



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, September 5, 2018, 8:00 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 5, 2018 at 8:00 p.m. Present were Mayor Michael O'Rourke, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Anne Lynch, Roger Michaud, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Deputy Town Clerk Shaquita Edwards.

Deputy Town Clerk Shaquita Edwards performed the roll call and Mayor O'Rourke led the pledge of allegiance.

**SPECIAL PRESENTATIONS/REPORTS:**

**None**

**PUBLIC COMMENT:**

John Linden expressed concern regarding the traffic conditions on Northern Drive. He provided a brief summary of the events that had taken place (Petition Signatures, and Speed Study). He asked Town Manager D'Agostino for an update and or timeline to reach a permanent solution. Town Manager D'Agostino thanked Mr. Linden for his comment and explained that the Town was in the process of a Request for Qualifications (RFQ No. 107-2018) for Professional Consultant Services. He explained that the Evaluation Committee would provide a recommendation to the Town Commission in hope to fulfill engineering and architectural services for Town Projects. He explained that a second speed study would need to be conducted to determine if the issue of speeding has been reduced as a result of traffic improvements. He explained that permanent changes would be derived from the second speed study. He apologized to residents for the delay; he ensured that the process would continue soon after the completion of the RFQ process.

Mayor O'Rourke thanked Mr. Linden for his comment. Vice-Mayor Glas-Castro suggested that a no parking sign be placed within the chicanes (turns) on Northern Drive. Mayor O'Rourke questioned if the height of the roadway barrels could be lowered. Public Works Director Richard Scherle explained that the roadway barrels had minimum standards for visibility. He explained that selected engineer would make a recommendation regarding a permanent design along Northern Drive. Discussion ensued regarding the possibility of scheduling a second Northern Drive Workshop to reiterate the traffic improvement process. Mr. Linden asked for clarification of the need for a second speed study. Town Manager D'Agostino explained that a traffic engineering would complete the second speed study to validate the first speed study.

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of August 1, 2018.
2. Commission Budget Meeting Minutes of August 20, 2018.
3. CRA & Commission Workshop Minutes of August 22, 2018.

**Motion: Vice-Mayor Glas-Castro moved to approve the consent agenda; Commissioner Michaud seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

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

4. Ordinance No. 11-2018 Amending Section 70-101(14) of Chapter 70 to Recognize an Exemption for Certain Historical or Nostalgic Signs.

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**Motion: Commissioner Michaud moved to approve Ordinance No. 11-2018 on first reading; Commissioner Lynch seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

Town Attorney Baird read Ordinance No. 11-2018 by title.

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

5. Ordinance No. 10-2018 Business Tax Receipt for Rental Fee.

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, SECTION 28-32(m)**

**ENTITLED “BUSINESS TAX RECEIPT REQUIRED; APPLICATION AND PRE-REQUISITES TO ISSUANCE”; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager D’Agostino explained the item (see Exhibit “B”).

**Motion: Vice-Mayor Glas-Castro moved to approve Ordinance No. 10-2018 on second reading; Commissioner Michaud seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner Michaud	X		
Vice-Mayor Glas-Castro	X		
Mayor O’Rourke	X		

Motion passed 5-0.

Town Attorney Baird read Ordinance No. 10-2018 by title.

**OLD BUSINESS:**

**6. Discussion of the Grant Application submitted to the Town Grant Making Program by Operation Hope, Inc.**

Town Manager D’Agostino introduced and provided a brief history and update of the item. He explained that Mr. Bowers had provided receipts that totaled \$7,638.92, donations totaled \$3,051.00, and that the total grant request \$4,587.92 (see Exhibit “C”).

**Motion: Commissioner Michaud moved to approve the grant application submitted by Operation Hope, Inc. for its After School Tutorial, Summer Camp, and Weekly Food Distribution Project; Vice-Mayor Glas-Castro seconded the motion.**

Vice-Mayor Glas-Castro questioned if the building rental would be used for the building located at 1253 10<sup>th</sup> Street, Lake Park, FL 33403. Mr. Ken Bowers of Operation Hope, Inc. explained that the building rental fee listed in Exhibit “C” was for the building located in the Town of Lake Park. Vice-Mayor Glas-Castro questioned if the building would be used post summer camp, and how many children from Lake Park participated in the program. Mr. Bowers explained that Operation Hope, Inc. would continue to rent the building throughout the year and forty-nine children from Lake Park participated in the Operation Hope, Inc. summer camp program.

Commissioner Michaud thanked Mr. Bowers for his participation in the Town of Lake Park Back to School Explosion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		

Commissioner Lynch	X		
Commissioner Michaud	X		
Vice-Mayor Glas-Castro	X		
Mayor O'Rourke	X		

Motion passed 5-0.

