



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 4, 2019, 7:35 PM
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 4, 2019 at 6:30 p.m. Present were Mayor Michael O'Rourke, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, John Linden, Roger Michaud, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

SPECIAL PRESENTATIONS/REPORTS:

1. Presentation from Palm Beach Sheriff's Office (PBSO) Captain Gendreau on the Town's Automated License Plate Reader System.

Captain Thomas Gendreau presented to the Commission (see Exhibit "A"). Commissioner Linden questioned the need for additional cameras. Captain Gendreau explained that the additional cameras would assist in public safety initiatives of PBSO. Commissioner Michaud asked Captain Gendreau if he had received feedback from municipalities with similar License Plate Reader Systems. Captain Gendreau explained that the License Plate Reader System facilitates collaboration amongst several municipalities. Discussion ensued regarding the effectiveness of the system and the need for expansion. Commissioner Linden questioned if there were associated costs. Public Works Director Richard Scherle explained the associated costs would be presented to the Commission at the September 18, 2019 Regular Commission Meeting. He explained that the cost was approximately \$140,000.00 for the system expansion. The Commission thanked Captain Gendreau and Public Works Director Scherle. Town Manager D'Agostino asked Captain Gendreau to explain the effectiveness of the Shotspotter Technology. Captain Gendreau explained that PBSO had received a lot of alerts since the system implementation. He offered to present statistical data to the Commission at a future Regular Commission Meeting. Commissioner Linden requested that an additional presentation be scheduled for the Lake Park Community Watch Group.

2. Proclamation recognizing September 17-23, 2019 as Constitution Week

Mayor O'Rourke presented the proclamation to Susan Earle, Daughters of the American Revolution.

PUBLIC COMMENT:

None

CONSENT AGENDA:

- 3. Commission Budget Workshop Meeting Minutes of August 21, 2019.**
- 4. Regular Commission Meeting Minutes of August 21, 2019.**
- 5. Resolution No. 63-09-19 Authorizing the Mayor to Sign the Town of Lake Park Dependent Care Flexible Spending Account Plan Document.**
- 6. Resolution No. 64-09-19 Authorizing the Mayor to Sign the Town of Lake Park Health Care Flexible Spending Account Plan Document.**
- 7. Resolution No. 65-09-19 Authorizing the Mayor to Sign the Library’s Annual Plan of Service.**
- 8. Resolution No. 66-09-19 Community Beautification Improvement Grant Award.**
- 9. Resolution No. 67-09-19 Authorizing and Directing the Mayor to Sign the Grant Agreement with Palm Beach County for Funding Through the Community Development Block Grant Program for Playground Improvements in Bert Bostrom Park.**

Motion: Commissioner Michaud 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	X		
Vice-Mayor Glas-Castro	X		
Mayor O’Rourke	X		

Motion passed 5-0.

Reorder of Agenda Item Discussion

Motion: Vice-Mayor Glas-Castro moved to reorder the agenda and discuss new business item number sixteen; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

16. Discussion of 2019 Legislative Priorities.

Town Manager D’Agostino explained the item. As a result of discussion amongst the Commission, and Lobbyist Ellen Bogdenoff, the Commission identified downtown parking, and lake shore drive drainage as legislative priorities.

PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:

10. Ordinance No. 06-2019 Amending Chapter 28, Article II, Section 28-38(m) Entitled “Business Tax Required; Applications and Prerequisites to Issuance.

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 PREREQUISITES 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.

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance 06-2019 on First Reading; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Town Attorney Baird read the Ordinance by Title.

11. Ordinance No. 07-2019 An Ordinance of the Town Commission of the Town of Lake Park, Florida Pertaining to Public Nuisances.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PERTAINING TO PUBLIC NUISANCES; PROVIDING FOR THE REPEAL OF CHAPTER 10, ARTICLE II, SECTIONS 10-31, 10-32 AND 10-33 AND CHAPTER 54, ARTICLE III, DIVISION 3, SECTIONS 54-131, 54-132, 54-133 AND 54-134; PROVIDING FOR THE CREATION OF A NEW CHAPTER 10, ARTICLE II, SECTIONS 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, AND 10-37; PERTAINING TO THE DEFINITION, DECLARATION, AND ABATEMENT OF NUISANCES; PROVIDING FOR THE AUTHORITY TO ENTER UPON PROPERTIES TO INSPECT SUSPECTED NUISANCES; PROVIDING FOR NOTICE TO THE PROPERTY OWNER OF THE EXISTENCE OF A NUISANCE; PROVIDING FOR APPEALS TO THE MAGISTRATE OF A NOTICE OF THE EXISTENCE OF A NUISANCE ON PROPERTY; PROVIDING FOR THE AUTHORITY TO ABATE NUISANCES, ASSESS FINES, AND REVOKE LOCAL BUSINESS TAX RECEIPTS; PROVIDING FOR THE RECOVERY OF TOWN EXPENSES IN ABATING NUISANCES; PROVIDING FOR THE RECORDATION OF ASSESSMENT LIENS TO RECOVER THE EXPENSES OF THE TOWN’S ABATEMENT OF A NUISANCES; PROVIDING FOR THE PROVISION OF CHRONIC NUISANCE SERVICES BY THE TOWN

THAT AUTHORIZES THE IMPOSITION AND COLLECTION OF CHRONIC NUISANCE SERVICE ASSESSMENTS AGAINST REAL PROPERTY; ESTABLISHING A PROCEDURE FOR IMPOSING CHRONIC NUISANCE SERVICE ASSESSMENTS; PROVIDING THAT THE LIEN FOR A CHRONIC NUISANCE SERVICE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, SHALL BE PERFECTED AND SHALL ATTACH TO THE PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; 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.

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance 07-2019 on First Reading; Commissioner Flaherty seconded the motion.

Mayor O'Rourke asked for clarification of number two of the revised nuisance list (see Exhibit "B"). Community Development Director Nadia DiTommaso explained that numerous insect related complaints are received, and Code Officers visit the properties to witness conditions and make determinations.

Commissioner Linden asked for clarification of the process of interior inspections of properties as completed by Code Enforcement Officers. Community Development Director DiTommaso explained that Code Enforcement requests access to the property. She explained that if access is denied, and thereafter if Code Enforcement can prove there is an issue or hazard in violation of the Florida Building Code a case is presented to the Special Magistrate. Mayor O'Rourke and Commissioner Linden expressed concerns with Code Enforcement Officers requests for access to properties. Town Attorney Baird explained that Code Enforcement Officers can inspect a property and issue citations based on their observations. He explained that Code Enforcement Officers did not have the authority to trespass to find a violation. He explained that interior inspections are only completed with the permission of the property owner.

