



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, June 5, 2019, 7:39 PM  
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, June 5, 2019 at 7:39 p.m. Present were Mayor Michael O'Rourke, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, and John Linden, Assistant Town Manager/Human Resources Director Bambi Turner, Town Attorney Thomas Baird, and Town Clerk Vivian Mendez. Commissioner Roger Michaud was absent.

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

**SPECIAL PRESENTATIONS/REPORTS:**

**1. Proclamation in Honor of Palm Beach Sheriff's Office Deputy Adam Pozsonyi.**

Mayor O'Rourke presented Deputy Adam Pozsonyi with the Proclamation. Deputy Pozsonyi thanked everyone for the proclamation. He has seen a difference since he started at the Town of Lake Park.

**2. Proclamation in Honor of Palm Beach Sheriff's Office Agent Jason Fulton.**

Mayor O'Rourke presented Agent Jason Fulton with the Proclamation. Mayor O'Rourke commended Agent Fulton for implementing the surveillance program. Captain Gendreau explained that the surveillance facility has expanded since the Commission were first informed of the facility. Once the facility is completed, the Commission would be invited to take a tour of the facility.

**PUBLIC COMMENT:**      None

**CONSENT AGENDA:**

**3. Regular Commission Meeting Minutes of May 15, 2019**

**4. Resolution No. 47-06-19 Authorizing and Directing the Mayor to Execute a Fourth Amendment to the Town's Agreement with the State of Florida, Division of Emergency Management for Grant Funds Associated with Hurricane Irma.**

**Motion: Commissioner Linden moved to approve the consent agenda; Commissioner Flaherty seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Linden	X		
Commissioner Michaud			Absent

Vice-Mayor Glas-Castro	X		
Mayor O'Rourke	X		

Motion passed 4-0.

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

**5. Ordinance No. 03-2019 Regulating and Restricting the Hours and Days that Major Construction Work can be conducted in the Town.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV, SECTION 10-154(5) OF THE LAKE PARK CODE REGULATING AND RESTRICTING THE HOURS AND DAYS THAT MAJOR CONSTRUCTION WORK CAN BE CONDUCTED IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director DiTommaso explained the item.

**Motion: Commissioner Flaherty moved to approve Ordinance No. 03-2019; Commissioner Linden seconded the motion.**

Vote on Motion:

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

Motion passed 4-0.

Attorney Baird read the Ordinance by title only.

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

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

\*\*\*\*\* Public Hearing Open \*\*\*\*\*

**6. Resolution No. 48-06-19 Approving a Conditional Use for a 522 square foot Microbrewery Establishment to be located at 700 Park Avenue Unit 720.**

- **The Commission to Disclose any Ex-Parte Communication at this time.**

Ex-Parte Communication Disclosure:

Mayor O'Rourke announced that he had a Voting Conflict (see Exhibit "A") and passed the gavel to Vice-Mayor Glas-Castro.

Commissioner Flaherty had no ex-parte communication to disclose.  
 Commissioner Linden had no ex-parte communication to disclose.  
 Vice-Mayor Glas-Castro had no ex-parte communication to disclose.

- **All Witnesses to be Sworn-in at this time.**

**A. Staff Report**

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

**B. Public Comments**

None

**C. Commission Deliberation**

Ms. Jo Brockman, owner of the Brew House Gallery along with John Hamp, the Brewer were available to answer any questions of the Commission.

**Motion: Commissioner Linden moved to approve the conditional use of a Microbrewery for 700 Park Avenue, Unit 720 (Resolution No. 48-06-19); Commissioner Flaherty seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Linden	X		
Commissioner Michaud			Absent
Vice-Mayor Glas-Castro	X		
Mayor O’Rourke			Abstain from Voting

Motion passed 3-0.

The Commission congratulated Ms. Brockman and wished her the best of luck.

**\*\*\*\*\* CLOSE PUBLIC HEARINGS\*\*\*\*\***

**OLD BUSINESS: None**

**NEW BUSINESS:**

**7. A Request from the Event Organizers of the 32<sup>nd</sup> Annual Kids Fishing Day Program Proposed for July 16-18, 2019 to allow the Town to be a Co-Sponsor, Thereby Allowing for the Waiver of Certain Fees.**

Mr. Tom Twyford, President of the Palm Beach County Fishing Foundation explained the item (see Exhibit “B”).

**Motion: Vice-Mayor Glas-Castro moved to approve the Town sponsor the Kids Fishing Days event at the Lake Park Harbor Marina; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 4-0.

**8. Resolution No. 49-06-19 Authorizing and Directing the Town Manager to Proceed With the Procurement of Two New Sanitation Vehicles.**

Public Works Director Richard Scherle explained the item (see Exhibit “C”). Vice-Mayor Glas-Castro clarified that the first payment would be during the next fiscal year. Public Works Director Scherle stated that the Town negotiated the first payment of the lease to the next fiscal year (October 2019). He stated that the Town would receive the trucks before the first payment.

Commissioner Linden asked if there was a lease option with Mack for the sanitation vehicles. Public Works Director Scherle stated that sanitation vehicles were different. He stated that they offer a lease purchase, but they do not offer the full maintenance package as they do with the light duty vehicles. Commissioner Linden asked if a two-year contract for the front-loaders was the best option for the Town due to budget. Public Works Director Scherle explained that the two-year option was directed by the Town Manager to minimize the interest obligation as low as possible. He stated that they are very flexible if it needed to be changed. Commissioner Linden asked what the warranty were on the trucks. Public Works Director Scherle explained that they were three-year warranty bumper-to-bumper, other than wear and tear; items (such as tires) were covered. Commissioner Linden asked if extended warranties were offered. Public Works Director Scherle stated that they did not offer extended warranties through the Sheriff’s Contract. He stated that Town could put together its own request for proposal and not use another entities procurement process to purchase the vehicles. He gave a brief explanation on why the Town uses other entities procurement versus going out for request on its own. Commissioner Linden asked if Mack offers a training for Town employees; and if so at what cost. Public Works Director Scherle explained that Mack offers free training when the vehicles are delivered.

Commissioner Flaherty asked how many of the front-loader truck and the side-loader trucks do the Town own. Public Works Director Scherle explained that the Town owns three of each. Commissioner Flaherty asked what the condition of the other two vehicles were. Public Works Director Scherle stated that he could not recall now what the vehicle schedule was for the other vehicles. He gave a brief report on the fleet schedule and vehicle replacement schedule and explained that staff would be reevaluate the schedules, fees, and other matters.

**Motion: Commissioner Flaherty moved to approve Resolution No. 49-06-19; Commissioner Linden seconded the motion.**

Vote on Motion:

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

Motion passed 4-0.

**\*\*\*\*\* Public Hearing Open \*\*\*\*\***

**9. Resolution No. 50-06-19 Amending Resolution No. 80-09-17, the Development of a Site Plan for a 7,440 Square Foot Office Warehouse on Vacant Property Located at the Southeast corner of Water Tower Road and 14<sup>th</sup> Street; Providing for an Extension of Six Months to the Expiration Date to Initiate Development.**

This item was quasi-judicial, therefore Ex-Parte Communication were disclosed, and witnesses were sworn in.

- Commissioner Flaherty had no ex-parte communication to disclose.
- Commissioner Linden had no ex-parte communication to disclose.
- Vice-Mayor Glas-Castro had no ex-parte communication to disclose.
- Mayor O'Rourke had no ex-parte communication to disclose.

Attorney Baird swore-in all witnesses.