**NEW BUSINESS:**

**7. Fourteenth Addendum to the Palm Beach County Sheriff's Office Contract with the Town of Lake Park.**

Town Manager D'Agostino explained the modifications to the 14<sup>th</sup> Addendum to the Contract between the Town of Lake Park and the Palm Beach County Sheriff's Office. Mayor O'Rourke thanked Lieutenant Thomas Gendreau for his dedication and service to the Town of Lake Park. Lt. Gendreau expressed his gratitude to the Town Commission.

**Motion: Vice-Mayor Glas-Castro moved to approve the 14<sup>th</sup> Addendum to the PBSO Contract for \$2,978,187.00; Commissioner Michaud seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**8. Resolution No. 50-09-18 Authorizing and Directing the Mayor to Proceed with Executing an Agreement with Mathews Consulting, Inc. for Professional Engineering Services Pertaining to the Redesign of the Lake Shore Drive Drainage System.**

Town Manager D'Agostino explained that Mathews Consulting, Inc. was the top-ranked firm by the Evaluation Committee. He explained that the redesign was inclusive of a pump station, and that the long-term solution was needed to alleviate flooding issues on Lake Shore Drive. Mayor O'Rourke questioned when the redesign would begin. Public Works Director Scherle explained the projected start date in the year 2020; he explained that a timeline was provided in the Commission Meeting Agenda Packet.

**Motion: Vice-Mayor Glas-Castro moved to adopt Resolution No. 50-09-18; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**9. Resolution No. 51-09-18 Authorizing and Directing the Mayor to Execute an Agreement with Bob’s Barricades, Inc. to Implement a Pilot Program for Lane Closure on 10<sup>th</sup> Street and Northern Drive.**

Town Manager D’Agostino explained that the item was a temporary solution to reduce the number of accidents at 10<sup>th</sup> Street and Northern Drive, which may lead to the installation of a rotary. Commissioner Michaud questioned the timeline for the barriers; Town Manager D’Agostino explained that it would be about a month. Public Works Director Scherle explained that the closure would be in effect for twelve months.

**Motion: Commissioner Flaherty moved to adopt Resolution No. 51-09-18; Commissioner Lynch seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner Michaud	X		
Vice-Mayor Glas-Castro	X		
Mayor O’Rourke	X		

Motion passed 5-0.

**10. Discussion of Amendments to the Town Grant Making Program for Fiscal Year 2019.**

Town Manager D’Agostino explained the item. Discussion ensued regarding the Grant Making Program. Mayor O’Rourke suggested creating a program that assesses the outcomes. Commissioner Michaud asked for clarification of the process for 501(c) 3; Town Manager D’Agostino explained that 501 (c) 3 were not required to match. Commissioner Lynch questioned why. Assistant Town Manager/ Human Resources Director Bambi McKibbon-Turner explained that applicants are not required to be 501 (c) 3. Commissioner Lynch questioned the approach of other municipalities. Assistant Town Manager/ Human Resources Director McKibbon-Turner explained that she would contact other municipalities. She reviewed the Amendments to the Town Grant Making Program for Fiscal Year 2019. Commissioner Flaherty suggested that the Commission consider the competitive grant process. Discussion ensued; the Commission did not reach a consensus.

**11. Discussion on Office Building Located at 624 US Highway 1.**

Town Manager D’Agostino explained the item (see Exhibit “D”). He explained the proposal of Dr. Robert C. Greer to sell his property to the Town. Discussion ensued regarding the historical significance, preservation, and possible uses for the building. The consensus of the Commission was not to purchase the property but to offer Dr. Greer creative solutions.

**12. Discussion of the Reissuance of the Request for Proposals for the Lease of the 800 Park Avenue Building Owned by the Town of Lake Park Community Redevelopment Agency.**

Town Manager D’Agostino explained the item (see Exhibit “E”). He provided a brief background of the original Request for Proposals (RFP) No. 104-2018. He explained that property should be assessed from an economic perspective and used to generate revenue. He explained that the current use of the building by the Artist of Palm Beach County did not attract people to the Art on Park Gallery. He proposed that the building could be used as technology center/entrepreneurial meeting place for non-profits, and businesses. Discussion ensued regarding the concept of virtual office space.

**PUBLIC COMMENT:**

Mary Jane Zapp, Artists of Palm Beach County expressed that she was shocked at the comments of Town Manager D’Agostino. She briefly explained the RFP process on behalf of the Artists of Palm Beach County. She explained that they were very active in the Town; she referenced their special events. She suggested that the Artist of Palm Beach County and the Town of Lake Park have more interaction and communication.

