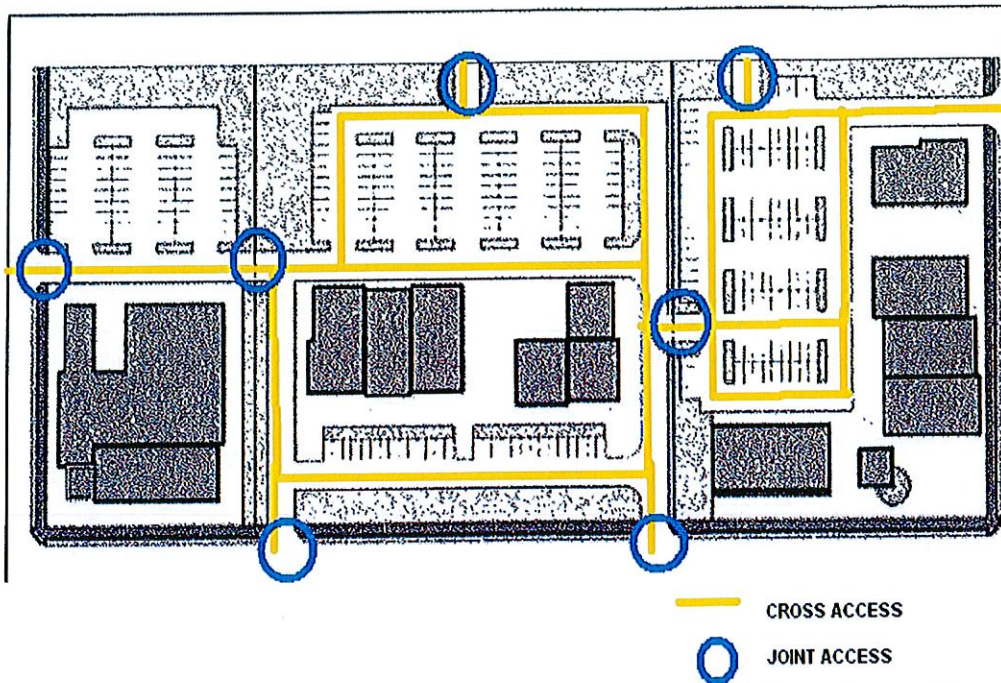


Figure 78-144-1: Cross access between parking areas and adjacent properties. Joint access through the use of common driveways entrances and between properties.

(4) Pursuant to this section, where cross access or joint access easements between Property Owners has been agreed to, the parties to the cross access and/or joint access easements shall record the easement allowing cross and/or joint access between properties.

(5) Pursuant to this section, where cross and/or joint access easements between property owners has been agreed to, those properties proposing reconstruction or redevelopment shall provide that remaining access rights along the public roadway shall be dedicated to the Town and any pre-existing driveways shall be closed following the reconstruction or redevelopment of the properties.

STAFF RECOMMENDATION: I MOVE TO APPROVE ORINANCE NO. ___-2013 on first reading.

Exhibit "D"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2013

Agenda Item No. *Tab 8*

Agenda Title: Ordinance 10-2013 Changing the Board Appointment Process

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON SECOND READING
- NEW BUSINESS
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: *8/9/13*

Vivian Mendez - Town Clerk
Name/Title

Originating Department: Town Clerk	Costs: \$ 175.44 Funding Source: Advertising Acct. # 106-48100 <input checked="" type="checkbox"/> Finance <i>BKR</i>	Attachments: Ordinance 10-2013 Receipt of Advertisement
Advertised: Date: <u>August 11, 2013</u> Paper: <u>Palm Beach 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 _____ or Not applicable in this case <u>VM</u> Please initial one.

Summary Explanation/Background: During the May 30, 2013 Commission Workshop the Commission directed staff to create an Ordinance changing the Board Appointment Process. At the June 26, 2013 Commission Workshop the Commission reviewed the first draft of the Board Appointment Process Ordinance and suggested changes, which have been incorporated in the attached Ordinance.

Recommended Motion: I move to adopt Ordinance 10-2013 on second reading.



Exhibit "E"
Town of Lake Park
Community Development Department

Nadia Di Tommaso
Community Development Director



August 20, 2013

MEMO

Re: 524 Northlake Boulevard – Barkley's Canine Club Special Exception Use Application

To: Town Commission, Town Attorney

Please find enclosed an email communication from a neighboring property owner (Ms. Marie Bruno) who lives out-of-state. Ms. Bruno requested that I provide the Town Commission with a copy of this correspondence as she will be unable to attend the meeting at which this item will be considered for approval.

Thank you.