Community Development Director DiTommaso explained the item (see Exhibit "D"). Vice-Mayor Glas-Castro asked if the six-month extension would coincide with the Traffic Performance Standards (TPS) approval. Community Development Director DiTommaso stated nothing would need to be done at this point. She explained that if they decided to move forward with construction then the TPS would need to be done before they expire, which was believed to be December 2019, and therefore they would need to apply for an extension prior to that date.

Mr. Jeff Fisher was available for questions.

**Motion: Vice-Mayor Glas-Castro moved to approve Resolution No. 50-06-19; Commissioner Linden seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Linden	X		
Commissioner Michaud			Absent

Vice-Mayor Glas-Castro	X		
Mayor O'Rourke	X		

Motion passed 4-0.

\*\*\*\*\* **Public Hearing Closed**\*\*\*\*\*

**10. Discussion of the Voting Process required by the Department of Justice for the Town of Lake Park whereby each voter cast one vote for Four Commissioner.**

Assistant Town Manager/Human Resources Director Turner explained the item (see Exhibit "E"). Attorney Baird clarified that his memo did not conclude that it would be a waste of taxpayer's money. He stated that his memo (see attached as Exhibit "E") states that the Commission concluded, in 2013, that they would not renew the contract with Dr. Engstrom. The contract had two phases, and the first phase was concluded. In the first phase Dr. Engstrom, assess whether the data he examined would indicate that racially polarized voting still existed in the Town. If not, then he would proceed to phase two of the contract. Dr. Engstrom did not believe it was worth wild to proceed to phase two. The Commission agreed not to spend another \$25,000 - \$50,000 to go to phase two when it appeared as though the Town did not meet the criteria to go back to the Department of Justice. Attorney Baird stated that it has been six-years since then and if the Commission wishes to peruse this, he suggested that the Commission approve for him to contact the Department of Justice and ask if they would do a study. If there has been no change in the voting data, the Department of Justice would not permit a change in the voting system.

Mayor O'Rourke asked the Town Clerk if it would be possible to gather information from our previous elections to see if persons of color had run for office. Town Clerk Mendez stated that yes it could be done. She stated that the destruction schedule for election records was approximately 10-years therefore, we would have the data. Attorney Baird stated that the data was available because it was the data that the Department of Justice used to compile their findings. Attorney Baird explained that there have been persons of color that have run and the Commission currently has a person of color as an elected official. He reiterated that unless a study was conducted the Department of Justice would not change the voting method in the Town. Attorney Baird explained what the previous study had concluded and what the Town could now show as progress.

The Commission discussed the topic and asked the Attorney to reach out and speak with the Department of Justice.

**Motion: Vice-Mayor Glas-Castro moved to direct the Town Attorney to speak with a Department of Justice representative regarding the Town of Lake Park's Voting System; Commissioner Linden seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Linden	X		
Commissioner Michaud			Absent
Vice-Mayor Glas-Castro	X		

Mayor O'Rourke	X		
----------------	---	--	--

Motion passed 4-0.

**PUBLIC COMMENT:**

Ben Fraizer 527 Sabal Palm Drive, explained the objective of the Lake Park Diversity Council. He explained the vital purpose of Town services (Public Works for example).

**FUTURE AGENDA SUGGESTIONS:** None

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

**Town Attorney Baird** had no comments.

**Assistant Town Manager/Human Resources Director Turner** provided a list of updates as follows: Lieutenant Thomas Gendreau has been promoted to Captain effective June 12, 2019. The Battle of the Badges, sponsored by Mullinax Ford, Target, Flagler Bank, Kohl's, Party Time Entertainment, Operation Hope, and Transformation Inc. was held on June 1, 2019 was successful with the Palm Beach County Fire Rescue winning. Seacoast Utilities would be replacing a failing pipe on 6<sup>th</sup> Street, between Date Palm Drive and Cypress Drive. Announcement of the road closure have not been determined but would be posted on the Town's website when determined. The Public Works Department was accepting Volunteer Board application for the Stormwater Policy Steering Committee and the Floodplain Management Committee. There are four resident positions available; two on each committee, applications are available at Town Hall or by contacting Public Works. The Town participated in the Palm Beach North Chamber Prosperity Leadership Program. The Property of Month of June was announced. There has been a request for a proclamation at the June 19, 2019 for National HIV Testing Day, which is June 27, 2019. Vice-Mayor Glas-Castro asked for the Commission's support. The Commission came to consensus to allow the proclamation. The Florida League of Cities has asked for Life Time Achievement Award nominations. The Commission discussed how nominations have been presented to the League in the past and generally, it has been an elected official that has served 30 or 40 years. Lake Park Summer Camp begins Monday, June 10<sup>th</sup> and runs until August 2<sup>nd</sup>. June 6<sup>th</sup> marks the 75<sup>th</sup> Anniversary of the Normandy Landings aka D-Day, which we honor our Veterans.

**Commissioner Linden** explained that at the last Diversity Council Meeting Palm Beach State College gave a presentation on jobs, workforce, etc. He announced that the City of Rivera Beach has a workforce program that would spill over into the Town. The Kelsey Theatre hosted a Renaissance Festival. One Park Place held a successful open house. The Summer Camp trailer looks fantastic. Brick and Barrel was now open for lunch. He announced that the Governor visited Lake Park Elementary where he signed a Bill into law, which he and the Mayor attended. He stated that the Haitian Flag Day event was well attended.

**Commissioner Michaud** was absent.

**Commissioner Flaherty** had no comments.

**Vice-Mayor Glas-Castro** asked if staff met with Nick Yuron, Transportation Agency regarding the US-1 visioning because the Technical Advisory Committee met today to review the five-year transportation improvement program, which includes local projects. The meeting included items such as bike lanes, pedestrian amenities. She stated the Nick had encouraged the Town to reach out to him regarding Federal funding for implementing the US-1 vision. Assistant Town Manager/Human Resources Director Turner stated that she would check with the Town Manager. Vice-Mayor Glas-Castro asked if staff had reached out to the Census Bureau representative of South Florida, because no one from Lake Park receive information. The Mayor spoke of the importance of inclusive since it would be done electronically in 2020. Vice-Mayor Glas-Castro asked when the Promenade Plaza visioning session would be held. Assistant Town Manager/Human Resources Director Turner stated that she would check with the Town Manager. Vice-Mayor Glas-Castro congratulated Captain Gendreau.

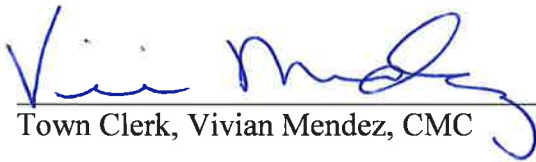
**Mayor O'Rourke** requested consensus to write a letter of support for Adopt a Cat on Old Dixie Highway, which are looking for grant funding efforts. They felt that a letter of support from the Mayor would help in their efforts. The Commission gave consensus.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Glas-Castro and seconded by Commissioner Linden, and by unanimous vote, the meeting adjourned at 9:19 p.m.