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

**Town Attorney Baird** announced that he attended the Palm Beach County Office of Equal Opportunity Conciliation regarding Sober Homes. He announced that he surveyed thirty-eight municipalities to review their definition of family. He informed that thirty out of thirty-eight municipalities had a definition of family that was substantially the same as the Town of Lake Park. He recommended that the Town of Lake Park does not agree to change its definition of family as suggested and in accordance with the definition provided by Palm Beach County. He announced that if the Commission agreed, he would notify the Palm Beach County Office of Equal Opportunity.

**Motion: Commissioner Flaherty moved for the Town of Lake Park to preserve its definition of family; Commissioner Lynch seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner Michaud	X		
Vice-Mayor Glas-Castro	X		
Mayor O’Rourke	X		

Motion passed 5-0.

**Town Manager D’Agostino** announced that he was notified that a sex offender had an address of 9<sup>th</sup> Street and Park Avenue in the Town of Lake Park. He announced that the Town of Lake Park’s Sex Offender Ordinance does not address Transient Sex Offenders. He informed that the Town needed to strengthen its Ordinance in accordance with Palm Beach County or the State of Florida. Discussion ensued regarding the news media coverage of the issue. Town Attorney Baird explained the State of Florida Sex Offender

Statute. He announced that the Sunset Celebration was scheduled for Friday, September 28, 2018, 6:00 p.m. -9:00 p.m. Commissioner Michaud suggested more marketing for the monthly Sunset Celebration.

**Commissioner Lynch** announced that the residents of the Town appreciate Citizens on Patrol presence at Sunset Celebration.

**Commissioner Michaud** announced that on September 10, 2018, 10:00 a.m.-2:00 p.m., the American Red Cross planned to canvas the Town of Lake Park and install smoke alarms free of charge. The Contact Information for the American Red Cross representative is 561-650-9139.

**Commissioner Flaherty** had no comments.

**Vice-Mayor Glas-Castro** asked if the restrooms at the parks were to remain open until the park was officially closed. Special Events Director Franks explained that Tennis Professional Itamar Macedo and PBSO lock the restrooms after the parks closed. Vice-Mayor Glas-Castro asked for an update of the live broadcast of Town Commission Meetings. Town Manager D'Agostino announced that the Town Meetings were not live because they were not ADA Compliant. He announced that a rebroadcast schedule would be posted to the Town Website.

**Mayor O'Rourke** thanked Special Events Director Riunite Franks for organizing the Town of Lake Park Sunset Celebration. He announced that Marquis Davis of the Cheesecake Factory at City Place thanked the Town of Lake Park for allowing their participation the Back to School Explosion.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Michaud and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 10:11 p.m.



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Mayor Michael O'Rourke



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Town Clerk, Vivian Mendez, CMC

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Deputy Town Clerk, Shaquita Edwards



Approved on this 19 of September, 2018



Exhibit "A"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 5, 2018

Agenda Item No. Tab 4

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

- Special presentation/reports, Board appointment, Public hearing ordinance on 1st reading, New business, Other, Consent agenda, Old business.

Approved by Town Manager [Signature] Date: 8-23-18

Nadia Di Tommaso / Community Development Director Name/Title

Table with 3 columns: Originating Department (Community Development), Costs (Legal Fee, Funding Source: Legal Budget, Acct. #GF 108, Finance [Signature]), Attachments (Ordinance 11-2018), Advertised (Date: N/A on first reading), and notification status (Yes/No/Not applicable).

Summary Explanation/Background:

This item is very simple. Staff has been in communications with Dunkin Donuts along Federal Highway regarding their freestanding sign, along with REG Architects, historical consultant and the State Department of Historical Resources. In these discussions Town Code Section 70-101, Subsection (14) was further discussed since it was amended in late 2017. It has been determined

that designation is first needed in order to make the exemption viable. Consequently, the following amendments, which are supported by REG and the State in our preliminary discussions are required:

70-101

(14) Historical signs and markers designating places of historical significance, or nostalgic signs. The Community Development Department may approve certain signs with historic or nostalgic significance provided the sign is historically designated and a special certificate of appropriateness is processed and approved, as required per the Town's Historic Preservation guidelines. The owner of a property with a historic or nostalgic sign may apply for designation and a special certificate of appropriateness as may be required. ~~A special certificate of appropriateness may be issued for a nostalgic sign provided it is determined that the sign has value as a part of the heritage of the town based upon documentation which demonstrates the nostalgic value of the sign.~~

Since this is regulated by Chapter 66 (Historic Preservation) in the Town Code, it is being eliminated here.