Nadia DiTommaso

From: Nadia DiTommaso
Sent: Tuesday, August 20, 2013 8:59 AM
To: 'Marie Bruno'
Subject: RE: Special Exception 524 Northlake Blvd

Good morning Ms. Bruno-

Pursuant to our telephone conversation, I drafted the conditions you are proposing that the Town Commission take under consideration should they approve this application and they are listed below. Seeing as you are unable to attend the meeting as you live out-of state, I will gladly forward these proposed conditions to the Town Clerk for distribution to the Town Commission on your behalf. Thank you once again for sharing your concerns with me.

Your proposed conditions:

- (1) A more strict limitation on the # of dogs (than PBC's restriction). For example, limiting the entire facility to 25 dogs → PBC Animal Care & Control provides for this limitation and based on the size of the dog (over 75 lbs = 32 sf per dog; 51-75 lbs = 24 sf per dog; 36-50 lbs = 2 sf per dog; 21-35 lbs = 12 sf per dog; 11-20 lbs = 8 sf per dog; 10 lbs and under = 10 sf per dog). The boarding facility is 3,000 square feet.
- (2) A condition whereby the special exception approval does **not** run with the land and does **not** carry forward to any successor of the property. Additionally, conditioning that the facility cannot expand.
- (3) Require an insurance *per* dog. For example, a \$10,000 limit *per* dog given the possibility of accidents/bites in the town-owned alleyway should the dogs escape.

Nadia

Nadia Di Tommaso, LEED Green Associate
Community Development Director
Town of Lake Park
Phone: (561) 881-3319
Fax: (561) 881-3323



From: Nadia DiTommaso
Sent: Wednesday, August 14, 2013 3:45 PM
To: 'Marie Bruno'
Subject: RE: Special Exception 524 Northlake Blvd

Good afternoon-

I would like to sincerely thank you for your email. I would also like to take this opportunity to invite you in to meet with me to discuss your concerns. This will also allow me to provide you with some of the history regarding this application. I can make myself available before and after business hours as well if a time between 8:30-5:00 do not work for you. Hopefully, we will be able to coordinate a time within the next two days. I look forward to hearing back. Thank you.

Nadia Di Tommaso
Community Development Director
Town of Lake Park
Phone: (561) 881-3319
Fax: (561) 881-3323

From: Marie Bruno [<mailto:mbruno1030@gmail.com>]
Sent: Wednesday, August 14, 2013 3:30 PM
To: Nadia DiTommaso
Subject: Special Exception 524 Northlake Blvd

Aug. 14, 2013

Dear Ms. DiTommaso,

We are in receipt of your certified letter concerning a SPECIAL EXCEPTION application for the property located at 524 Northlake Blvd. Lake Park, Florida.

We are the property owners in very close proximity, and/or adjoining, the subject parcel under consideration at 524 Northlake Blvd.

We have owned and paid taxes on our Commercial property at 500 Northlake Blvd. since January of 1985. In fact, at one time we owned all three parcels at 500, 516 AND 524 Northlake Blvd.

We have a long and favorable history with the Town of Lake Park.

We believed in this Town and supported it during some of its lowest points. We saw property values plummet and properties boarded and vacated.

We experienced this Town's rebound. Encouraging retail and family business to locate here was not an easy task. Lake Park has attracted some wonderful "big box stores" which helped ease the tax burdens on our homeowners.

The vision and foresight our council members and committees had should be applauded. Lake Park is now an improved, vibrant, thriving and once again beautiful Town. The patience and persistence of our council members has been well rewarded.

Like many other "old timers" we have experienced the tumultuous real estate boom and bust. We are slowly but surely coming to a turn-around in our real estate markets. It has been long, painful and slow.

Our concerns now focus on this application for special exception. Surely, the Town of Lake Park, in good conscience, will realize that to grant the approval of such an ill- conceived exception is not only self-defeating, it is counter-productive to the progress that has been made to improve the area and the Town.

There are many parcels located outside the city limits, in Less Populated, Less Commercial, Less Heavily Trafficked areas that would be more suitable to an application such as this one.

524 Northlake Blvd. is NOT the proper location for a "kennel", or "doggie day care". What would be the next application? A puppy mill, perhaps?

No! Most emphatically NO. Babysit your canines elsewhere. Locate this venture where no harm will be done to surrounding homes and businesses. Please consider the homes and families directly behind 524 Northlake Blvd.

Be mindful of the negative impact such an odorous operation would have on those people! Consider, also, the commercial and retail operations which would be directly impacted by this operation.

Have you considered the LIABILITIES should one or more of the dogs escape its confines?

How can we be assured that no such event will happen? WE CAN'T!

Not even the highest fence or strongest chain can retain an animal determined to escape.

What, incidentally, are the CODES and restrictions for fencing in this area?

As a licensed Real Estate Broker in both Florida and Georgia, I can say with certainty that permitting an exception such as this one is an invitation to disaster. Declining sales and eventually diminished values will negatively impact the homes, retailers, restaurants and other businesses in the vicinity.

We urge you and the members of our Town Council to DENY this application.