Commissioner Linden questioned the level of training for Code Enforcement Officers. Community Development Director DiTommaso explained that there are four levels of training per the Florida Association of Code Enforcement. Commissioner Linden questioned if the current Code Enforcement Officers had completed the four levels of training. Community Development Director DiTommaso explained that the Town currently had two Code Enforcement Officers, and that one was newly hired and working to complete the levels of training. Commissioner Linden questioned the qualifications of the newly hired Code Enforcement Officer. Community Development Director DiTommaso explained that the Town of Lake Park did not require completion of the four levels of training for employment as a Code Enforcement Officer. She explained that experience and various types of certifications were reviewed in consideration of

employment. She explained that training is offered to each Code Enforcement Officer, and that the newly hired officer had recently completed level one. Commissioner Linden suggested that the determinations of the newly hired Code Enforcement Officer could be challenged. He referred to an example of a citation being issued for electrical violations. Vice-Mayor Glas-Castro and Town Attorney Baird explained that the Building Official would issue such citations, not a Code Enforcement Officer.

Vote on Motion:

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

Motion passed 5-0.

Town Attorney Baird read the Ordinance by Title.

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

OLD BUSINESS:

12. Request from Commissioner Linden to Revisit the Grant Making Policy Grant Application and Discuss Modifications.

Commissioner Linden expressed frustration with the requirements of the Town's Grant Application and process. He suggested that the pre-application conference was unnecessary, and that the application was too subjective. He suggested the revision of the Grant Application questions, and that applicants have a mandatory meeting with the Town's Grants Writer prior to the submittal of their application. He suggested that the Grant Application process be simplified and efficient. Vice-Mayor Glas-Castro explained that the Grant Making Policy and Application was amended at the August 7, 2019 Regular Commission Meeting. She asked Commissioner Linden for clarification of his request to revisit the Town's Grant Making Policy and Application. Commissioner Linden explained that he failed to pull the item from the consent agenda for further discussion at the previous meeting. Mayor O'Rourke explained that he agreed with Commissioner Linden in relation to the Grant Application deadline and stringent requirements. Commissioner Michaud explained that he believed the pre-application conference was necessary to provide information to interested parties. He explained that the Town's Grant Application process can be modified. Discussion ensued regarding the previous recipients of Town Grant funds. Commissioner Linden suggested that the decision to award JetSet VFC was "slanted." Town Manager D'Agostino commented that the JetSet VFC soccer program served 150 residents in the Town of Lake Park. Commissioner Linden disagreed with the previous comment of Town Manager D'Agostino and suggested that staff provided inaccurate information. Town Manager D'Agostino explained that he would not allow Town Staff to be ridiculed by Commissioner Linden. Mayor O'Rourke commented that Commissioner Linden had approved the "slanted" process. Mayor O'Rourke continued the order of business.

NEW BUSINESS:

13. Step No.1 Approval for Mural Application for the Front Building Wall of 1045 Silver Beach Road.

Town Manager D’Agostino explained the item. Community Development Director DiTommaso explained that the first step requests approval to locate a mural at 1045 Silver Beach Road, on a building occupied by Rapid Auto Care.

Motion: Commissioner Flaherty moved to approve step one for the location of a mural for the Front Building Wall of 1045 Silver Beach Road; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Commissioner Michaud asked the owner of 1045 Silver Beach Road why he decided to have a mural. Brent Dell, owner of 1045 Silver Beach Road explained that he wanted to beautify the blank canvas. He apologized to the Commission and explained that he was unaware of the application process. Vice-Mayor Glas-Castro suggested that the property was non-conforming, she questioned the possible inclusion of shrubs. Community Development Director DiTommaso explained that Staff would need to research the possibility of adding shrubs in front of the mural.

14. Fifteenth Amendment to the Palm Beach County Sheriff’s Office Agreement.

Town Manager D’Agostino explained that the agreement included a two percent increase. Vice-Mayor Gals-Castro confirmed that the information was provided was consistent with the Commission Budget Workshop.

Motion: Vice-Mayor Glas-Castro moved to approve the Fifteenth Addendum to the Law Enforcement Agreement between the Palm Beach County Sheriff’s Office and the Town of Lake Park; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Motion passed 4-1.

15. Resolution No. 68-09-19 Authorizing and Directing the Town Manager to Renew for Fiscal Year 2020 the Employee Medical Insurance through the Florida Blue Care 59 HMO Plan and to Renew the Medical Insurance through Florida Blue PPO 03769 Plan as a Buy-up Option; to Renew the Employee Dental Insurance with MetLife; to Renew the Employee Vision Insurance with Humana; and, to Renew the Basic Life and Accidental Death and Dismemberment Insurance, Supplemental Life Insurance, and Short Term Disability and Long Term Disability Insurance through The Hartford.

Town Manager D’Agostino explained the item.

Motion: Vice-Mayor Glas-Castro moved to approve Resolution No. 68-09-19; Commissioner Flaherty seconded the motion.

Robin Mitchell and Jodi Beale of the Gehring Group introduced themselves and thanked the Town of Lake Park for the allowance of Service.

Vote on Motion:

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

Motion passed 5-0.

PUBLIC COMMENT: None

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird announced that he received information from the Department of Justice regarding Choice Ranked Voting. He explained that he would provide the information to Town Manager D’Agostino for distribution to the Commission. Town Attorney Baird and Mayor O’Rourke explained the process of Choice Ranked Voting.

Town Manager D’Agostino distributed a copy of his comments, please see Exhibit “C”. He asked the Commission to consider scheduling a Special Call CRA Board Meeting for September 18, 2019 for the review and approval of Property & Casualty Insurance for the Community Redevelopment Agency for Fiscal Year 2020. Per Commission consensus, a Special Call CRA Board Meeting was scheduled for September 18, 2019.

Commissioner Linden announced that he attended the Grand Opening for Space Box. He announced that he volunteered with students from Lake Park Elementary (Art Students) and Inlet Grove High School (Digital Design Program Students). He explained that the students had the opportunity to tour the Brew House Gallery, Da Vinci’s 3D Lounge, and the Art on Park Gallery. He thanked Town Attorney Baird for the Department of Justice update.

Commissioner Michaud thanked PBSO Captain Gendreau for his presentation.

Commissioner Flaherty thanked Town of Lake Park staff and the Public Works Department for their efforts in preparation for Hurricane Dorian. He questioned how long hurricane shutters could remain up. Town Manager D'Agostino explained that the hurricane shutters could remain up for 28 Days after the Town lifted the State of Emergency Declaration. He explained that the Declaration was lifted as of Tuesday, September 3, 2019.

Vice-Mayor Glas-Castro had no comments.

Mayor O'Rourke announced that Hurricane Dorian Bahamas Relief donations were being collected at the Brew House Gallery located at 700 Park Avenue, Lake Park, Florida.

FUTURE AGENDA ITEMS:

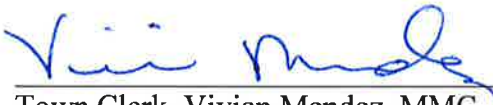
Commissioner Linden- Hurricane Communication Efforts, 5th Street & Silver Beach Road Closure, and Nextdoor/Facebook.