**Recommended Motion: I move to APPROVE Ordinance 11-2018 on first reading.**

**ORDINANCE NO. 11-2018**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the Town Commission has a comprehensive sign Code which has been codified in Chapter 70, Articles I through IV, and Sections 70-1 through 70-108 of the Town's Code of Ordinances; and

**WHEREAS**, the Community Development Director has recommended the amendment of Town Code, Chapter 70, Article IV, Section 70-101(14), to allow for an exemption for certain signs which have been determined to be of historical or nostalgic significance in the Town.

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

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

**Section 2.** Chapter 70, Article IV, Section 70-101(14) of the Town Code is hereby amended to add a new exemption to subsection (14), to read as follows:

(14) Historical signs and markers designating places of historical significance, or nostalgic signs. The Community Development Department may approve certain signs with historic or nostalgic significance provided the sign is historically designated and a special certificate of appropriateness is processed and approved, as required per the Town's Historic Preservation guidelines. The owner of a property with a historic or nostalgic sign may apply for designation and a special certificate of appropriateness as may be required. ~~A special certificate of appropriateness may be issued for a nostalgic sign provided it is determined that the sign has value as a part of the heritage of the town based upon documentation which demonstrates the nostalgic value of the sign.~~

**Section 3. Severability.**

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

**Section 4. Codification.**

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

**Section 5. Repeal of Laws in Conflict.**

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon adoption by the Town Commission.



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 5, 2018

Agenda Item No. Tab 5

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, SECTION 28-32(m) ENTITLED "BUSINESS TAX RECEIPT REQUIRED; APPLICATION AND PRE-REQUISITES TO ISSUANCE"; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- Special presentation/reports, Board appointment, Public hearing ordinance on 2nd reading, New business, Other, Consent agenda, Old business.

Approved by Town Manager [Signature] Date: 8-23-18

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

Table with 3 columns: Originating Department (Community Development), Costs (Legal Fee, Legal Budget, Acct. #GF 108), Attachments (Ordinance 10-2018, Legal Ad), Advertised (Date: 08/26/2018, Paper: Palm Beach Post), and notification status (Yes/No).

Summary Explanation/Background:

August 1, 2018 - Approved by the Town Commission on first reading at a vote of (4-0).

Chapter 28 of the Town Code regulates the Business Tax Receipt process in the Town. All businesses are required to obtain a local business tax receipt. This includes rental business tax receipts for residential and nonresidential properties. Currently, the first step to obtaining a business tax receipt is to apply for a Zoning Certificate. The Zoning Certificate provides for the review of

zoning to ensure the proposed business fits within the parameters of the zoning district per the Town Code; ensures that the business has obtained any applicable permit or licenses necessary to operate the business; ensures that the business has passed all required inspections; ensures the business is set up with the necessary sanitation services, as applicable; and ensures that the business name is registered in the State Florida

Currently, by practice the Town conducts zoning inspections for all nonresidential business locations (except nonresidential rental business tax receipt whereby an applicant obtains a business tax receipt to rent property).

In an attempt to further promote the public's health, safety and general welfare, it is recommended that the zoning inspection is made applicable to ALL businesses in Town, including rental locations, whether residential or nonresidential. These inspections can potentially address any serious interior structural issues, or in the case of residential rentals, overcrowding issues, which may need to be addressed by owners in an effort to improve the areas in Town. This inspection would be listed as an additional requirement on the Rental Business Tax Receipt application for Single-Family, Duplex Lots, Multi-Family and Commercial structures. The inspection fee of \$50 that is already being charged for zoning inspections, will apply. If a property has not been inspected in 5 years, possibly due to continuous use and/or ownership, the property will be subject to an additional zoning inspection since one will be required every five (5) years per the proposed Ordinance. Staff will track the inspections utilizing the information available and populated in our Business Tax Receipt system.

In an effort to formalize this process in the Town Code, staff is proposing the following modification to Town Code Section 28-32(m):

~~(m) First time applicants must present, when applicable, a current town-issued zoning confirmation letter certificate that certifies the premises conforms to the appropriate Town's zoning regulations and that the business operator has obtained all necessary permits, approvals, and licenses needed necessary to operate the business. The confirmation letter zoning certificate shall certify include but is not limited to, certification by the town that the premises has passed all required fire inspections, building inspections, and zoning reviews, and other town-conducted reviews and inspections including an inspection of the premises prior to any business tax receipt issued in the Town at a fee established by Resolution of the Town Commission, in order to ensure the premises is consistent with the zoning use of the property and that the premises is in compliance with the Town Code. The inspection of the premises requirement shall apply to businesses that have previously been issued a business tax receipt, including rental business tax receipts, with the inspection required no later than September 30, 2019. All new applications, which include a change in the name of the business, or a change in the ownership of the business, must obtain an inspection of the premises. At least one zoning inspection every five (5) years shall be conducted.~~