Thank you for your consideration.

Sincerely,

Al Bruno

Marie Bruno, GRI*

mbruno1030@gmail.com



Exhibit "F"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2013


Agenda Item No. Tab 9

Agenda Title: APPROVAL OF THE REQUEST FILED BY BARKLEY'S CANINE CLUB FOR THE SPECIAL EXCEPTION USE OF AN ANIMAL SERVICE ESTABLISHMENT, WHICH INCLUDES THE COMPONENTS OF A BOARDING KENNEL AND AN OUTDOOR AREA FOR DAYTIME USE, TO BE LOCATED AT 524 NORTHLAKE BOULEVARD IN THE C-1 BUSINESS DISTRICT

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON __ READING
- NEW BUSINESS
- CONSENT AGENDA
- OLD BUSINESS
- OTHER: SPECIAL EXCEPTION APPLICATION - RESOLUTION

Approved by Town Manager  Date: 8/14/13

Nadia Di Tommaso / Community Development Director 

<p>Originating Department: Community Development</p>	<p>Costs: \$ 750 application fee Funding Source: Applicant ("Barkley's") Acct. # 4649 <input checked="" type="checkbox"/> Finance <u></u> **A Town courtesy notice to all properties within 300 feet was also provided: \$213.85** Acct# 500-41200</p>	<p>Attachments:</p> <ul style="list-style-type: none"> → Staff Report → Resolution 21-08-13 → Copy of Applicant's Application → Exhibit "A" PBC Animal Care and Control Ordinance → Exhibit "B" Current Photos of Facility → Exhibit "C" PBC email correspondence → Exhibit "D" Section 10-155 Noise Ordinance → Exhibit "E" - Letters of Support → Exhibit "F" - Legal Ad → Exhibit "G" - Site Plan and Aerial Image
<p>Advertised: Date: August 9, 2013 Paper: Palm Beach Post <input type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone <u>ND</u> - see notation in cost field or Not applicable in this case _____ Please initial one.</p>

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

Recommended Motion: I move to APPROVE Resolution 21-08-13.



**TOWN LAKE OF PARK
TOWN COMMISSION
Meeting Date: August 21, 2013**

REQUEST FILED BY BARKLEY'S CANINE CLUB FOR THE SPECIAL EXCEPTION USE OF AN ANIMAL SERVICE ESTABLISHMENT, INCLUSIVE OF AN OUTDOOR COMPONENT, IN THE C-1 BUSINESS DISTRICT.

APPLICANT'S REQUEST: Barkley's Canine Club ("Applicant") located at 524 Northlake Boulevard ("Property") has submitted an application for the Special Exception use of "Animal Service Establishment" in the C-1 Business District as listed in Section 78-71 of the Town Code. The approval of this Special Exception use would authorize the Applicant to provide overnight animal boarding services to its patrons, and to operate an outdoor area for dogs as components of an Animal Service Establishment .

Planning and Zoning Board Recommendation (May 6, 2013): APPROVAL 4-0 with conditions.

BACKGROUND:

Applicant(s): Barkley's Canine Club
Owner(s): Tra & Truc Phan Nguyen
Address/Location: 524 Northlake Blvd
Existing Zoning: C-1 Business District / Northlake Boulevard Overlay Zone (NBOZ)
Future Land Use: Commercial

Adjacent Zoning

North: N/A (North Palm Beach)
South: R-1 Residential District
East: C-1 Business District / NBOZ
West: C-1 Business District / NBOZ

Adjacent Existing Land Use

North: Commercial (Village of North Palm Beach)
South: Residential
East: Commercial
West: Commercial

I. SUMMARY AND HISTORY OF REQUEST

The Applicant is requesting approval for the special exception use of an Animal Service Establishment, inclusive of an outdoor area component, in the C-1 Business District. The proposed use will be in addition to the Applicant's existing permitted uses of Animal Indoor Training Center and Animal Grooming Establishment. The business currently operates at 524 Northlake Boulevard.

The Applicant has a 3,000 square foot facility which occupies two-thirds of the building located at 524 Northlake Boulevard. The Applicant has operated its dog training and grooming business under the categories of "beauty shop" and "instructional studio" since February of 2012. Both of these uses are permitted uses in the C-1 Business District. Recently, Code Section 78-71 was changed to incorporate and recognize that the Applicant is operating animal-related uses, and not a "beauty shop" or an "instructional studio". The instructional studio operation of the Applicant's businesses are now more appropriately classified as an *Animal Indoor Training Center*, and the "Beauty Shop" use is now more appropriately classified as an *Animal Grooming Establishment*.