ADJOURNMENT

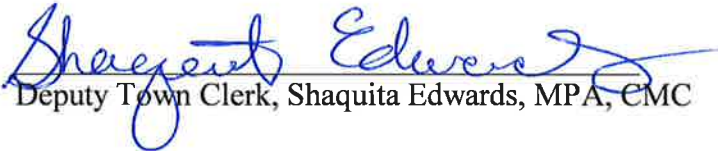
There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Glas-Castro and seconded by Commissioner Michaud, and by unanimous vote, the meeting adjourned at 10:19 p.m.



Mayor Michael O'Rourke



Town Clerk, Vivian Mendez, MMC



Deputy Town Clerk, Shaquita Edwards, MPA, CMC



Approved on this 18 of September, 2019

Exhibit "A"

TOWN OF LAKE PARK AUTOMATED LICENSE PLATE RECOGNITION



AUTOMATED LICENSE PLATE READER SYSTEM

AUTOMATED LICENSE PLATE RECOGNITION TECHNOLOGY - ALPR

HOW DOES IT WORK?

A, Data Capture:

Fixed and mobile license plate recognition (LPR) cameras take photos of license plates capturing date, time and GPS coordinates of where the photo was taken- just like any smartphone camera.

B, LPR Data Storage:

Each plate image captured, along with the data for that image (date, time, location) is stored in Vigilant Solution's Virginia database as an LPR record that can be searched only by authorized personnel.

AUTOMATED LICENSE PLATE READER SYSTEM

AUTOMATED LICENSE PLATE RECOGNITION TECHNOLOGY - ALPR

HOW DOES IT WORK?

C, Data Ownership:

The collecting agency owns the LPR data it generates and they can decide whether they want to share that data with other agencies. The more data available, the greater chance there is to develop a lead.

D, Commercial Data:

Even without LPR cameras, Agencies can benefit by using Vigilant's Commercial Data. It's gathered nationwide in commercial applications such as access control, tolling, asset recovery and more. Vigilant is the only LPR provider that can offer over 5 billion nationwide detections and over 150 million more added monthly.

AUTOMATED LICENSE PLATE READER SYSTEM

AUTOMATED LICENSE PLATE RECOGNITION TECHNOLOGY - ALPR

HOW DOES IT WORK?

Vigilant's technology better equips law enforcement by adding their vehicle location intelligence (analytics and vehicle detections) to open cases to develop more leads, and fuel investigations efficiently and effectively. Thousands of vehicle detections alone won't solve crimes; they create more work. Vigilant does more than provide detections, they help with the leg work with powerful analytics that make sense of those detections, enabling law enforcement to develop targeted leads so they can close cases.

LPR solution isn't just for finding stolen vehicles.

THE SYSTEM

The ALPR system features cameras which recognize license plates in the camera's field of view, matches against various agency hotlists and notifies law enforcement of matches. The system can also stream live video to a separate location such as a video management system. Connection is cellular based and the system only requires power to function.



Reaper XD

Vigilant Solutions' ReaperXD is a low-profile, compact, ANPR/LPR camera for use in fixed LPR applications. The high definition resolution allows for multiple lane capture in some environments. The ReaperXD is environmentally sound (IP67), easy to install and deploy (single POE cable), and feature rich. Maximum capture range 120 feet.

PERFORMANCE REVIEW

4/1/2019 – 7/15/2019

4,974,452 Detections on the Town's 8 Systems

177,733 Law Enforcement Hits Received

PERFORMANCE REVIEW

Location Detections

Major Roadway	968,967
Major Roadway	931,380
Major Roadway	788,034
Local Roadway	600,332
Major Roadway	499,520
Lake Park LPR Trailer	445,272
Local Roadway	420,062
Local Roadway	320,885

PERFORMANCE REVIEW

Location Hits Received

Major Roadway	38,543
Major Roadway	28,293
Local Roadway	21,604
Major Roadway	21,444
Major Roadway	19,973
Lake Park LPR Trailer	16,747
Local Roadway	16,230
Local Roadway	14,899

PERFORMANCE REVIEW UNACCOUNTED BENEFITS

Town of Lake Park Traffic Enforcement Activity

4/1/2018 – 7/15/2018

721 Traffic Stops

4/1/2019 – 7/15/2019

1378 Traffic Stops

PERFORMANCE REVIEW UNACCOUNTED BENEFITS

The following statistics were pulled from the LEARN program for the last 2 months showing an average of 121 Hits coming in through the LPR system daily from 0000HRS-2359HRS.

While there is no way of truly quantify how immeasurable the license plate readers have been to our Agency, it has been used from tracking a stolen vehicle were the driver had felony warrants for murder to assisting with tracking an locating a missing person with Alzheimer's.

Date	Hits
04.29.,19-05.05.19	143
05.06.19-05.12.19	138
05.13.,19-05.19.19	101
05.20.19-05.26.19	112
05.27.19-06.02.19	100
06.03.19-06.09.19	108
06.10.19-06.16.19	127
06.17.19-06.23.19	124
06.24.19-06.30.19	138
Average	121.222222

The following are just a few uses of the last 3 months

PERFORMANCE REVIEW

NOTABLE USES

Stolen Vehicle Recovery 900 Block of 10th Street, The Black Cat Lounge: LPR hit was received on a stolen, 2013 Hyundai Genesis. Marked units from District 10 and District 3 responded to the area to locate the vehicle. Vehicle backed into a parking spot at 910 10th Street behind the Black Cat Lounge, occupied by four subjects. An arrest team was established, utilizing K9 and aviation. On approach, all four occupants fled the area on foot. A brief foot chase and K9 track ensued. **All four subjects were located and taken into custody with one sustaining a dog bite.**

Stolen Vehicle Recovery 900 Block of 10th Street
LPR hit was received on a stolen, Dodge Charger. Vehicle hit multiple LPR locations. Deputies located the vehicle parked outside of the Black Cat Lounge. Deputies in unmarked vehicles, K9 units and Aviation followed the vehicle out of Lake Park into Riviera Beach. The vehicle was occupied by two subjects, an adult and juvenile. **While the driver was inside a store deputies and K9 took the passenger into custody. Deputies then waited for the driver to exit the store where he was also taken into custody.**

PERFORMANCE REVIEW NOTABLE USES

Stolen License Plate Recoveries

PBSO Case#

19-055689
19-062566
19-050054
19-088350
19-075911
19-095058
19-090643

PERFORMANCE REVIEW NOTABLE USES

Felony Vehicles

19068336 – License Plate Reader Hit on Stolen License Plate – Vehicle Fled Traffic Stop into Riviera Beach

19068637 – License Plate Reader Hit on Stolen License Plate – Vehicle Fled Traffic Stop into Riviera Beach

19004147 – License Plate Reader Hit on Stolen License Plate – Vehicle Fled Traffic Stop into Riviera Beach (Vehicle stopped in West Palm Beach, vehicles was also stolen, arrest made by WPPD)

No listed vehicle returned to Lake Park's jurisdiction following the above incidents.