\_\_\_\_\_  
Mayor Michael O'Rourke



\_\_\_\_\_  
Town Clerk, Vivian Mendez, CMC



**FLORIDA**  
Approved on this 19 of June, 2019





TOWN OF LAKE PARK  
PUBLIC COMMENT CARD

MEETING DATE: 6/5/2019

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

Name: H. BEN FARZIEA

Address: 527 SABAL PALM DRIVE

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:

LANDRA STANDING -  
10. -

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

WHY DOES OUR P/SERVICES - WORK FORCE HAS TO  
WORK WITH EQUIPMENT - THAT HAS EXTENDED -

**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.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>O'Rourke Michael Joseph</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town of Lake Park Commission</i>
MAILING ADDRESS <i>501 Lake Shore Dr #701</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY: <i>Lake Park, FL</i> COUNTY: <i>33403</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>June 5, 2019</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Michael O'Rourke, hereby disclose that on June 5th, 20 19:

(a) A measure came or will come before my agency which (check one or more)


- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Brewhouse Gallery ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I have a contract agreement with financial remuneration with the Brewhouse Gallery.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

June 5th, 2019  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Exhibit "A"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5, 2019

Agenda Item No. Table

**Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A CONDITIONAL USE FOR A 522 SQUARE FOOT MICROBREWERY ESTABLISHMENT TO BE LOCATED AT 700 PARK AVENUE, UNIT 720; AND PROVIDING FOR AN EFFECTIVE DATE.**

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE
- NEW BUSINESS – DISCUSSION ITEM
- OTHER: QUASI-JUDICIAL PUBLIC HEARING RESOLUTION
- CONSENT AGENDA
- OLD BUSINESS

Approved by <sup>ACTING</sup> Town Manager Randy McCallister Date: 5/29/2019

Nadia Di Tommaso / Community Development Director

Name/Title		
<b>Originating Department:</b>  <p style="text-align: center;"><b>Community Development</b></p>	<b>Costs: \$ Legal Review and Legal Ad</b>  <b>Funding Source: #108 Legal and #500-48100 CD Advertising</b> Acct. # <u>Cost Recovery #5269</u>  <input type="checkbox"/> Finance _____	<b>Attachments:</b> → Staff Report → Resolution <u>48-06-19</u> → Applicant Application and Backup → Legal Ad → Certified Letter
<b>Advertised:</b> Date: <b>04/26/19</b> Paper: <b>Palm Beach Post</b> <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  <b>Please initial one.</b>

Summary Explanation/Background:

Please refer to the Staff Report.

**Recommended Motion:** I move to “APPROVE” the Conditional Use of a Microbrewery for 700 Park Avenue, Unit #720 in the Town of Lake Park, Florida.



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

**CONDITIONAL USE APPLICATION FILED BY THE BREWHOUSE GALLERY FOR  
A 522 SQUARE FOOT MICROBREWERY TO BE LOCATED AT 700 PARK AVE,  
UNIT 720, LAKE PARK, FLORIDA**

**BACKGROUND INFORMATION:**

**Applicant:** The Brewhouse Gallery  
**Owner:** 700 Park Avenue Holdings LLC (Rhonda and AJ Brockman)  
**Site:** 720 Park Avenue (legal address of the property is 700 Park Ave)

**Total Parcel Acreage:** 1.22 acres (Overall: 53,125 SF)  
**Total Built Square Footage:** 23,760 SF (700 Park Avenue)  
**Total Unit Square Footage:** 3,312 SF (Brewhouse Gallery)  
**Total Proposed Spec Ex SF:** 522 SF (Brewhouse Gallery Micro(Nano)-Brewery)

**Legal Description (from PAPA):** KELSEY CITY LTS 1 TO 17 INC BLK 10

**Current Zoning:** PADD Park Avenue Downtown District

**Future Land Use Map (FLUM)  
land use category:** DOWNTOWN

**Adjacent Zoning Designation**

**North:** Park Avenue Downtown District (PADD)  
**South:** Public District / R2 Multiple Family District  
**East:** R-1A Single Family Residential District  
**West:** Park Avenue Downtown District (PADD)

**Adjacent Land Use Designation**

**North:** Downtown  
**South:** Commercial  
**East:** Commercial  
**West:** Downtown

**Planning & Zoning Board (May 6, 2019) – Approved (5-0).** The Board asked Ms. Brockman how many years her brewer had been brewing for which she responded 15 years and explained they would be brewing exclusively for the Brewhouse Gallery and this will be a ‘new’ use to the overall operation with an anticipated revenue of approximately 25% of the overall operation if it is successful. There was some discussion as to whether microbreweries have added ventilation requirements for which Ms. Brockman responded there are not. It was explained that the by-product would be stored in airtight containers in the outdoor dumpster areas and that these are typically picked up by farmers for fertilization within 1-2 days. It was also explained that there are no impacts anticipated as it relates to Seacoast Utility Authority however, they will provide a full review at building permit to ensure waste is separated and is not a hazard. Ms. Brockman also explained to the Board that the existing interior bar will be lowered and that plexiglas will be installed so as to allow individuals to look in, while not interfering with production.



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

**SUMMARY OF REQUEST:**

---

AJ and Jo Brockman, the owners and operators of The Brewhouse Gallery are seeking Conditional Use Approval for the addition of a microbrewery component to their existing use. To accommodate this addition, The Brewhouse Gallery is proposing the adaptive reuse of the existing space within their business for the brewing operation, which they describe as a “nano-brewery.” Totalling less than 1,500 SF (522 SF), the proposed additional internal use would meet the Conditional Use criteria for a micro-brewery in the Park Avenue Downtown District and would provide an entirely unique and innovative implementation of the microbrewery concept.

In contrast with traditional micro-brewing operations in the Town and elsewhere, The Brewhouse Gallery’s full-time two-person brewing team lead by Head Brewer John Hampp is proposing to produce no more than 3,285 BBI annually with a planned production capability of 345 BBI annually through use of 4 fermentation vessels and a single brite tank, made exclusively at the Brewhouse Gallery. The limited scope of the proposed brewing operation will be focused on augmenting the Brewhouse Gallery’s selection of beers available on tap with their own custom crafted blends. They believe this will contribute to both their own branding and the Town’s objective of drawing patrons to the Park Avenue Downtown District by offering unique selections that can only be found in Lake Park.

The Park Avenue Downtown District code governing microbreweries reads as follows:

- c. *Microbrewery.* In addition to the development standards relevant to restaurant or retail use types in Table 78-70-1, as applicable, for an establishment to meet the definition of a microbrewery, it shall comply with the following:
  1. The microbrewery shall produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year;
  2. This use shall be permitted only in conjunction with a restaurant, tasting room or retail sales and service:
    - (a) No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function including, but not limited to, the brewing house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
    - (b) The façade of an interior accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;
    - (c) Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

3. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;
4. Access and loading bays are discouraged from facing toward any street, excluding alleys;
5. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
6. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
7. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:
  - (a) Designated on the approved site plan;
  - (b) Permitted within the interior side or rear yard or within the minimum building setbacks;
  - (c) Prohibited within any yard directly abutting a residential use or residential zoning district;
  - (d) Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

Please refer to the enclosed narrative and floor plan detailing the Applicant's proposed addition, along with a copy of the site survey from our records which identifies the existing conditions at the 700 Park Avenue plaza parking lot.

Staff has assessed that the plaza is sufficiently parked at the rate 1 space per 500 SF for retail and commercial uses per table 78-70-4 and has a total of 65 spaces existing, including 4 ADA spaces. Since breweries and similar indoor open areas are classified at the same parking rate of 1 space per 500 SF, staff has determined that there is no net increase in intensity from the proposed Conditional Use alteration.

The Applicant is not proposing any changes to the exterior of the site since parking, landscaping, and lighting are already in existence. The proposed interior changes will mostly consist of the reconfiguration of 522 SF of space to host the microbrewing operation's various components. The other changes will be structural (internal reconfigurations) pursuant to their proposed site plan, all of which will be submitted through permitting by the Applicant's selected contractor, following the approval of this Conditional Use application. The main structural change will be the improvement of electrical infrastructure within the building as well as an additional wall to enclose the brewing space.