In mid-2012, Staff permitted the Applicant to operate an "accessory" outdoor area by issuing a fence permit. While factors such as parking, noise, and sanitation were considered at the time, staff expressed concerns regarding nuisances and regulatory control primarily because the Property abuts the R-1 Residential District. Staff learned that Palm Beach County Animal Care and Control (PBCACC) regulates all animal service establishments and oversees all aspects of their operations by requiring licensure for each service provided. Staff also understood that PBCACC's Ordinance 98-22 Section 4-23 enforces standards specifically for kennels and grooming facilities regarding frequent inspections, licensing and permitting requirements, health hazards, sanitation, record keeping, facility requirements, and operational standards (see Exhibit "A" for detailed descriptions from PBCACC's regulating Ordinance). The Town Code's regulations pertaining to noise and odor would be adequate to enforce any potential nuisances that the business might create. At the time, staff was comfortable with the operation of this business because it had been operating for more than a year without any documented complaints or concerns. It was only when the staff discovered that a boarding component was added, without prior approval, that staff realized the initial intent of treating the use under the "general" instructional use and beauty shop category with the allowance of a outdoor fenced area enclosure, could no longer fit the general intent of the Code. Specific animal-related uses needed to be incorporated into the Code, inclusive of a boarding component, which was not permitted at the time, but is now permitted as a special exception use.

Even though the Applicant's intention was to initially apply for a Special Exception use to allow the boarding-kennel component of an Animal Service Establishment at the subject property, the approved language in Section 78-71 also requires a Special Exception use be approved to operate any animal-related use having an outdoor component. In order to authorize the existing operation, including the outdoor component, the Applicant is also requesting the Special Exception use of an outdoor area. The outdoor area is directly related to the Boarding-Kennel in that it serves the "daytime" component of the operation whereby dogs staying overnight will naturally be at the facility during daytime hours as well, at which time the outdoor areas will be utilized. Staff has been informed by the business operator, Ms. Cindy Hackle, that the dogs are not permitted outdoors past 8pm.

To address potential nuisances, staff is recommending a series of conditions of approval, seen in Section III of this Report. Additionally, while a site plan was not specifically requested as this request moved through the Planning and Zoning

Board meeting, Staff has been diligently working with the Applicant on a site plan which is included as Exhibit "G". The site plan serves as a visual aid detailing the internal location of the Applicant's business; the outdoor area, as well as the existing parking layout and landscaping which was all approved back in 1979.

It is important to note that based on **Sec. 78-184**, the Town Commission may include conditions of approval upon reviewing the Special Exception, such as:

1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.
2. Establish a special setback, open space requirement, and/or lot area or dimension.
3. Limit the height, size, and/or location of a building or other structure.
4. Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
5. Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.
6. Limit or otherwise designate the number, size, location, height and/or lighting of signs.
7. Require the use of, and designate the size, height, location and/or materials for, berming, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.
8. Require the protection and/or relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources.
9. Require specific architectural details and/or design that produces a physical development which is compatible in appearance with the uses permitted by right in the zoning district.
10. Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the town's comprehensive plan.

II. SPECIAL EXCEPTION REVIEW CRITERIA

1. **The proposed Special Exception use is consistent with the goals, objectives, and policies of the town's comprehensive plan.**

The Town's Future Land Use Element designates Northlake Boulevard's future land use as "commercial" which consists of, "retail, service and professional businesses," (Section 3.2.6.2 Town Comprehensive Plan). The Future Land Use Classification System restricts "commercial" land use to:

"Lands and structures devoted primarily to the delivery, sale or otherwise transfer of goods or services on a retail basis, with a maximum F.A.R. of 2.0. This category also includes personal and professional services."

-Section 3.4.3 "Future Land Use Classification System", Lake Park Comprehensive Plan

Criteria Met. The business currently operates as a commercial establishment providing services for the owners of dogs..

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

Criteria Met. An Animal Service Establishment with outdoor area component is permitted as a Special Exception use in the C-1 Business District.

- 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.**

Criteria Met. The Applicant is currently located within the C-1 Business District and has a future land use designation of "commercial". The physical characteristics of the Property are consistent with the neighboring businesses in terms of height, setbacks, and architectural elements. The Applicant's existing permitted uses (pet grooming and training) and proposed Special Exception use (Animal Service Establishment, a component of which is a boarding-kennel) are service-oriented uses which are compatible with the neighboring personal and professional service uses. The outdoor area is not incompatible with the surrounding uses. Staff has not received any complaints since the business' inception, but has actually received letters of support which can be found in **Exhibit "E"**. The Applicant's existing hours of operation and traffic circulation have not presented any nuisances to the surrounding properties. The additional proposed use is not expected to have any negative impacts towards on-site traffic circulation since the Applicant will be primarily serving existing patrons who are expected to generate the same amount of traffic. The parking on-site is shared amongst the two existing commercial tenants and the combined retail and personal-service related uses can accommodate the Code requirement of 5 spaces per 1,000 square feet. The traffic impacts were also reviewed with the Palm Beach County Traffic Division and no additional issues were raised (see **Exhibit "C"** for a copy of the email correspondence).