PERFORMANCE REVIEW

NOTABLE USES

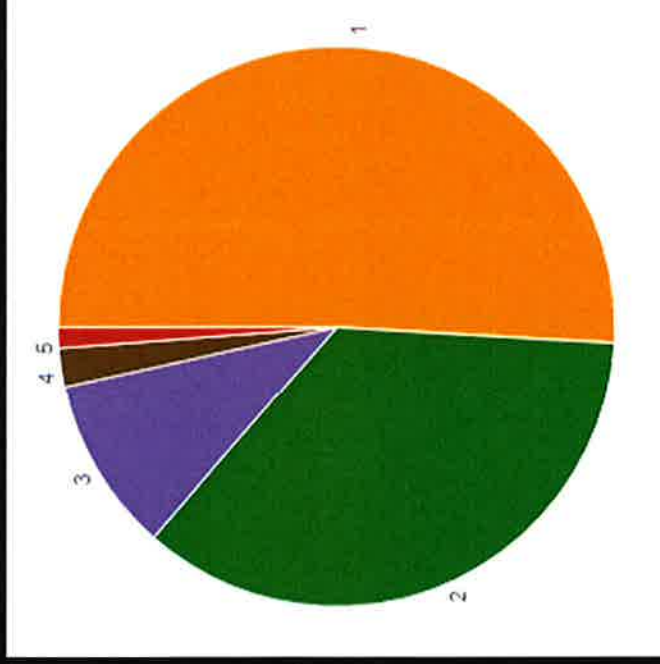
19085930 – Armed Business Robbery

LPR Technology identified the suspect vehicle of the case which lead to the arrest of the robbery suspect. Suspect was wanted in connection with 8 separate armed robberies.

19084450 – Motor Vehicle Theft

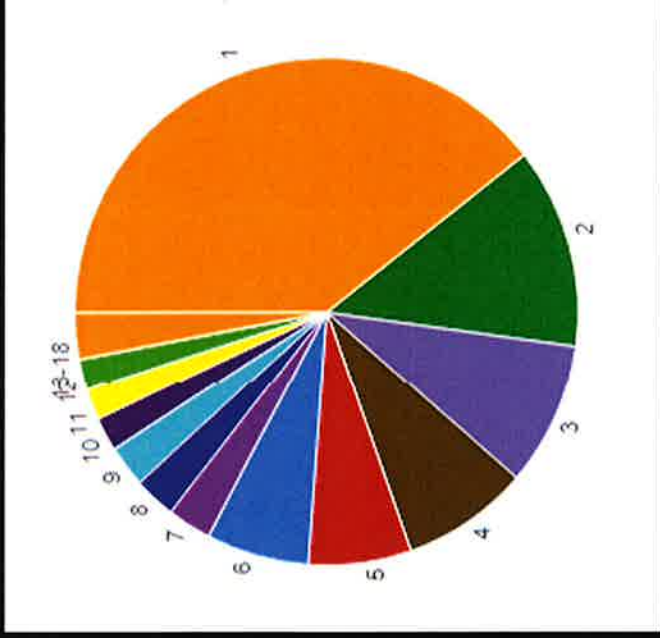
The system was used to identify Miami-Dade suspects and solve a motor vehicle theft from the Lake Park Marina.

ALERTS GENERATED FLORIDA CRIME INFORMATION CENTER



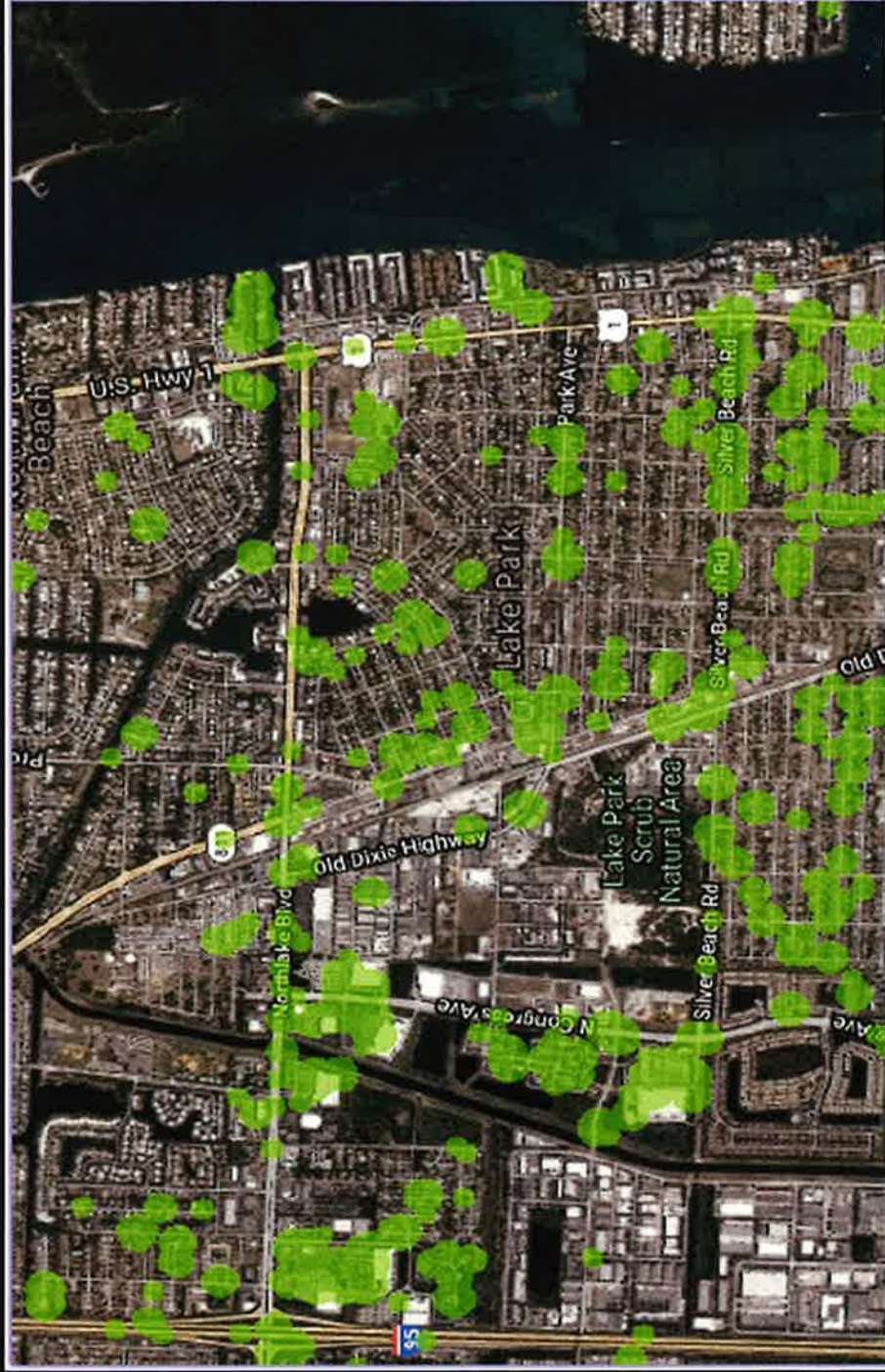
1 Stolen License Plates	866
2 Abandoned Vehicles	604
3 Stolen Vehicles	173
4 Wanted Person	38
5 Protection Order Subject	20