**Recommended Motion: I move to ADOPT Ordinance 10-2018 on second reading.**

**ORDINANCE 10-2018**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, SECTION 28-32(m) ENTITLED "BUSINESS TAX RECEIPT REQUIRED; APPLICATION AND PRE-REQUISITES TO ISSUANCE"; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapters 163, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted regulations regarding taxation which are codified in Chapter 28 of the Town Code; and

**WHEREAS**, the Town Commission has determined that the public's health, safety and general welfare would be furthered by the amendment of the business tax receipt guidelines; and

**NOW, THEREFORE**, be it ordained by the Town Commission of the Town of Lake Park, Florida that:

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

**Section 2.** Chapter 28, Article I, Section 28-32(m) of the Town Code of Ordinances is hereby amended as follows:

**Sec. 28-32. – Business tax receipt required; application and pre-requisites to issuance.**

(a) An application for a new business tax receipt or the renewal of an existing business tax receipt shall be accompanied by payment of the appropriate application fee. The amount of these fees shall be established and may be periodically revised through a resolution of the town commission. These fees are intended to cover the costs associated with the processing of applications and renewals by town staff. A business tax receipt must be obtained from the town within 30 days of the opening or establishment of the business, profession or occupation in the town.

(b) A business tax is hereby levied upon and shall be collected from:

(1) Any person who maintains a permanent business location or branch office within the town for the privilege of engaging in or managing any business within the town; and

(2) Any person who maintains a permanent business location or branch office within the town for the privilege of engaging in or managing any profession or occupation within the town;

(3) Any person who does not qualify under the provisions of subsection (b)(1) or (2) of this section and who transacts any business or engages in any occupation or profession in interstate commerce, where such business tax is not prohibited by section 8 of article 1 of the United States Constitution.

(4) The tax provided in the business tax schedule for architects, auditors or accountants, dentists, engineers, lawyers, physicians and surgeons, real estate salesmen, or other professions shall be construed to mean that each individual shall pay the tax, whether practicing individually or in partnership or association with other individuals.

(c) The person applying for the business tax receipt shall attest and certify in affidavit form on the application, the type and nature of all businesses, professions and/or occupations being conducted at the location for which the receipt is being requested. Any person applying for a receipt based upon stock of merchandise must also attest and certify that full and complete information has been furnished relative to the stock that has been provided with the application. The town's community development director may require the applicant to disclose such other relevant information as the applicant's full name, address, and the applicant's relationship to the business for which the business tax receipt is requested.

(d) As a prerequisite to receiving a local business tax receipt or transferring a business license under section 18-31, the applicant or new owner must present to the town either:

(1) A copy of the applicant's or new owner's current fictitious name registration, issued by the Division of Corporations of the Department of State; or

(2) A written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Fictitious Name Act.

(e) Any person applying for a local business tax receipt to practice any profession regulated by the department of business and professional regulation, or any board or commission thereof, must produce an active state certificate, registration, or license, or proof of copy of the same, before a business tax receipt may be issued. Thereafter, only persons applying for the first time for a receipt must exhibit such certification, registration, or license.



(f) Any person applying for a business tax receipt to operate a pharmacy must produce a current permit issued by the board of pharmacy; however, no such receipt is required to practice the profession of pharmacy.

(g) Any person applying for a business tax receipt to operate an assisted living facility pursuant to Part III of Chapter 400, F.S., must produce a current license issued by the Agency for Health Care Administration to operate such facility at the specified location or locations.

(h) Any person applying for a business tax receipt to operate a pest control business regulated under Chapter 482, F.S., must produce a current license issued by the department of agriculture and consumer services for each of its business locations in the town.

(i) Any person applying for a business tax receipt to operate a health studio pursuant to F.S. §§ 501.012—501.019 or ballroom dance studio pursuant to F.S. § 501.143, must produce a current license, registration, or letter of exemption from the department of agriculture and consumer services.

(j) Any person applying for a business tax receipt to engage in business as a seller of travel pursuant to Part XI of Chapter 559, F.S., must produce a current registration or letter of exemption from the department of agriculture and consumer services.

(k) Any person applying for a business tax receipt to operate a telemarketing business under F.S. §§ 501.604 and 501.608, must produce a current license or registration from the department of agriculture and consumer services or a current affidavit of exemption.

(l) A receipt may not be issued unless the federal employer identification number or social security number is obtained from the person to be taxed.