The Property abuts the R-1 Residential District. An alleyway and adjacent concrete wall is south of the Applicant's property line. The outdoor area is also located 55 feet from the residential properties in the rear and meets the minimum 40-foot requirement defined in Section 78-2 of the Code. While service-oriented establishments are typically compatible with residential districts, concerns with noise and odor may arise with the use of "boarding-kennels". Staff is proposing additional conditions which can be found in Section III of this report. These conditions also include additional mitigation provisions for outdoor run areas, providing for sanitary requirements and minimum setback requirements to residential areas.

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.**

Criteria Met. Currently, there are no uses along the south side of Northlake Boulevard that are the same or similar to the proposed Special Exception use. This use will be the first of its kind in the C-1 Business District and the Town as a whole.

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;**

Criteria Met. The Applicant plans to use one overnight employee and existing daytime staff which does not exceed 3 employees.

- b. **The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use;**

Criteria Met. The nature of the Applicant's establishment is such that odor and noise nuisances may occur.

The area most susceptible to odor is the Applicant's exterior play area. The Applicant installed a small open turfed area located in the rear of the Property. According to the Applicant, the turf has a built in irrigation and drainage system to ensure sanitation. The turf is frequently treated with anti-odor sprays and is cleaned after every use. All aspects of outdoor play/run areas are regulated by the PBCACC division.

The Town's Noise Control Ordinance states that noise in the commercial district is limited to 60 decibels during all times of the day. If complaints arise, Town staff can enforce the Code by using a decibel meter to measure the decibels and determine whether or not the activity complies with the Code. Staff is also recommending as a condition of approval found in Section III of this report, that a letter from a noise professional be submitted within six months of the special exception approval, to the Town's Community Development Department. This letter shall certify, through a minimum four-week study, that the Town's noise levels are being met per the Town's Noise Ordinance in Section 10-155 of the Town Code.

In the case of visual nuisances, the demarcation line between the Residential-1 District and the Commercial-1 Business District is a cement wall which acts as a visual and sound buffer. Other nuisances, such as vibrations, are not a concern since the Applicant's establishment does not generate vibrations. The outdoor area is located 55 feet from the residential properties in the rear and meets the minimum 40-foot requirement defined in Section 78-2 of the Code.

c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

Criteria Met. The Applicant proposes to extend the boarding-kennel service to its existing patrons. While the Applicant might generate more clients, the nature of the business typically does not cause overflow traffic or disturb on-site circulation. The parking lot is essentially used as a drop-off/pick-up site for clients (see Exhibit "C" as referenced above).

6. That the proposed special exception use:

a. Does not significantly reduce light and air to adjacent properties.

Criteria Met. The proposed Special Exception use does not reduce lighting, nor will it adversely affect the air quality for adjacent properties. The outdoor area is only utilized during daytime hours.

b. Does not adversely affect property values in adjacent areas.

Criteria Met. As long as the Applicant regularly maintains the facility's sanitation to prevent odor and stays within the permitted sound decibel range, the proposed Special Exception use should not negatively impact property values for the adjacent areas.

- c. **Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.**

Criteria Met. The proposed Special Exception use would not be a deterrent to the future improvement, redevelopment, or development of surrounding properties.

- d. **Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.**

Criteria Met. There would not be any adverse impacts to natural systems or public facilities.

- e. **Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.**

N/A.

III. STAFF RECOMMENDATION

Staff recommends that the Town Commission **APPROVE** the Special Exception use of an Animal Service Establishment which includes the components of an outdoor area and an animal boarding-kennel business, **based on the following conditions of approval, and any additional conditions proposed by the Town Commission:**

1. The Animal Service Establishment shall be limited to the boarding of dogs. Farm animals such as pigs and chickens or exotic animals such as snakes are expressly prohibited.
2. No animal having a disease harmful to humans shall be boarded or maintained in the facility
3. No outdoor area shall be located within 40 feet of any adjacent residential property line.
4. If the outdoor area is constructed using a chainlink fence, the fabric shall include a green mesh to screen the area from public view.
5. The outdoor area in or adjacent to a residential use shall not be used between the hours of 10:00 p.m. and 7:00 a.m.