ALERTS GENERATED PALM BEACH COUNTY SHERIFF'S OFFICE



- 1 Intelligence Subject 294
- 2 Vehicle of Interest 95
- 3 Felony Vehicle 69
- 4 Felony Warrant 61
- 5 Law Enforcement Suspect 49
- 6 Suspect 49
- 7 Narcotics 21
- 8 Officer Safety 20
- 9 Stolen Vehicle 20
- 10 Battery Assault 16
- 11 Fugitive 15
- 12 Wanted person 15
- 13 Felony Theft 9
- 14 Burglary Investigation 5
- 15 Test Category 3
- 16 Homicide 2
- 17 Vehicle Burglary – Armed 2
- 18 Missing Person 1

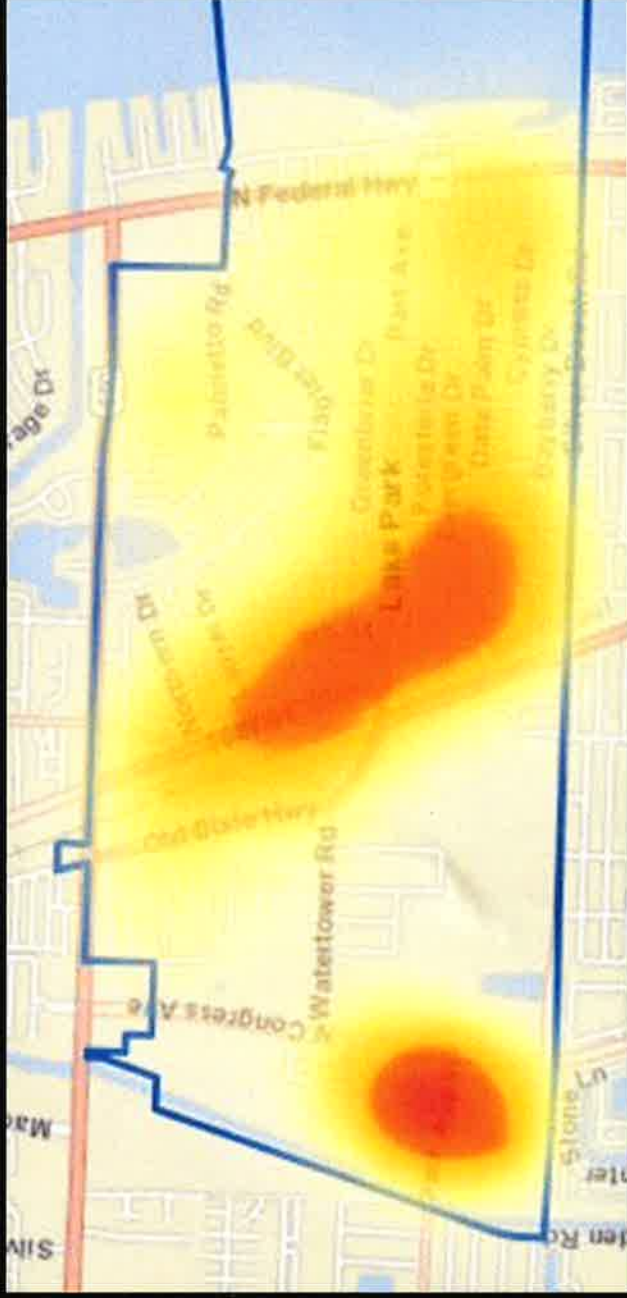
60 DAY REVIEW – VEHICLE HITS



FUTURE OF PROGRAM

ADDITIONAL FIXED LOCATIONS WERE SELECTED BASED ON STATISTICAL CRIME DATA AND WITH THE ASSISTANCE OF LAKE PARK'S MOBILE LPR TRAILER WHICH WAS PREVIOUSLY DEPLOYED IN THESE AREAS TO MONITOR VEHICULAR TRAFFIC WITH THE HIGHEST BENEFITS BEING PROVIDED.

FUTURE OF PROGRAM 5 YEAR PROPERTY / VIOLENT CRIME MAP



THE SYSTEM

Current System Performance
7 Fixed Locations – 1 Mobile Trailer
Total of 17 LPR Cameras

Total Expanded System Performance
11 Fixed Locations – 1 Mobile Trailer
Total of 24 LPR Cameras

Proposed System Expansion Involves:

4 new fixed locations with 7 new cameras

3 current location upgrades (4 current cameras repurposed to the new locations for cost savings)

DATA GATHERED IN THIS PRESENTATION FROM:

- VIGILANT SOLUTIONS; LEARN PROGRAM
- PBSO; CRIME VIEW APPLICATION
- PBSO; REAL TIME CRIME CENTER
- PBSO; LOG ENTRY / CASE FILES



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 4, 2019

Agenda Item No. Tab 11

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PERTAINING TO PUBLIC NUISANCES; PROVIDING FOR THE REPEAL OF CHAPTER 10, ARTICLE II, SECTIONS 10-31, 10-32 AND 10-33 AND CHAPTER 54, ARTICLE III, DIVISION 3, SECTIONS 54-131, 54-132, 54-133 AND 54-134; PROVIDING FOR THE CREATION OF A NEW CHAPTER 10, ARTICLE II, SECTIONS 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, AND 10-37; PERTAINING TO THE DEFINITION, DECLARATION, AND ABATEMENT OF NUISANCES; PROVIDING FOR THE AUTHORITY TO ENTER UPON PROPERTIES TO INSPECT SUSPECTED NUISANCES; PROVIDING FOR NOTICE TO THE PROPERTY OWNER OF THE EXISTENCE OF A NUISANCE; PROVIDING FOR APPEALS TO THE MAGISTRATE OF A NOTICE OF THE EXISTENCE OF A NUISANCE ON PROPERTY; PROVIDING FOR THE AUTHORITY TO ABATE NUISANCES, ASSESS FINES, AND REVOKE LOCAL BUSINESS TAX RECEIPTS; PROVIDING FOR THE RECOVERY OF TOWN EXPENSES IN ABATING NUISANCES; PROVIDING FOR THE RECORDATION OF ASSESSMENT LIENS TO RECOVER THE EXPENSES OF THE TOWN'S ABATEMENT OF A NUISANCE; PROVIDING FOR THE PROVISION OF CHRONIC NUISANCE SERVICES BY THE TOWN THAT AUTHORIZES THE IMPOSITION AND COLLECTION OF CHRONIC NUISANCE SERVICE ASSESSMENTS AGAINST REAL PROPERTY; ESTABLISHING A PROCEDURE FOR IMPOSING CHRONIC NUISANCE SERVICE ASSESSMENTS; PROVIDING THAT THE LIEN FOR A CHRONIC NUISANCE SERVICE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, SHALL BE PERFECTED AND SHALL ATTACH TO THE PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; 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
- ORDINANCE ON 1ST READING
- NEW BUSINESS
- OTHER:
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager [Signature] Date: 8-28-19