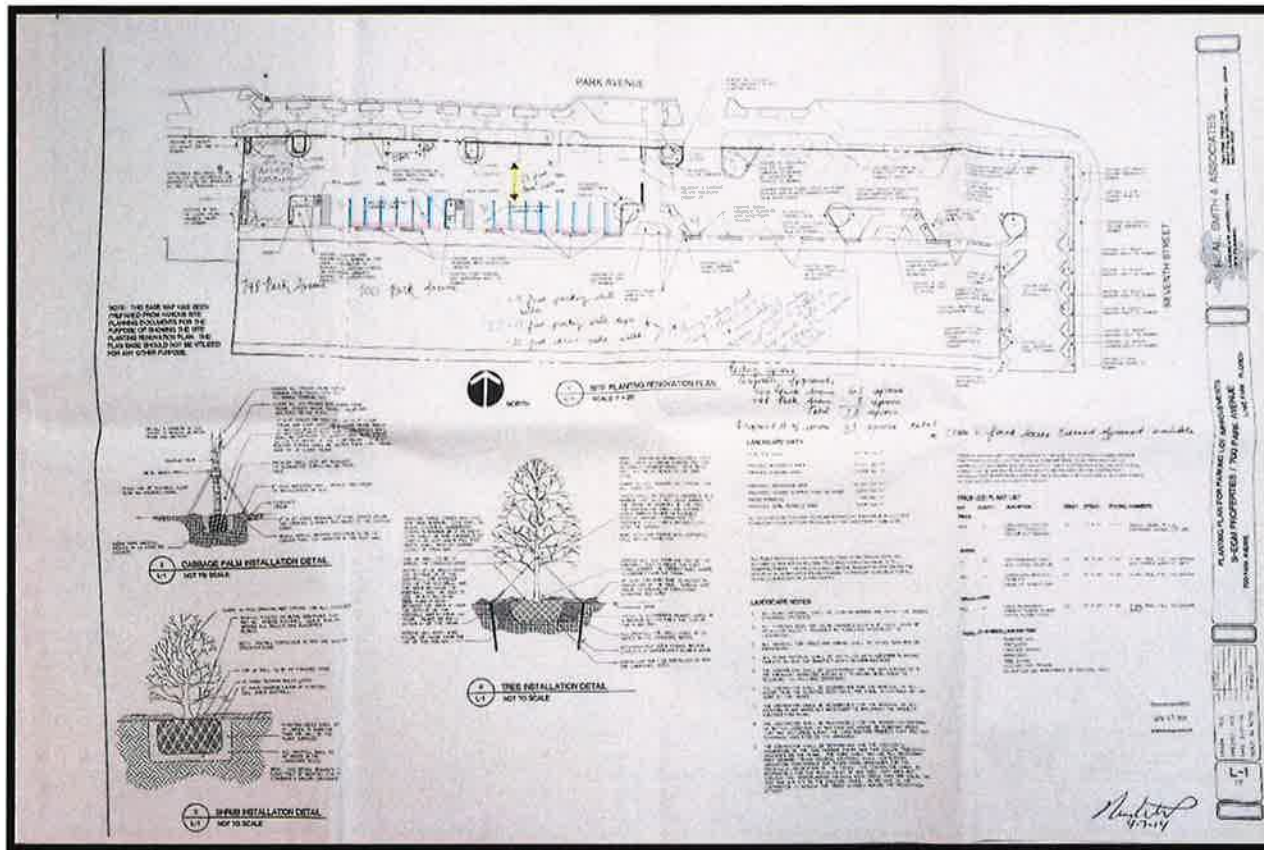
Given the nature of the proposal and the existing context, staff has determined that a traffic analysis is not applicable to the proposed change.





Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019

**FIGURE 4: Parking Existing Conditions**

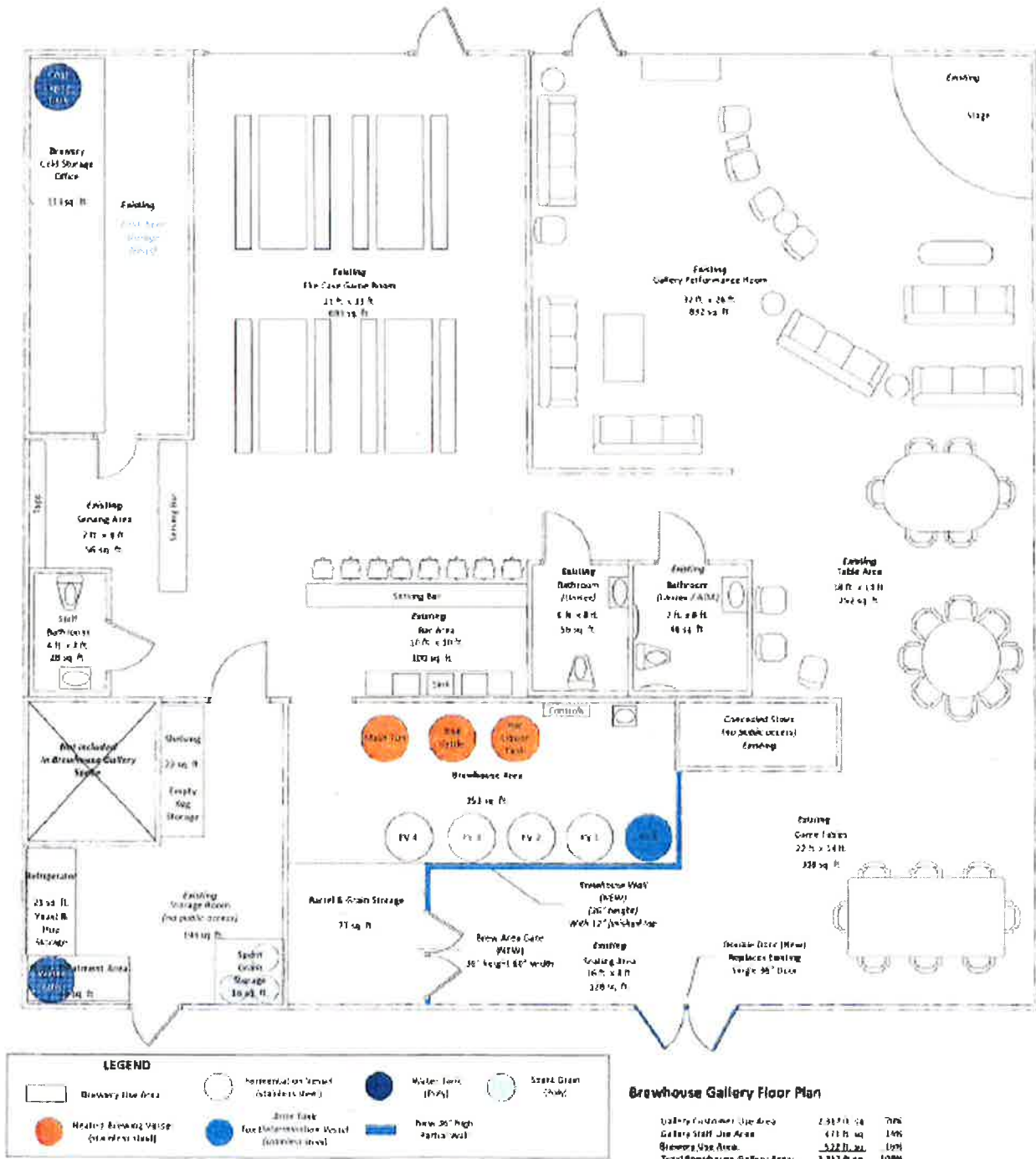




**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

**FIGURE 5: Proposed Floorplan**

**Brewhouse Gallery – Brewery Expansion Plan**





## ANALYSIS OF CONDITIONAL USE CRITERIA

*The five criteria (Town Code Section 78-70j) required for the granting of a conditional use and staff comments to each are as follows:*