- 6. Within six months of the effective date of the Resolution approving the Animal Service Establishment, the Applicant shall submit to the Community Development Department a letter from a sound professional indicating the results of a four-week noise study as it relates to the Applicant's business. The study shall compare the noise levels from the business with the decibel levels established in the Town code. In the event the study reveals that the uses are creating noise which exceeds the decibel levels established in the Code, the Applicant shall employ methods such as the use of sound barrier material such as "bark-block" and/or other approved insulation to mitigate the noise such that the establishment is operating within the decibel levels permitted by Code.**
- 7. The Animal Service Establishment shall have flushing drains which shall be connected to an approved sanitary facility and other physical elements to properly dispose of the waste products generated by the business.**
- 8. The facility shall be operated with air conditioning and heat so that the windows and doors can remain closed at all times, except when employees, patrons, and guests are entering and leaving the facility.**

Exhibit "G"



Town of Lake Park Town Commission

Agenda Request Form


Meeting Date: August 21, 2013

Agenda Item No. Tab 10

Agenda Title: Resolution to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Town Clerk; to Revise the Job Descriptions for the Positions of Equipment Operator II, Equipment Operator III, Maintenance Worker II, Mechanic II, Foreman, Vehicle Maintenance Foreman in the Public Works Department; and, to Create the New Job Descriptions of Accountant I, Accountant II and Accountant III in the Finance Department

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON _____ READING
- NEW BUSINESS**
- OTHER: _____

Approved by Town Manager  Date: 8/13/13


Name/Title HUMAN RESOURCES DIRECTOR

Originating Department: Human Resources	Costs: \$ <u>2875</u> Funding Source: <u>2013/14</u> Acct. # <u>106-10000</u> <input checked="" type="checkbox"/> Finance <u>BK</u>	Attachments: Resolution; Revised Job Descriptions in Clean and Redline Format; Current Job Descriptions; and New Job Descriptions
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>BMT</u> Please initial one.

Summary Explanation/Background:

Revision of the Town Clerk Job Description:

Currently, a job description exists in the Town of Lake Park Uniform Classification System entitled Town Clerk. The purpose of action is two-fold. First, it is to revise this job description to provide that in addition to performing the current duties as Town Clerk, the Town Clerk shall also serve as the acting Town Manager in the Town Manager's absence. Secondly, the purpose is to change the job title to Town Clerk/Deputy Town Manager.

For performing the additional duties of Deputy Town Manager, the Town Clerk will receive an additional 5 percent in incentive pay effective October 1, 2013.

A clean copy of the revised job description, a redline version and a copy of the current job description are attached for ease of reference.

Revision of the Equipment Operator II, Equipment Operator III, Maintenance Worker II, Mechanic II, Foreman, and Vehicle Maintenance Foreman Job Descriptions:

Currently, job descriptions exist in the Town's Uniform Classification System entitled Equipment Operator II, Equipment Operator III, Maintenance Worker II, Mechanic II, Foreman, and Vehicle Maintenance Foreman which are assigned to the Public Works Department. The purpose of this action is to revise such job descriptions to more accurately reflect the current duties and requirements of these positions as they have evolved to meet current industry standards.

There will be no additional financial burden placed on the budget of the Town of Lake Park as a result of this action as the annual pay ranges for these positions will remain the same, as follows:

- Equipment Operator II with the pay range of \$28,143.24 to \$48,620.25
- Equipment Operator III with the pay range of \$33,542.50 to \$51,000.77
- Maintenance Worker II with the pay range of \$22,731.08 to \$34,034.18
- Mechanic II with the pay range of \$30,308.10 to \$47,404.74
- Foreman with the pay range of \$30,296.45 to \$51,515.10
- Vehicle Maintenance Foreman with the pay range of \$33,542.50 to \$55,636.31

Clean copies of the revised job descriptions, redline versions and copies of the current job descriptions are attached for ease of reference.

Creation of New Finance Department Job Descriptions:

The purpose of this action is to create the following three new job descriptions in the Finance Department. This action will more accurately capture the actual duties and current requirements of a municipal Finance Department and respond to municipal finance best practices:

- Accountant I with the pay range of \$29,214.43 to \$48,580.56
- Accountant II with the pay range of \$34,624.51 to \$54,653.13
- Accountant III with the pay range of \$40,000.00 to \$62,000.00

There will be no additional financial burden placed on the budget of the Town as the annual pay range for the Accountant I position will remain the same as the existing Accounts Payable/Receivable Coordinator position and the pay range for the Accountant II position will remain the same as the pay range for the existing Accountant position.

The Accountant III position will remain unfilled.

The remaining Finance Department positions, which are currently unfilled, are hereby eliminated from the Uniform Classification Plan.

Copies of the new job descriptions are attached.

Recommended Motion: I move to approve Resolution 22-08-13.

Exhibit "H"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2013

Agenda Item No. Tab 11

Agenda Title: RESOLUTION RESTRICTING THE UNSPENT LEGAL SETTLEMENT PROCEEDS FROM THE MARINA LAWSUIT AND DESIGNATING THESE FUNDS FOR THE REPAIR OF THE SEAWALL

- Checkboxes for agenda items: SPECIAL PRESENTATION/REPORTS, BOARD APPOINTMENT, PUBLIC HEARING ORDINANCE ON ___ READING, NEW BUSINESS, OTHER: and CONSENT AGENDA, OLD BUSINESS.