Nadia Di Tommaso / Community Development Director ND
Name/Title

Originating Department: Community Development	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: → Ordinance <u>7</u> -2019
Advertised: Date: N/A Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> or Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

This Ordinance is extremely important and aims to increase the protections to the public's overall health, safety and welfare. The Town has had a nuisance Ordinance on the books for years. However, this nuisance Ordinance has been limited to identifying nuisances as overgrowth, accumulations of debris and broadly defined categories. This proposed Ordinance aims to:

- condense repetitious code sections
- expand nuisance list
- continue to allow for property assessments of abatement charges
- provide for the same noticing and procedural requirements as previously used

Code Compliance and the Pam Beach County Sherriff's Office (PBSO) work closely on monitoring possible nuisances throughout the Town. Nuisances disturb the natural enjoyment of private and public property and pose a threat the he public's health, safety and welfare. Consequently, The nuisance list has been revised to include the following - *many of which were already in existence in our Code for years, but are being regrouped into one comprehensive Code Section, as follows:*

- (1) Accumulations of waste, yard trash, or rubble and debris;
- (2) Accumulations of water or the pooling of water on a lot that may serve as breeding grounds for insects or other disease vectors;
- (3) The excessive growth of grass, weeds, branches, and other uncultivated vegetation greater than 12 inches in height located on a vacant property; or greater than 7 inches in height when located on developed residential or nonresidential properties.
- (4) Uncultivated vegetation that is determined to constitute a fire hazard;
- (5) Vegetation, whether or not cultivated, that impedes or obstructs the view of intersections, traffic signs, railroad crossings or traffic from any street, road, or highway; or that interferes with the enjoyment of private property, or grows onto neighboring lots;
- (6) Any standing dead trees whether on a developed or undeveloped lot;
- (7) Swimming pools that do not meet water clarity requirements or the safety barrier requirements of the Florida Building Code, Sections 424.2.17.1.1 through 424.2.17.1.14; or
- (8) Any lot, or a structure on a lot which harbors vermin, rats, insects, poisonous snakes or other wild animals, which may pose a danger to humans or domesticated animals.

(9) Any structure on a lot which does not meet the minimum housing standards as established in Chapter 54, Article III, Division 3 of the Town Code.

(10) Any structure which does not meet one or more provisions of the Florida Building Code, which in the opinion of the Building Official render the premises uninhabitable;

(11) Any activity which is injurious to, or endangers the comfort, repose, health, safety or welfare of the public;

(12) Any activity which results in at least two calls for service per calendar year by law enforcement and/or fire rescue for life-safety matters such as drug overdoses or disturbances involving excessive or prolonged noise or sounds, or which constitutes an activity that is determined to be injurious to, or endangers the comfort, repose, health, welfare, or safety of Town residents or businesses;

(12) Interferes with, obstructs or tends to obstruct or render dangerous for passage any public or private street, highway, sidewalk, stream, canal, ditch, or storm water drainage facility;

(13) Renders another property owner unsafe, including fear for one's own life or the lives of others; or the resident, business owner or employee, or residents use and enjoyment of a lot or property;

(14) Tends to depreciate the property value of a lot or the lots of others.

(15) Lots or properties which are vacant or upon which an abandoned structure exists, which may be overgrown with vegetation and which have been documented as being used by vagrants for habitation; or which has been the location of a reported crime or crimes, including but not limited to loitering, trespassing, the sale, possession or consumption of illegal drugs, prostitution or other crimes commonly known as "street crimes."

(16) Properties upon which nuisance trees exist including Melaleuca quinquenervia (Punk Tree, Cajeput or Paper Tree), Casurina Sap (Australian Pine), Acacia Articulataeformis (Earleaf tree) and Schinus terebinthifolius (Brazilian Pepper).

Florida State Statute allows for irreparable and irreversible fines to be assessed for certain types of nuisance such as those nuisances that disturb peaceful enjoyment of property, or those that continuously occur without the ability to abate (remedy) since they occurred in the past. Code Compliance will continue to work with PBSO to address nuisances throughout the Town and remediate them in the most expeditious and lawful way possible to ensure the public's health, safety and general welfare is preserved.

Recommended Motion: I move to APPROVE Ordinance 7-2019 on 1st reading.

ORDINANCE NO. 07-2019

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PERTAINING TO PUBLIC NUISANCES; PROVIDING FOR THE REPEAL OF CHAPTER 10, ARTICLE II, SECTIONS 10-31, 10-32 AND 10-33 AND CHAPTER 54, ARTICLE III, DIVISION 3, SECTIONS 54-131, 54-132, 54-133 AND 54-134; PROVIDING FOR THE CREATION OF A NEW CHAPTER 10, ARTICLE II, SECTIONS 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, AND 10-37; PERTAINING TO THE DEFINITION, DECLARATION, AND ABATEMENT OF NUISANCES; PROVIDING FOR THE AUTHORITY TO ENTER UPON PROPERTIES TO INSPECT SUSPECTED NUISANCES; PROVIDING FOR NOTICE TO THE PROPERTY OWNER OF THE EXISTENCE OF A NUISANCE; PROVIDING FOR APPEALS TO THE MAGISTRATE OF A NOTICE OF THE EXISTENCE OF A NUISANCE ON PROPERTY; PROVIDING FOR THE AUTHORITY TO ABATE NUISANCES, ASSESS FINES, AND REVOKE LOCAL BUSINESS TAX RECEIPTS; PROVIDING FOR THE RECOVERY OF TOWN EXPENSES IN ABATING NUISANCES; PROVIDING FOR THE RECORDATION OF ASSESSMENT LIENS TO RECOVER THE EXPENSES OF THE TOWN'S ABATEMENT OF A NUISANCES; PROVIDING FOR THE PROVISION OF CHRONIC NUISANCE SERVICES BY THE TOWN THAT AUTHORIZES THE IMPOSITION AND COLLECTION OF CHRONIC NUISANCE SERVICE ASSESSMENTS AGAINST REAL PROPERTY; ESTABLISHING A PROCEDURE FOR IMPOSING CHRONIC NUISANCE SERVICE ASSESSMENTS; PROVIDING THAT THE LIEN FOR A CHRONIC NUISANCE SERVICE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, SHALL BE PERFECTED AND SHALL ATTACH TO THE PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; 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 (Town) is a duly constituted municipality having such power and authority as are conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has been previously advised by the Director of the Community Development Department that there are properties throughout the Town that have been abandoned or are not being properly maintained because of pending mortgage foreclosures,

vacancies, or simple neglect, leading to the accumulation of junk, trash, rubbish, debris, expired vegetation, weeds, overgrown grass and/or vegetation, stagnant water in swimming pools, and structures in need of repairs, painting and maintenance or which are not otherwise in accordance with the Town's Housing Code and/or the Florida Building Code ; and