### Criteria 1

*Conformance with the requirements of this section, including any standards contained in Table 78-70-1 and any applicable architectural or landscaping standards.*

**Applicable Goals and Objectives:**

Chapter 78, Article III, Section 78-70, Table 78-70-1:	The proposed microbrewery use of less than 1,500 square feet is a Conditional Use per table 78-70-1. Additionally, the standards set forth in 78-70-1 (15) c. <i>Microbrewery</i> stipulate performance standards for the use which staff has determined have been met.
Chapter 78, Article III, Section 78-70 (q) <i>Landscaping.</i>	Due to the nature of this Conditional Use application, the Community Development Department has determined that the landscaping plan requirement can be waived because existing landscaping is already in place for the site and proposed changes do not constitute a substantial renovation, nor any impacts to the exterior.
Chapter 78, Article III, Section 78-70 (r) <i>Architectural requirements.</i>	Due to the nature of this Conditional Use application, the Community Development Department has determined that the architectural requirements of the PADD are not applicable to the changes proposed.

***STAFF COMMENTS***

The proposed Conditional Use meets the standards of Table 78-70-1. Architectural and landscape standards are not applicable.

***FINDING: CRITERIA MET***



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

**Criteria 2:**

*Conformance with the requirements of this Code.*

**Staff Comments**

Parking:	The 700 Park Avenue Site is currently parked at the rate 1 space per 500 SF for retail and commercial uses and has a total of 65 spaces currently existing, including 4 ADA compliant spaces. For the 23,760 SF of Gross Floor Area (GFA), 48 spaces are required per the Town Code, therefore the site is currently in excess of the minimum required parking. Per table 78-70-4, breweries and similar indoor open areas are parked at the same rate of 1 space per 500 SF and thus there is no net increase in intensity by altering the proposed 522 SF of interior floor space (representing 16% of the overall Brewhouse Gallery which is 3,312 square feet in overall size). Therefore, staff finds the existing parking to be sufficient for the proposed Conditional Use.
Landscaping:	Existing onsite landscaping will be maintained and no alterations are proposed.
Building Height, Size, Setbacks:	The existing structure conforms to the height, size, and setback requirements of the PADD. The Applicant is not proposing any exterior alterations or additions.
Signage:	Wall signage currently exists for the Brewhouse Gallery per Sign Permit 633 and the applicant is not proposing any changes at this time.
Drainage	No changes proposed.
Performance Standards:	Per section 78-70-1 (15) c., the proposed microbrewery will not produce more than 15,000 barrels of beer a year, will operate in conjunction with a tasting room, and does not exceed 75 percent of the total gross floor space. No mechanical equipment shall be visible from the street or an adjacent use. No outdoor storage is being proposed. The interior area will be designated for grain storage prior to being placed in the exterior enclosed area for recycling (utilizing the existing dumpster area located in the alleyway). Used grain and brewing byproducts will not be stored outdoors and temporary storage has been submitted on their site plan. Architectural and landscape standards are not applicable
Screening of mechanical equipment:	Per Section 78-70 (n) (20), all mechanical equipment shall be located at the rear of the structure. The proposed construction of the brewery operation will comply with the standards for screening and placement on the site.

***FINDING: CRITERIA MET***



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

**Criteria 3**

*Conformance with applicable requirements of a prior development order issued by the town.*

**Staff Comments**

Prior development orders:

There are no applicable requirements from prior development orders issued by the Town that are relevant to this site.

***FINDING: CRITERIA MET***



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

**Criteria 4**

*Conformance with all requirements of any other governmental agencies.*

**Staff Comments**

The Brewhouse Gallery is currently in the process of acquiring the approvals from other government entities that it will need to legally operate the Micro(Nano)Brewery at 720 Park Avenue. The Applicant indicated the following: "We are in the initial stages of the federal and state licensing for the manufacture of beer since the application process requires acceptance of the location for brewing activities by the applicable municipality including zoning approvals...". A copy of the applicant's environmental information disclosure for the Microbrewery is also enclosed with the application documents. More specifically, the Head Brewer, John Hampp, is overseeing the application process for the appropriate state and federal licenses for the commercial manufacture of beer. These include a Permit To Manufacture Alcoholic Beverages from the Tax and Trade Bureau, a State License from the Bureau of Professional Regulation, and a license from the Florida Department of Health. However, the Brewhouse Gallery will not be able to complete these submittals until they have received approval for their Conditional Use Application with the Town. Their existing State COP-2 licenses for sale of alcohol on site will be adequate for the sale of alcohol on their premises going forward.

***FINDING: CRITERIA MET***



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

**Criteria 5**

*Conformance with occupational licenses (Business Tax Receipt) from the Town and Palm Beach County.*

**Staff Comments**

Community Development staff have communicated to AJ and Jo Brockman that they will need to apply for a Town and County Business Tax Receipt prior to commencing brewing operations at their location. The Brewhouse Gallery currently holds an active business tax receipt with the Town.

***FINDING: CRITERIA MET***



**Additional Information (Part 1)**

Though **not required** for the Conditional Use Application, the submitted Application (which has since been revised by Staff in order to specify the Conditional Use Town Code provisions), contains a number of its own criteria which Jo Brockman has responded to in the application. It is being included here as additional information since it is relevant to the proposal and the overall Microbrewery operation. The relevant information is summarized below.

	<i>Consistency with the goals, objectives, and policies of the Town's Comprehensive Plan.</i>
<b><u>Staff Comments:</u></b>	Over the last five years, the Brewhouse Gallery has operated successfully in the Park Avenue Downtown and become a local attraction. This is in keeping with Chapter 3 Future Land Use, Objective 1, Policy 1.1: j. Encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas; l. Facilitates the achievement of economic development, historic preservation, resource preservation, and other key goals.
	<i>Consistency with the land development and zoning regulations and all other portions of this code.</i>
<b><u>Staff Comments:</u></b>	See Conditional Use Criteria 2.
	<i>Compatibility 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 use and the surrounding property.</i>
<b><u>Staff Comments:</u></b>	The Brewhouse Gallery is not proposing a change to their hours of operation at this time. However, they would like to expand their hours in the future and cultivate business along 'downtown' Park Avenue 7 days a week. Staff has determined that the addition of the micro-brewery component would not result in a change to vehicular traffic since many of the patrons currently accessing the Brewhouse Gallery would be the same patrons enjoying the new beer selections produced by the microbrewery. Building location, mass, height, and setbacks currently exist and the applicant is not proposing changes.
	<i>Does not create a concentration or proliferation of the same or similar types of uses, which may be deemed detrimental to the development or redevelopment of the area in which the proposed use is to be developed.</i>
<b><u>Staff Comments:</u></b>	The Brewhouse Gallery already operates as a purveyor of unique craft beers in Lake Park. It is the intent of the owners to further differentiate their business on Park Avenue by providing their own unique brand of beers available only at their location. In contrast with previously approved Micro Breweries like Coastal Karma, the Brewhouse Gallery will simply be expanding their selection. Furthermore, these types of businesses have a complimentary relationship by creating an entertainment district for patrons visiting the downtown.