(m) First time applicants must present, ~~when applicable,~~ a current town-issued zoning ~~confirmation letter~~ certificate that certifies the premises conforms to the appropriate Town's zoning regulations and that the business operator has obtained all necessary permits, approvals, and licenses ~~needed~~ necessary to operate the business. The ~~confirmation letter~~ zoning certificate shall ~~certify~~ include but is not limited to, certification by the town that the premises has passed all required fire inspections, building inspections, and zoning reviews, and other town-conducted reviews and inspections including an inspection of the premises prior to any business tax receipt issued in the Town at a fee established by Resolution of the Town Commission, in order to ensure the premises is consistent with the zoning use of the property and that the premises is in compliance with the Town Code. The inspection of the premises requirement shall apply to businesses that have previously been issued a business tax receipt, including rental business tax receipts, with the inspection required no later than September 30,

2019. All new applications, which include a change in the name of the business, or a change in the ownership of the business, must obtain an inspection of the premises. At least one zoning inspection every five (5) years shall be conducted.

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

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

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

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

**LEGAL NOTICE OF  
PROPOSED ORDINANCE  
TOWN OF LAKE PARK**

Please take notice that on Wednesday, September 5, 2018 at 6:30 p.m. or soon thereafter, the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption there-  
of:

**ORDINANCE 10-2018**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2B, ARTICLE II, SECTION 28-32(C) ENTITLED - BUSINESS TAX RECEIPT REQUIREMENTS TO REQUIRE AND PROVIDE FOR THE REPEAL OF LAWS IN CONFLICT WITH THE REPEAL OF LAWS IN CONFLICT: PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

If a person desires to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk  
Town of Lake Park, Florida  
8-29-2018

000040055-01

Operation Hope Summer Camp Expense Sheet

*Exhibit 11*

Description	Amount
Building Rental Summer Camp	\$2,074.00
Atlantis Skateway June 6, 2018	\$440.00
Atlantis Skateway June 22, 2018	\$345.00
Fuel Rac Trac Bus	\$100.00
Bus Payment	\$3,000.00
Staples Flyers for Summer Camp	\$34.20
Fuel Cumberland Farms	\$50.00
Dollar Store Napkins, cleaning supplies	\$10.70
Gas for bus	\$50.00
Chunky Cheeze	\$421.22
Family Dollar Store Supplies	\$2.14
Insurance for Camp and Bus Transportation	\$791.00
Copies of Field Permission Slips	\$31.76
Summer camp Photo Portfolios supplies	\$26.59
Fedex Photocopies Summer Camp	\$149.52
Staples Flyers for Summer Camp	\$13.44
Summer Camp copies (fedex)	\$43.32
Staples Copies Camp	\$4.00
Flowers Baking Co.	\$52.03

**TOTAL** **\$7,638.92**

DONATIONS OFF SET COST

\$3,051.00

**Total Grant Request** **\$4,587.92**

Exhibit "D"

Robert Collins Greer MD, D.O., F.A.C.O.F.P.  
Fellow of the American College of Osteopathic Family Practice  
Board Certified Family Medicine  
Senior F.A.A. Medical Examiner

RECEIVED

JUL 18 2018

Office of Town Manager  
TOWN OF LAKE PARK

Robert Collins Greer O, D.O.  
HIMS  
Family Practice  
Senior F.A.A. Medical Examiner

624 U.S. Highway #1  
Lake Park, Florida 33403

(561) 848-2444  
(561) 844-2464

July 10, 2018

Town of Lake Park  
Park Avenue  
Lake Park, FL. 33403

To Whom It May Concern;

Our office building at 624 U.S. Highway #1 has historical significance. We are aware of the progress the town of Lake Park is making in regard to redevelopment. We understand that this redevelopment will visually impact the "Gateway to Lake Park" at the corner of U.S. Highway #1 and Park Avenue.

As the redevelopment progress continues we have heard from the community that historical preservation of Lake Park is of great importance to the citizens. We would like to offer the sale of our building at 624 U.S. Highway #1 to the town. Our building is similar to the one currently situated in Kelsey Park on U.S. #1. We understand that our building could be repositioned to another location for historical display or functional use should the Town see this in their overall vision.

As owners of this important building we would entertain a conversation with the redevelopment committee, the Historical Society, or the Town officials should anyone of these entities have an interest in this proposal. It is our hope to hear back from you before we consider other options.

Most Sincerely,

  
Robert C Greer  
Kelli N Greer

Exhibit "E"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 5, 2018

Agenda Item No. Tab 12

Agenda Title: Discussion of the Reissuance of the Request for Proposals for the Lease of the 800 Park Avenue Building Owned by the Town of Lake Park Community Redevelopment Agency

- Special Presentation/Reports, Board Appointment, Public Hearing Ordinance on Reading, New Business, Other.

Approved by Town Manager [Signature] Date: 8-20-18

Name/Title: ASSISTANT TOWN MGR/HUMAN RESOURCES DIRECTOR

Table with 3 columns: Originating Department, Costs, Attachment, Advertised, and other details.