WHEREAS, the Town Commission has previously enacted Chapter 10, Articles II and III of the Town Code which have established conditions which constitute a nuisance; and

WHEREAS, the Town Commission has previously enacted Chapter 54, Article III, Division 3, which establishes minimum standards for housing and facilities in the Town; and

WHEREAS, by the enactment of this Ordinance and existing Town Code provisions pertaining to nuisances, the Town Commission hereby declares that the accumulation of junk, trash, rubbish, debris, expired vegetation, weeds, overgrown grass and/or vegetation, stagnant water in swimming pools, structures in need of repairs, painting and maintenance; or otherwise not meeting the regulations established in the Town Code to be public nuisances; and

WHEREAS, the Town Commission hereby declares that properties with two or more documented calls for service by the Palm Beach County Sheriff's Office (PBSO) per calendar year which involve life safety matters such as drug overdoses and noise disturbances to be a public nuisance; and

WHEREAS, the Town Commission hereby declares that properties which are public nuisances may warrant the Town's abatement of same; and

WHEREAS, the accumulation of trash, junk, or debris, expired plant material, excessive growth of grass or vegetation, weeds, brush, branches is unhygienic, unhealthy, visually unpleasant or an unaesthetic condition to the reasonable person of average sensibilities, and potentially depreciates the value of a property as well as neighboring properties and the Town in general; and

WHEREAS, having had two or more calls for service pertaining to life-safety matters such as drug overdoses per calendar year by the Palm Beach County Sherriff's Office (PBSO), or noise disturbances associated with a property, presents a threat to the overall quality of life and safety of the Town's residents, and particularly those who reside in the immediate neighborhood where the public nuisance exists; and

WHEREAS, the Town Commission finds that the abatement of nuisances as authorized by this Ordinance would further the health safety, and general welfare of the Town's residents and businesses and;

WHEREAS, the Town Commission finds that the abatement of public nuisances as authorized herein, would enhance the value, quality of life, and safety of the Town's residents and the desirability of commercial properties in the Town; and

WHEREAS, the maintenance of a public nuisance as described herein and the failure of a property owner to timely abate same, may require that the Town's intervention to abate the nuisance by the most expeditious and cost-effective methods possible and to assess an irreparable and irreversible fine against the property owner; and

WHEREAS, with respect to commercial properties in the Town which are harboring a public nuisance, the Town Commission authorizes the revocation of a business tax receipt until the property owner abates the nuisance; and

WHEREAS, the Town Commission finds that the provision of services to abate, revoke and fine declared nuisances existing upon properties provides a direct, special benefit to assessed real properties in the Town; and

WHEREAS, the Town has the authority to impose assessments on properties which have been adjudicated to be a nuisance and revoke business tax receipts; and

WHEREAS, the Town has the authority to use the uniform method set forth Chapter 197, Florida Statutes to levy, collect, and enforce the collection of non-ad valorem assessments against real property which has been determined by the Town Special Magistrate or court of competent jurisdiction to be a public nuisance.

WHEREAS, a property owner which has not abated a nuisance within the time prescribe by the Town's Special Magistrate or a court of competent jurisdiction and/or has not timely paid the costs charged for the abatement by the Town, shall be subject to a non-ad valorem assessment pertaining to the property, and said assessment shall be included on the property owner's annual tax bill; and

WHEREAS, if following the receipt of the non-ad valorem assessment, it is not timely paid, a special assessment lien may be recorded against the property; and

WHEREAS, the Town Commission hereby amends its Code of Ordinances to authorize the use of the uniform method to levy and collect non-ad valorem assessments against properties which are maintaining a public nuisance as referenced herein.

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 the legislative findings of the Town Commission.

Section 2. Chapter 54, Article III, Division 3, Sections 54-131, 54-132, 54-133 and 54-134 of the Town Code, are repealed as follows:

~~Sec. 54-131. Nuisance declared.~~

~~It is hereby declared and determined by the town commission, that the following shall each individually, or in any combination, be considered nuisances when they exist upon a lot in the town:~~

- ~~(1) — Accumulations of waste, yard trash, or rubble and debris;~~
- ~~(2) — Accumulations of waste, yard trash, or rubble and debris that may harbor rats or poisonous snakes or that may contain pools of water that may serve as breeding grounds for insects or other disease vectors;~~
- ~~(3) — Uncultivated vegetation greater when:
 - a. — Greater than 12 inches in height located on nonresidential vacant lots; or
 - b. — Greater than eight inches in height when located on developed or undeveloped residential or developed nonresidential lots.~~
- ~~(4) — *Schinus terebinthifolius* (commonly known as Brazilian Pepper) bushes or trees, if uncultivated;~~
- ~~(5) — Uncultivated vegetation that constitutes a fire hazard; or~~
- ~~(6) — Vegetation, whether or not cultivated, that impedes or obstructs adequate view of intersections, traffic signs, railroad crossings or traffic from any street, road, or highway.~~
- ~~(7) — Any standing dead trees in close proximity to developed lots or rights-of-way.~~

Sec. 54-133.—Procedure for abatement of a nuisance.