**Additional Information (Part 2)**

	<p><i>The proposed 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 use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the use; and, (c) The effect on the amount and flow of traffic within the vicinity of the proposed use.</i></p>
<p><b><u>Staff Comments:</u></b></p>	<ul style="list-style-type: none"> <li>a. The Applicant indicates that they will maintain two additional employees to work on the site maintaining the microbrewery use.</li> <li>b. Impacts to noise, odor, visual or other potential nuisance factors are not anticipated.</li> <li>c. Staff does not believe the proposed Conditional Use will generate significant amounts of new vehicular traffic.</li> </ul>
	<p><i>That the proposed 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.</i></p>
<p><b><u>Staff Comments:</u></b></p>	<ul style="list-style-type: none"> <li>a. The proposed use <b><u>will not</u></b> reduce light or air to adjacent properties since the application does not propose any additions or exterior renovations that will alter building height and mass.</li> <li>b. The proposed use <b><u>will not</u></b> adversely affect property values in the surrounding areas.</li> <li>c. The proposed use <b><u>will not</u></b> be a deterrent to the improvement, development or redevelopment of surrounding properties. It may help to encourage new business location in the area.</li> <li>d. The proposed use <b><u>will not</u></b> have a negative impact on adjacent natural systems or public facilities as there are no adjacent natural areas or public facilities.</li> <li>e. The applicant is not proposing to provide any additional pedestrian amenities.</li> </ul>



**Town of Lake Park  
TOWN COMMISSION  
Meeting Date: June 5, 2019**

*\*\*Certified letters issuing a public notice for this meeting were mailed to all property owners within 300 feet of the Subject Property on April 29, 2019 for the P&Z Board and Town Commission meetings\*\**

## **FINDINGS OF FACT AND STAFF RECOMMENDATION**

---

Staff finds that this application for a Conditional Use meets each of the five criteria required for granting a Conditional Use. Staff recommends **APPROVAL**.



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5, 2019

Agenda Item No. Tab 7

**Agenda Title: A REQUEST FROM THE EVENT ORGANIZERS OF THE 32<sup>ND</sup> ANNUAL KIDS FISHING DAY PROGRAM PROPOSED FOR JULY 16-18, 2019 TO ALLOW THE TOWN TO BE A CO-SPONSOR, THEREBY ALLOWING FOR THE WAIVER OF CERTAIN FEES.**

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
  - NEW BUSINESS**
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS

Approved by Town Manager *John C. Franks* Date: 5-23-19

Riunite Franks, Special Events Director *Riunite C. Franks*  
Name/Title

<b>Originating Department:</b>  <p style="text-align: center;">Special Events</p>	<b>Costs: \$ 0 (see requests below)</b>  Funding Source: Acct. <input type="checkbox"/> Finance _____	<b>Attachments:</b> <p style="text-align: center;">→ Copy of Special Event Permit Application</p>
<b>Advertised:</b> 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.	<b>Yes I have notified everyone</b> <u>RCF</u> OR Not applicable in this case _____  <b>Please initial one.</b>

**Summary Explanation/Background:**

A special event permit application was submitted by Tom Twyford on behalf of the Palm Beach County Fishing Foundation on April 30, 2019. The permit application is proposing the 32<sup>nd</sup> Annual Kids Fishing Day Program to be held on July 16<sup>th</sup> – 18<sup>th</sup> at Lake Park Harbor Marina. Mr. Twyford is requesting that this event be sponsored by the Town of Lake Park once again. Staff believes that this event is an asset to the Town and the organizer is committed to continuing this partnership on an annual basis. The 2018 event was a huge success and was especially

memorable for the campers and counselors of Lake Park Summer Camp that were able to participate in the event. Sponsoring this event would provide the organizer some relief on our Town event fees and the use of various areas located at the Marina. More specifically, as a sponsor, the organizer would benefit from the following services and waiver of fees:

<b>REQUESTED CATEGORY</b>	<b>VALUE (monetary or other)</b>	<b>APPLICANT REQUEST</b>	<b>TOTAL</b>
Ability to advertise on the Town website; Channel 18; Newsletter and utilize Town logo	No monetary value	CO-SPONSORING WOULD ALLOW FOR TOWN-RELATED ADVERTISING	N/A
Marina Rental Fee and Deposit	\$500.00 flat rate \$35.00 tax  \$1,000.00 deposit	CO-SPONSORING WOULD WAIVE THESE FEES	\$1,535.00
Marina Slip Space and Electricity Fee	Slip - \$120.00/day + \$8.40 tax/day Electricity - \$9.00/day	CO-SPONSORING WOULD WAIVE THESE FEES	\$412.20
Public Works – Use of additional dumpster and recycling bins	No monetary value	CO-SPONSORING WOULD ALLOW FOR THE EXTRA DUMPSTER AND RECYCLING BINS	N/A
<b><u>TOTAL WAIVERS IF THE TOWN IS APPROVED TO CO-SPONSOR: \$1,947.20 plus advertising, dumpster and recycling bin as listed above.</u></b>			

**Background Information on Kids Fishing Day:**

'Kids Fishing Day' is a three-day educational fishing event hosted by the West Palm Beach Fishing Club's charitable affiliate, the Palm Beach County Fishing Foundation, since 1988. Each year, hundreds of less fortunate, at-risk and special needs children from Palm Beach County experience what most of us take for granted, a day of boating and fishing on the ocean. It takes three days and 12 separate drift boat trips to get all the kids on the water. The program will rotate various youth groups through two-hour fishing trips and two-hour fishing clinic programs each day. Kids Fishing Day is much more than just a regular fishing trip. Because of this program's strong educational component, the kids learn all about our marine environment and why we need to protect it. This is accomplished through a variety of hands-on educational stations based on land. Some of the featured topics include knot tying, casting lessons, angler ethics, cast netting and boating safety. In addition, Florida Fish & Wildlife Conservation Commission (FWC) provides several Marine Biologists to teach the kids all about marine animals and their environments. The FWC also provides its Marine Touch Tank to give the kids a unique opportunity to directly interact with other marine animals including sea urchins, crabs, fish and lobsters. To date, over 13,000 kids have participated in this heartwarming community outreach event. The program is free of charge to those who participate and is made possible each year through the generosity of many sponsors and volunteers. Each year, the campers and counselors from the Town of Lake Park Summer Camp take advantage of this amazing

opportunity. Each child receives an event t-shirt, lunch, an official certificate of participation and a brand new fishing rod and reel. And of course, each child walks away with special memories of a fun day on the water and a better understanding of our unique marine environment.

**Recommended Motion: I move to have the Town sponsor the Kids Fishing Days event at Lake Park Harbor Marina.**



Exhibit "C"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5<sup>th</sup>, 2019

Agenda Item No. Tab 8

Agenda Title: Resolution of the Town Commission Authorizing and Directing the Town Manager to Proceed with the Procurement of Two, New Sanitation Vehicles

- Special Presentation/Reports, Board Appointment, Public Hearing Ordinance on Reading, New Business (checked), Other, Consent Agenda, Old Business.

Approved by Town Manager [Signature] Date: 5-17-19
Richard Scherle / Public Works Director

Table with 3 columns: Department (Public Works), Costs/Funding (Sanitation Fund, Acct. # 404-64100, Finance [checked]), Attachments (Comprehensive Cost Breakdown, Vehicle Specification, Memorandum), and Advertisements (Not Required).