**Summary Explanation/Background:**

On April 1, 2018, the Town of Lake Park Community Redevelopment Agency (CRA) issued Request for Proposals (RFP) No. 104-2018 for the Lease Arrangement for the CRA-owned building located at 800 Park Avenue with a deadline of 10:00 a.m. Eastern Time on May 1, 2018 for receipt of sealed proposals in response to this RFP. By this deadline, sealed proposals were received from the following two offerors:

- Artists of Palm Beach County, Inc.; and
- Palm Beach County Surfing History Project, Inc.

On May 25, 2018, the CRA issued its Notice of Intent to Award the lease for the 800 Park Avenue building to the Palm Beach County Surfing History Project, Inc. In response to what was interpreted as a notice of protest submitted on June 22, 2018 by the Artists of Palm Beach County, Inc., a meeting of the Protest Committee convened on July 9, 2018. Attached is a copy of the minutes from the meeting of the Protest Committee at which it was announced that the Finance Director, as the Chair of the Protest Committee, had determined that a new RFP for the lease of the 800 Park Avenue building would be generated.

The purpose of this agenda item is to authorize the Town on behalf of the CRA to issue a new RFP for the lease of the 800 Park Avenue building.

**Recommended Motion: I move that the Town of Lake Park, on behalf of the Town of Lake Park Community Redevelopment Agency, issue a new Request for Proposals for the lease of the 800 Park Avenue building.**



**Protest Committee Minutes**  
Town of Lake Park, Florida  
Lease Arrangement for Town of Lake Park  
Community Redevelopment Agency Owned  
Building Located at 800 Park Avenue, Lake Park, Florida  
Monday, July 9, 2018 10:00 a.m.  
Commission Chamber, Town Hall, 535 Park Avenue

The Protest Committee meeting was conducted on Monday, July 9, 2018. The meeting was called to order by Chair Lourdes Cariseo at 10 a.m. who asked for a roll call. Present were Committee members, Finance Director Lourdes Cariseo, Town Manager John D'Agostino, and Town Attorney Thomas Baird.

Town Attorney Baird explained the procedure outlined in the Town Code regarding a bid protest and an appeal of the Finance Director's decision. He explained that the Code provides that the Committee Members consist of the Finance Director, the Town Manager, the Department Director, and the Town Attorney. In this case, however, there is no Director because the RFP originated from the Community Redevelopment Agency (CRA), which has no departments. He stated that this meeting was not a public hearing. This meeting is solely to consider the information the protestor wishes to present to the Committee. He explained that following the protestors presentation, the Committee may ask questions, and then it will be up to the Committee to make a decision.

Chair Cariseo invited the Protestor, The Artists of Palm Beach County to present. Ms. Mary Jane Zapp, representing The Artist of Palm Beach County explained that The Artists of Palm Beach County were satisfied with the decision of Ms. Cariseo, who indicated that a new Request for Proposal would be generated. Consequently, The Artists of Palm Beach County never appealed that decision. She does not understand why this Committee was meeting when no appeal was filed. Attorney Baird explained that under the abundance of caution he took the June 22, 2018 email as a notice of appeal. If The Artists of Palm Beach County position was that they are not appealing, then he would like to make some remarks into the record. Ms. Zapp reiterated that they are not filing an appeal. She stated that The Artists of Palm Beach County received conflicting information concerning the submittals that were uploaded to the Town's website and only sought clarification to make sure that they met all the deadlines to file or respond to the process.

Town Attorney Baird stated for the record his evaluation of the protest and to the extent that there was an appeal that under the Town Code this Request for Proposal is in violation of the Town laws and procedures. He explained that the basis of the violation of the Code and procedures was that the CRA is not subject to the Town Code. This protest a solicitation by the CRA. The most obvious reflection that there is a difference between the Town Code and its procedures were not followed is that the CRA does not have a department director, which is why there is no department director here today as part of this Committee.



He stated that the second and more serious concern he has with this process is that violation by both The Artists of Palm Beach County and the Surfing Museum of the "Cone of Silence". The Cone of Silence existed from the time the Request for Proposal was issued until such time that the Commission makes a decision. He explained that there were public comments made at a public meeting to the CRA Board, the Town Commission, the Town Manager and Finance Director. In his opinion those public comments were violative of the Cone of Silence and the RFP procedures that are set forth in the Town Code and the RFP. After the Town Commission meeting wherein these comments were made, there were additional breaches of the Cone of Silence because emails were sent to the Commission, Town Officials, including himself, from both The Artists of Palm Beach and the Surfing Museum. He stated that as he read those emails, they were clearly intended to influence an award, which is inconsistent with the Town Code, and the procedures established by the Request for Proposal. He stated that he was ready to make a motion that both Offerors failed to observe the restrictions of the Cone of Silence and that both Offerors be disqualified from award of the Proposal. Since no appeal was filed his motion would be moot. He stated that if in fact this would be re-advertised, he would recommend that it be a Town of Lake Park request for proposal and not a CRA request for proposal and if either of these two Offerors respond to the request for proposal that the Cone of Silence be observed as required by law and the procedures.