Approved by Town Manager [Signature] Date: 8/7/13

Blake K. Rane Finance Director [Signature] Name/Title

Table with 3 columns: Originating Department (FINANCE), Costs/Funding Source (Acct. #, [X] Finance BKR), Attachments (Resolution No. ___-08-13), Advertised (Date, Paper, [X] Not Required), and notification status (Yes I have notified everyone ___ or Not applicable in this case ___ BKR). Please initial one.

Summary Explanation/Background:

The Marina Lawsuit was settled in October 2012 in the amount of \$880,000. The current forecast is that the Marina Fund will finish the fiscal year with a surplus of \$470,084. This Resolution restricts the actual surplus specifically for use in repairing the seawall.

Recommended Motions:

I move to approve Resolution No. ___-08-13, restricting the surplus Marina Lawsuit funds for use in repairing the seawall.

Exhibit "I"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2013

Agenda Item No. Tab 12

Agenda Title: Award of Contract for Lake Park Harbor Marina Seawall Joint Sealing-Demonstration (Chemical Grouting), RFP No. 103-13 to Stable Soils of Florida

- Checkboxes for SPECIAL PRESENTATION/REPORTS, BOARD APPOINTMENT, PUBLIC HEARING ORDINANCE ON ___ READING, NEW BUSINESS, OTHER, and CONSENT AGENDA OLD BUSINESS.

Approved by Town Manager [Signature] Date: 8/8/13

Richard Pittman/Project Manager Name/Title

Table with 3 columns: Originating Department (Public Works), Costs (\$19,044.63), Attachments (Bid Tabulation, Bid Document, Bid Submittals), Advertised status, and notification details.

Summary Explanation/Background: In April, 2013 the Town Commission approved an agreement with Simmons and White Engineers to perform consultant services for the remedial sealing of the seawall joints and the associated soil and paver brick walkway settlement at the Lake Park Harbor Marina.

- 1. Placement of filter fabric at up to 13 panel joints on the land side of the seawall, backfill and compaction.

2. Excavation and injection of chemical grout at up to four seawall panel joints on the land side of the seawall, install wall drain, backfill and compact.
3. Injection of chemical grout at up to four piling (two joints/pile) on the water side of the seawall.

Bids for the filter fabric placement method were solicited as RFP Bid No. 102-13. Bids for the two methods of chemical grout injection were solicited as RFP Bid No. 103-13. Each method of repair is being termed "demonstration". At the conclusion of the three demonstrations, Simmons and White will evaluate which methodology best addresses the deficiencies compared with the associated costs. Simmons and White's recommendation will form the basis of a Request for Proposal (RFP) that will be advertised to complete repairs throughout the entire Marina where a paver brick walkway is adjacent to the seawall.

The RFP Bid No. 103-13 consists of specifications and details for paver brick removal and excavation along 56 feet of seawall and injection of chemical grout at panel joints. This 56 foot section is north of the Marina office building. Three void locations under the brick pavers have been identified either by the use of ground penetrating radar or by observation of paver brick settlement. Excavation will be performed in a manner to determine if undetected voids are discovered. The bid allots for up to eight joints or piling to be grouted. Wall drains will be installed to compensate for water tight joints. Backfill and compaction will be accomplished in a prescribed manner. Replacement of the paver brick is not included in the contract. Based upon the effectiveness of the remediation project, alternate walkway designs may be contemplated.

Five contractors whose line of work is similar to requirements of the project were invited to bid the project. Two bids were received (see attached bid tabulation). Stable Soils of Florida submitted the low base bid in the amount of \$17,094.63. Stable Soils of Florida has been in business for more than five years performing work associated with grout injection.

The bid includes a price for Alternate 1, removal of flowable fill concrete if found during excavation. This Alternate 1 if needed will be paid on a cubic yard basis estimated to be three cubic yards. Staff recommends award of the contract to Stable Soils of Florida and to include Alternate 1 in the amount of \$1,950.00 in the awarded contract amount. The recommended awarded contract amount is \$19,044.63 (\$17,094.63 + 1,950.00).

A contingency amount of \$1,900.00 (10 percent of the awarded contract price) is also recommended.

In addition to contracting with Stable Soils of Florida, Simmons and White, Ardaman and Associates, and Al Gargiulo, P.E. will monitor the construction during the demonstration work. The funds for construction inspection services have been included in the Simmons and White contract.

Recommended Motion: I move to approve contracting with Stable Soils of Florida in the amount of \$19,044.63 to perform the requirements of Bid No. 103-13 and to establish a contingency of \$1,900.