### **Summary Explanation/Background:**

The Public Works Department's Sanitation Division is proposing an accelerated replacement schedule for two crucial pieces of equipment in order to improve the reliability of the sanitation fleet. The Division has been increasingly challenged by a high frequency of equipment breakdowns of two of its oldest trucks. One of the trucks (Truck No. 47) is an eleven (11) year old front-loader service truck that is used for commercial pickup service. The other truck (Truck No. 48) is a thirteen (13) year old side-loader service truck that is used for residential pickup service. At the July 16, 2014 Regular Commission Meeting, an Agenda Item was approved that established new sanitation rates in support of a vehicle replacement program. Truck No. 48 was scheduled for refurbishment this fiscal year (in an amount of \$50,000). However, the chassis manufacturer (American LaFrance) went out of business in 2014 and parts needed for refurbishment are no longer available. The second truck (No. 47) has been repeatedly plagued by engine problems, electrical problems, transmission problems, and other issues which has made the vehicle unreliable and unreasonably costly to maintain. These issues have resulted in unsustainable reliance on rental vehicles, and a low reliability rate (as indicated by the Town's Vehicle Maintenance Foreman – see attached memorandum). In order to assure reliable, cost-efficient operations, the replacement of these vehicles is needed. The industry standard replacement timeframe for these vehicles is seven (7) years, or up to ten (10) years with a refurbishment. Both vehicles are well past this standard.

Staff has determined that it would be most advantageous and operationally efficient for the Town to pursue Mack/Heil trucks for several reasons. First, a significant factor in determining the selection of Mack/Heil, is the speed at which the vehicles can be delivered to Public Works. Other vendors have a nine month or longer lead time for delivery after the order is placed, which is problematic. This is in contrast to Mack/Heil, which can provide us with the specified vehicles within a 4-6 week timeframe. Second, Mack/Heil trucks is an established manufacturer that the Town has used since 1990, with the highest reliability ratings. The trucks that we have purchased from this manufacturer have exhibited the highest reliability out of any other manufacturer that the Town has engaged. While the Town has also used the "Autocar" and "McNeilus" manufacturers, they have proven to be less reliable than Mack/Heil, and are also more expensive to purchase and maintain. Parts for Autocar are substantially more expensive than Mack/Heil. Third, the service locations for Mack/Heil are located in Riviera Beach and Pompano Beach, versus McNeilus which is located in Lakeland, Florida. The Town has purchased McNeilus trucks, but the manufacturer recently shuttered its local service center and no longer supports equipment in Southeast Florida. Every time this manufacturer's truck needs to be maintained, we are required to transport the vehicle to Lakeland for service, which is approximately a five (5) hour roundtrip effort requiring two personnel. This issue has been problematic for Division operations.

Using the Florida Sheriff's Association Contract Number FSA18-VEH16.0, proposals were assembled for one Mack/Heil front-loader truck, and one Mack/Heil side-loader truck. We have considered the equipment price, service availability (including cost of parts and the geographical location of service centers), the Town's previous history with Mack/Heil (compared with the other vendors), and the lower lead time, which is a crucial consideration due to the Town's current level of reliability in its sanitation fleet.

The principal price of the specified Mack/Heil front-loader truck is \$277,065.00. The principal price for the specified Mack/Heil side-loader truck is \$291,497.00. These procurements will be initiated as a "lease-purchase" agreement, with the front-loader initiated with a 2-year lease-purchase, and the side-loader initiated with a 5-year lease purchase. The full principal costs with interest are included in the attached comprehensive cost breakdown. The expected payment schedules are:

**Front-Loader Truck – Two (2) Year Payment Term (Original Price = \$277,065.00)**

Year 1: First payment due October 15, 2019; \$144,319.20.

Year 2: Second and final payment due October 15, 2020; \$144,319.20

**Side-Loader Truck – Five (5) Year Payment Term (Original Price = \$291,102.00)**

Year 1: First payment due October 15, 2019; \$64,942.60

Year 2: Second payment due October 15, 2020; \$64,942.60

Year 3: Third payment due October 15, 2021; \$64,942.60

Year 4: Fourth payment due October 15, 2022; \$64,942.60

Year 5: Fifth and final payment due October 15, 2023; \$64,942.60.

Once the new trucks are received, the Public Works Department will schedule the old trucks to be declared surplus, and will then schedule them to be auctioned at the Palm Beach County Surplus thrift store. We have the interlocal agreement already in place, and had successful results during the last auction.

**Note on Future Capital Needs and Financial Stability of Sanitation Division:** The Public Works Department has been examining the long-term visibility and industry trends associated with sanitation operations. Costs have been increasing across the board for all service providers – not just for the Town. Costs for steel and parts are increasing due to new tariffs, the labor market has become increasingly tightened with very low unemployment, landfill dumping fees are expected to increase, and equipment costs are also increasing. These are factors which, in large part, were not factored into the 2014 sanitation rate increase. These changing conditions have necessitated a new financial and operational review of the entire sanitation enterprise. Over the next six (6) months, the Department will be revisiting the capital requirements (including vehicle replacement schedule), along with conducting a fresh financial analysis which will examine whether current rates are adequate to maintain acceptable levels of service. We anticipate that this analysis will provide the necessary color on whether future rate increases are required. We also believe that an equipment replacement and replenishment fund should be developed, based upon expected capital equipment requirements which will be realigned to better conform to industry standards. For example, it is very rare (and not recommended) for equipment to be kept longer than ten (10) years – but we have historically been keeping equipment much longer than this timeframe (which has contributed to some of the equipment problems that we are experiencing). Our goal will always be to provide adequate, safe, and reliable service in the most cost efficient way. Keeping the sanitation operation “in-house,” as opposed to privatized, has shown to have many benefits for the Town, especially for customer service and even more so for the Town’s response to hurricane-generated debris. Once this analysis has been completed, we will present all findings to the Commission so that we can decide as a community how best to maintain one of the Town’s most crucial and important services.

Staff is recommending the lease-purchase of both pieces of equipment.

**Recommended Motion:**

I move to adopt Resolution No. 49-06-19.



COST BREAKDOWN

	Front-Loader (2 year lease-purchase)	Side-Loader (5 year lease-purchase)
Principal	\$276,670.00	\$291,102.00
Interest	\$11,573.40	\$33,216.00
Total	\$288,243.40	\$324,318.00
Combined Grand Total (with Principal) =		\$612,561.40

PAYMENT SCHEDULE for Front Loader (2 year lease-purchase)

Payment Number	Due Date	Payment Amount	Applied to Interest	Applied to Principal	Purchase Option Price
1	10/15/2019		\$4,583.35	\$139,735.85	\$139,681.77
2	10/15/2020		\$6,990.05	\$137,329.15	

PAYMENT SCHEDULE for Side Loader (5 year lease-purchase)

Payment Number	Due Date	Payment Amount	Applied to Interest	Applied to Principal	Purchase Option Price
1	10/15/2019	\$64,942.60	\$7,468.31	\$57,474.29	\$239,106.67
2	10/15/2020	\$64,942.60	\$10,086.37	\$54,856.23	\$182,293.70
3	10/15/2021	\$64,942.60	\$7,722.07	\$57,220.53	\$123,549.09
4	10/15/2022	\$64,942.60	\$5,255.87	\$59,686.73	\$62,807.16
5	10/15/2023	\$64,942.60	\$2,683.38	\$62,259.22	



Exhibit "D"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5, 2019

Agenda Item No. Tab 9

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 80-09-17, THE DEVELOPMENT ORDER WHICH APPROVED THE DEVELOPMENT OF A SITE PLAN FOR A 7,440 SQUARE FOOT OFFICE WAREHOUSE ON VACANT PROPERTY LOCATED AT THE SOUTHEAST CORNER OF WATER TOWER ROAD AND 14TH STREET; PROVIDING FOR AN EXTENSION OF SIX MONTHS TO THE EXPIRATION DATE TO INITIATE DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

- [ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] ORDINANCE ON 1st READING
[ ] RESOLUTION
[ ] OTHER

Approved by ACTING Town Manager [Signature] Date: 5/29/2019

Nadia Di Tommaso / Community Development Director
Name/Title

Table with 3 columns: Originating Department, Costs, Attachments, Advertised, and notification status. Includes handwritten notes like '5006-19' and 'ND'.