**ADJOURNMENT:**

**Motion:** Town Attorney Baird moved to adjourn; seconded by Town Manager D'Agostino.

The Protest Committee meeting for Request for Proposal 104-2018 adjourned at 10:07 a.m.

**Vivian  
Mendez**

Digitally signed by Vivian Mendez  
DN: cn=Vivian Mendez, o=Town  
of Lake Park, ou=Town Clerk,  
email=vmendez@lakeparkflorida  
gov, c=US  
Date: 2018.07.16 16:38:35 -0400

Town Clerk Vivian Mendez



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, September 5, 2018,  
Immediately Following the  
CRA Board Meeting,  
Lake Park Town Hall  
535 Park Avenue

<b>Michael O'Rourke</b>	—	<b>Mayor</b>
<b>Kimberly Glas-Castro</b>	—	<b>Vice-Mayor</b>
<b>Erin T. Flaherty</b>	—	<b>Commissioner</b>
<b>Anne Lynch</b>	—	<b>Commissioner</b>
<b>Roger Michaud</b>	—	<b>Commissioner</b>
.....		
<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

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

A. **CALL TO ORDER/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 1, 2018. Tab 1
2. Commission Budget Meeting Minutes of August 20, 2018. Tab 2
3. CRA & Commission Workshop Minutes of August 22, 2018. Tab 3

**F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:**

4. Ordinance No. 11-2018 Amending Section 70-101(14) of Chapter 70 to Recognize an Exemption for Certain Historical or Nostalgic Signs. Tab 4

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**G. PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:**

5. Ordinance No. 10-2018 Business Tax Receipt for Rental Fee. Tab 5

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, SECTION 28-32(m) ENTITLED "BUSINESS TAX RECEIPT REQUIRED; APPLICATION AND PRE-REQUISITES TO ISSUANCE"; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**H. OLD BUSINESS:**

6. Discussion of the Grant Application submitted to the Town Grant Making Program by Operation Hope, Inc. Tab 6

**I. NEW BUSINESS:**

7. Fourteenth Addendum to the Palm Beach County Sheriff's Office Contract with the Town of Lake Park. Tab 7

8. Resolution No. 50-09-18 Authorizing and Directing the Mayor to Proceed with Executing an Agreement with Mathews Consulting, Inc. for Professional Engineering Services Pertaining to the Redesign of the Lake Shore Drive Drainage System. Tab 8

9. Resolution No. 51-09-18 Authorizing and Directing the Mayor to Execute an Agreement with Bob's Barricades, Inc. to Implement a Pilot Program for Lane Closure on 10<sup>th</sup> Street and Northern Drive. Tab 9

10. Discussion of Amendments to the Town Grant Making Program for Fiscal Year 2019. Tab 10

**11. Discussion on Office Building Located at 624 US Highway 1.**

**Tab 11**

**12. Discussion of the Reissuance of the Request for Proposals for the Lease of the 800 Park Avenue Building Owned by the Town of Lake Park Community Redevelopment Agency.**

**Tab 12**

**J. 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.**

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

**L. REQUEST FOR FUTURE AGENDA ITEMS:**

**M. ADJOURNMENT:**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, September 19, 2018**



TOWN OF LAKE PARK  
PUBLIC COMMENT CARD

RCM

MEETING DATE: 9/5/18

Cards must be submitted before the item is discussed!!  
\*\*\*Three (3) minute limitation on all comments

Name: JOHN A. LINDBER  
Address: 568 N. REDWOOD DR  
If you are interested in receiving Town information through Email, please provide your E-mail address: MASCARO@AOL.COM

I would like to make comments on the following Agenda Item:

I would like to make comments on the following Non-Agenda Item(s):

NORTHERN SPARC - TIMELINE

1

**Instructions:** Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK  
PUBLIC COMMENT CARD

MEETING DATE: 9/5/18

Cards must be submitted before the item is discussed!!  
\*\*\*Three (3) minute limitation on all comments

Name: Mary Jane Zapp  
Address: ~~327 Pine Ter~~  
If you are interested in receiving Town information through Email, please provide your E-mail address: \_\_\_\_\_

I would like to make comments on the following Agenda Item:  
New Business F. 12.

I would like to make comments on the following Non-Agenda Item(s):  
\_\_\_\_\_  
\_\_\_\_\_

(2)

**Instructions:** Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.