Exhibit "J"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2013 Agenda Item No. Tab 13

Agenda Title: RESOLUTION APPOINTING A COMMISSIONER TO THE AUDIT COMMITTEE AND AUTHORIZING THE TOWN MANAGER TO IDENTIFY AND APPOINT TWO INDEPENDENT VOLUNTEERS TO THE COMMITTEE

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON ____ READING
- NEW BUSINESS
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *BKR* Date: 8/7/13

Blake K. Rane Finance Director
Name/Title

Originating Department: <p style="text-align: center;">FINANCE</p>	Costs: \$ -0- Funding Source: Acct. # <input checked="" type="checkbox"/> Finance ___ BKR ___	Attachments: Resolution No. ___-08-13 Florida Statute 218.391
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 ___ BKR ___ Please initial one.

Summary Explanation/Background:

The contract with the Town's external independent auditor has expired with the Fiscal Year 2012 audit. A Request for Proposals (RFP) has been issued for external auditing services. Pursuant to Florida Statute, the Town must appoint an audit committee to evaluate the proposals received and to make a recommendation to the Town Manager and the Town Commission.

Recommended Motions:

I move to approve Resolution No. 24-08-13, appointing _____ to the Lake Park Audit Committee and directing the Town Manager to identify and appoint a minimum of two other independent and qualified individuals from governmental agencies to serve with him/her.



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, August 21, 2013,
Immediately Following the
Special Call CRA Board Meeting
Lake Park Town Hall
535 Park Avenue

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

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

- A. CALL TO ORDER/ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. SPECIAL PRESENTATIONS/REPORTS
None

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

E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

- 1. Regular Commission Meeting Minutes of August 7, 2013 Tab 1
- 2. Resolution No. 20-08-13 Support of the All Aboard Florida Project Effort to Install Fiber Optic Cable for Public Use in the Florida East Coast Rail Corridor. Tab 2
- 3. Award of Budgeted Sidewalk Replacement Contract Tab 3
- 4. Rescheduling the Regular Commission Meeting of September 4, 2013 to Tuesday, September 10, 2013 immediately following the First Public Hearing on the Budget Tab 4

F. **OLD BUSINESS:**
None

G. **PUBLIC HEARINGS - ORDINANCES ON FIRST READING:**

5. Ordinance No. 11-2013 Text Amendment to Section 78-111 Changing the Fence Height Requirements Tab 5
APPROVAL OF THE STAFF INITIATED TEXT AMENDMENT TO SECTION 78-111(B)(1) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO CREATE A MAXIMUM FRONT YARD FENCE HEIGHT OF SIX FEET FOR MULTI-FAMILY STRUCTURES GREATER THAN THREE STORIES WITH PARKING AREAS FACING THE STREET

6. Ordinance No. 12-2013 Text Amendment Section 78-184 Special Exception Notice and Submittal Requirements Tab 6
APPROVAL OF THE STAFF INITIATED TEXT AMENDMENT TO SECTION 78-184 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO ADD A CERTIFIED MAIL REQUIREMENT AND SUBMITTAL REQUIREMENTS FOR SPECIAL EXCEPTION USE APPLICATIONS

7. Ordinance No. 13-2013 Text Amendment to Section 78-144 to Create Cross and Joint Access Tab 7
APPROVAL OF THE STAFF INITIATED TEXT AMENDMENT TO SECTION 78-144 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO CREATE LANGUAGE RELATING TO CROSS ACCESS AND JOINT ACCESS

H. **PUBLIC HEARINGS – ORDINANCE ON SECOND READING:**

8. Ordinance No. 10-2013 Changing the Board Appointment Process Tab 8
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION 2-112 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, PERTAINING TO THE APPOINTMENT OF MEMBERS TO TOWN BOARDS AND COMMITTEES; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

- I. **PUBLIC HEARING – QUASI-JUDICIAL HEARING:**
9. Resolution No. 21-08-13 Special Exception Application for the Approval of an Animal Service Establishment at 524 Northlake Blvd. Tab 9
- J. **NEW BUSINESS:**
10. Resolution No. 22-08-13 To Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Town Clerk; to Revise the Job Description for the Positions of Equipment Operator II, Equipment Operator III, Maintenance Worker II, Mechanic II, Foreman, Vehicle Maintenance Foreman in the Public Works Department; and to Create the New Job Description of Accountant I, Accountant II, and Accountant III in the Finance Department Tab 10
11. Resolution No. 23-08-13 Restricting the Unspent Legal Settlement Proceeds from the Marina Lawsuit and Designating these Funds for the Repair of the Seawall. Tab 11
12. Award of Contract for Lake Park Harbor Marina Seawall Joint Sealing-Demonstration (Chemical Grouting), RFP No. 103-2013 to Stable Soils of Florida Tab 12
13. Resolution 24-08-13 Appointing a Commissioner to the Audit Committee and Authorizing the Town Manager to Identify and Appoint Two Independent Volunteers to the Committee Tab 13
- K. **TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**
- L. **ADJOURNMENT**

Next Scheduled Special Call Commission Meeting will be held on TUESDAY, September 10, 2013