Summary Explanation/Background:

On September 20, 2017, the Johnston Development Group, on behalf of Youngfish LLC, received site plan approval, with conditions, to develop the southeast corner of Water Tower Road and 14th Street with a 7,440 square foot office warehouse building (pursuant to Resolution 80-09-17). In 2018 and into 2019, the owner coordinated and applied for building permits and paid over \$100,000 in respective fees for permits and utility connection fees. Impact fees to Palm Beach County were paid in the amount of \$37,796. In late 2018, the only pending item required for issuance of the master construction permit was a copy of the recorded unity of title since the development is proposed on two separate parcels and this is a condition of approval. As 2018 progressed, the project was at a standstill since the Owner was uncertain whether he wanted to move forward with construction. A time extension was discussed with the Owner and their Agent in December 2018. In

early 2019, the Owner contemplated placing the site on the market for sale. Given the permitting advancements that had already been made, staff issued a 90-day administrative extension (permitted by Code), extending the initiation of construction from March 20, 2019 through **June 20, 2019** in an effort to secure the permits and allow either the existing owner to move forward in developing the site, or a new owner to do so. The Town Code also allows for the ability to request a Town Commission extension, in 6-month increments. Consequently, a 6-month extension is being requested. All extensions are contingent on outside agency concurrency extensions/approvals as well. This extension would allow the Owner to continue marketing the site for immediate construction since much of the permitting legwork has already been completed, in order to render the site economically viable sooner rather than later. If approved, the new expiration date would be **December 20, 2019**.

**Recommended Motion: I MOVE TO APPROVE RESOLUTION 50-06-19.**



Exhibit "E"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5, 2019

Agenda Item No. Table 0

**Agenda Title: Discussion of the Voting Process required by the Department of Justice for the Town of Lake Park whereby each voter cast one vote for Four Commissioners.**

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
  - NEW BUSINESS
  - OTHER: WORKSHOP \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS

Approved by Town Manager

Date:

5-8-19

John O. D'Agostino, Town Manager

Name/Title

<b>Originating Department:</b>  <b>Town Manager</b>	Costs: \$ 0 Funding Source: General Fund Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b>
<b>Advertised:</b> 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 the agenda.	Yes I have notified everyone OR Not applicable in this case <u>JOD</u> <b>Please initial one.</b>

**Summary Explanation/Background:** Commissioner Linden expressed concern for how elections are conducted in Lake Park. Currently, voters are limited to vote for one candidate while four positions are on the ballot. The limited voting system approved by the Department of Justice allows the voter to vote for one candidate while four candidates are on the ballot. Attached is Town Attorney Baird well-prepared summary of the history of the voting process in Lake Park. He concludes that it would be a waste of taxpayer funds to pursue a change given Dr. Engstrom's conclusion that racially polarizing voting still

exists. As a result of the statistical analysis, the Department of Justice was more than likely not going to agree to a change in the existing limited voting system for Lake Park.

**Recommended Motion:** No Motion is necessary, as discussion is a review of the voting changes in Lake Park resulting in the limited voting system currently in place.

# Memo

**To:** John D'Agostino, Town Manager  
**From:** Thomas J. Baird, Town Attorney  
**Date:** May 9, 2019  
**Subject:** Voting Process

This memorandum summarizes the history of the Town's Limited Voting System. In 2009, the Department of Justice (DOJ) filed a complaint in federal court alleging that the Town of Lake Park's (Town) at-large voting method of electing Commissioners, enhanced by the use of staggered terms, results in black citizens of the Town having less opportunity than white citizens to participate in the political process and elect candidates of choice in violation of § 2 of the Voting Rights Act of 1965 (the Act). The basis of this complaint was the extensive research of election results and its interviews of black citizens, some of whom had been candidates for Commissioner which was conducted by the DOJ prior to its filing. As part of its research, the DOJ referred to two black candidates that the DOJ asserted demonstrated that the at-large voting system worked against. The DOJ also relied upon the fact that since the Town's incorporation in 1923 no black candidate for the Commission had ever won an election.

The full force and weight of the federal government, through the DOJ was brought to bear on the Town. The then Commission recognized that a vigorous defense of the Town would be prohibitively expensive, and was unlikely to be successful. Consequently, the then Commission believed it had little choice but to settle the action on terms dictated by the DOJ. The Town retained a law firm based in Washington, DC and this firm negotiated a settlement of the action. Through the efforts of this law firm, the DOJ presented the Commission with three options: (1) Single member districts drawn such that at least three of the districts contained a majority of black population. This option would have resulted in at least two incumbent Commissioners vacating their seat on the Commission; (2) The Limited Voting System, which is the system the Town currently uses; and (3) a cumulative voting system. Although the cumulative voting system was most appealing to the Commission, the then Supervisor of Elections, Susan Bucher rejected it claiming that her office could not implement a system just for Lake Park. Consequently, Ms. Bucher advised the DOJ that this method of voting could not be an option.

The Commission selected the Limited Voting System and voted to enter into a Consent Judgment and Decree (Consent Judgement) with the United States of America. The Consent Judgement required the Town to amend its Charter to change its at-large voting system. The Consent Judgment was executed on October 26, 2009. The first election under this system took place in 2010. In 2013, after a second election using the Limited Voting System, the Commission directed me to evaluate whether the Town could return to the at-large voting method. Dr. Richard Engstrom was retained. I also discussed the matter with Ernest McFarland, Esquire, the only attorney still employed by the DOJ who had been involved in the case against the Town.

E S T .  
1 9 2 4

The Town executed a contract with Dr. Richard Engstrom to study voting data. The contract was divided into two phases. IN the first phase, Dr. Engstrom assess whether, since 2009, the data he examined would indicate that racially polarized voting still existed in the Town. If not, then he would proceed to Phase 2 of the contract. Dr. Engstrom performed a statistical analysis of elections of the Commission in 2010 and 2013; the congressional elections during that same cycle; the Florida Senate Primary between Mack Bernard and Jeff Clemons; and the Florida House Primary between Bobby Powell, Natasha Wells, Charles Bantel and Evelyn Garcia. His conclusion was that racially polarized voting still existed and because of this he was of the opinion that the DOJ would be unlikely to agree to a change in the Limited Voting System. Given this conclusion, the Commission determined that it would not be a good use of Town funds to proceed to the more detailed (and expensive) Phase 2. Although I had continued a dialogue with US Attorney Ernest McFarland, we discontinued further discussion regarding a modification to the Limited Voting System because of Dr. Engstrom's conclusions. It is important to note that I did not communicate the research conducted by Dr. Engstrom to the DOJ, or Attorney McFarland, in particular.