- (a) ~~Authorized agents, employees and independent contractors of the community development department are empowered to enter upon and inspect lots on which a nuisance is suspected to exist. Any code compliance officer or Palm Beach County Sheriff's deputy or other authorized agent, employee or independent contractor of the town shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon residential, commercial or industrial property while in the discharge of duties imposed by these regulations. If an inspection reveals the presence of a nuisance, the community development department shall notify the property owner of the nuisance in the manner provided in section 9-42. The notice shall also:~~
- ~~(1) Advise the property owner of the right to a hearing as provided in section 54-134;~~
 - ~~(2) Specify what corrective action must be taken and the date by which the corrective action must be completed;~~
 - ~~(3) State that a failure to abate the nuisance as required by the notice will result in the abatement of the nuisance by the town community development department or an outside contractor retained by the town and that the cost incurred by the town in the abatement of the nuisance shall be assessed against the property as a lien; and~~
 - ~~(4) That a lien shall be recorded against the property in the public records of Palm Beach County.~~
 - ~~(5) That the failure of the property owner to file an appeal of the determination of a nuisance before the expiration of the date specified in the notice for completion of the corrective action, shall constitute a waiver of the property owner's right to a hearing and right to appeal the town's determination of a nuisance.~~
- ~~The appeal forms required in section 54-134 shall be included in the notice, along with a statement that such form must be used to appeal the administrative determination.~~
- (b) ~~If an appeal is filed, a quasi-judicial hearing will be scheduled by the town's code compliance division before the town's special magistrate. The town shall give the property owner notice of the hearing in the manner provided in section 9-42.~~
- (c) ~~If no appeal is filed the community development department shall, upon the expiration of the compliance date, reinspect the property to determine whether or not the nuisance has been abated to the satisfaction of the town. If the community development department determines that the property still harbors a nuisance, and/or the required corrective action is not completed to the satisfaction of the town manager, the town may immediately commence all reasonable actions necessary to abate the nuisance. To accomplish that goal, the community development department and/or its agents are authorized by the town commission to enter upon the property and to take all steps reasonably necessary to effect the abatement.~~
- (d) ~~If abatement is effected by the community development department, the cost to the town of abating the nuisance on each lot, including an administrative and operating fee of \$600.00, shall be calculated and assessed against the lot by the community development director or the town manager. The assessment shall contain a legal description of the property, the street or physical address, state the cost of abatement, and specify the administrative and operating fee.~~

The community development department shall mail a notice of the assessment to the owner at the owner's last known address by regular U.S. mail. Until full payment is received, assessments shall be legal, valid and binding liens upon the property. The assessment shall become due and payable to the town as of the date of the mailing of the notice of assessment; interest shall begin to accrue at the statutory rate per annum on any unpaid portion thereof.

- (e) ~~As soon as possible after the assessment has been made by the community development director or town manager, a certified copy of the assessment shall be recorded in a claim of lien in the public records of Palm Beach County. The lien shall become effective on the date that a copy of the lien is recorded.~~
- (f) ~~Lien assessments, together with interest thereon, may be enforced by civil action in the appropriate court of competent jurisdiction. The lien created hereby shall be a first lien, equal to a lien for nonpayment of property taxes, on any lot against which an assessment for costs to abate a nuisance has been recorded. The lien shall continue in full force until discharge by payment or otherwise, until settled and released by the community development director or the town manager.~~
- (g) ~~The community development department shall mail a notice that a lien has been recorded to the record owner of each lot described in the lien for the assessments. The notice shall be sent by certified or registered mail, return receipt requested, to the owner's last known address. The notice shall be in a form prepared by the community development department, which shall include the following information:~~

~~Name and address of the owner;~~

~~Legal description of the lot where the nuisance has been abated;~~

~~Date of mailing of the notice of the lien;~~

~~A brief description of the nuisance;~~

~~Date that notice was originally sent to abate the nuisance;~~

~~A statement of the actual costs of abatement, the administrative fee, and any interest due;~~

~~Instructions regarding payment and removal of the lien; and~~

~~Additional information as necessary and appropriate.~~

- (h) ~~Nothing in this part shall prevent the town or the community development department from pursuing enforcement of this article through other processes.~~

~~Sec. 54-134. Appeal procedures.~~

~~At any time before the expiration of the time specified in the notice for the completion of the corrective action to abate the nuisance, the property owner may appeal the town's determination that a nuisance exists on the property by submitting an appeal on form prepared by the community development department together with a certified~~

~~check or money order in the amount of \$200.00 made payable to the Town of Lake Park, which amount shall constitute a fee necessary to defray the costs to the town, the town attorney, the community development department, and for the special magistrate hearing, and the processing and administering [of] the appeal. Failure to file an appeal or to appear before the special magistrate within the proscribed time shall be deemed a waiver of the property owner's rights to appeal the administrative action. The special magistrate shall hear the appeal on its regularly scheduled agenda and the hearing shall be conducted in accordance with the procedure set forth in section 9-37, and fines, costs and fees may be imposed by the special magistrate in the same manner as provided in section 9-39 and other. The town's code compliance division shall give the property owner written notice of the date and location of the scheduled hearing in the same manner as provided in section 9-42. The decision of the special magistrate shall be final and the final order finding a nuisance and imposing a fine and costs shall be recorded by the town and shall constitute a lien of the town against the subject property any other property owned by the property owner in the state of Florida.~~

Section 3. Chapter 10, Article II, Section 10-31, 10-32 and 10-33 of the Town Code, are repealed and replaced as follows:

Sec. 10-31. — Definitions:

~~For the purposes of this article, the word "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:~~

- ~~(1) — Injures or endangers the comfort, repose, health or safety of others;~~
- ~~(2) — Offends decency;~~
- ~~(3) — Is offensive to the senses;~~
- ~~(4) — Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;~~
- ~~(5) — In any way renders other persons insecure in life or the use of property; or~~
- ~~(6) — Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.~~

Sec. 10-32. — Prohibited nuisances on developed or cleared lots:

~~The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance and are prohibited within the town;~~

provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) ~~Noxious weeds and other rank vegetation; excessive or untended undergrowth, dead or dying plant materials, tree branches, lawn clippings and other excessive or untended vegetation;~~
- (2) ~~Accumulation of rubbish, trash, refuse, junk, debris, and other abandoned materials, metals, lumber or other things;~~
- (3) ~~Any condition which provides harborage for rats, mice, and other vermin or for the breeding of mosquitoes;~~
- (4) ~~Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;~~
- (5) ~~All unnecessary or unauthorized noises and annoying vibrations, including animal noises;~~
- (6) ~~All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;~~
- (7) ~~The carcasses of animals or fowl not disposed of within a reasonable time after death;~~
- (8) ~~The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances;~~
- (9) ~~Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;~~
- (10) ~~Any accumulation of stagnant water on any lot or piece of ground;~~
- (11) ~~Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.~~

~~Sec. 10-33. Prohibited.~~

~~It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.~~

Sec. 10-31. Definitions.

For the purposes of Article II, the following words are hereby defined as follows:

Abate shall mean to remove, reduce, put an end to or do away with a nuisance.

Adjacent property shall mean the lot or lots immediately adjacent or contiguous to a lot that is subject to review under this Ordinance.

Department shall mean the Community Development Department.

Developed shall mean a lot or property containing buildings, structures, paving, or other improvements; excluding solely underground utilities, pipes, wires, cables, culverts, conduits, or other similar improvements or facilities; or plantings; all of which are maintained and utilized in a manner permitted by the Town Code.

Lot or Property shall mean any tract or parcel of land, including any structure thereon.

Nonresidential shall mean any lot or property upon which any building, structure or open area is not used primarily as a private residence or dwelling.

Owner shall mean the holder of the title in fee simple and any person, group or persons,, community association or other partnership or corporate entity in whose name tax bills on the property are submitted. It shall also mean owner or owners of record of a lot as such appears in the official records of the Property Appraiser's Office in and for Palm Beach County.

Rubbish and debris shall mean waste materials resulting from the construction or demolition of structures or buildings. This shall include construction material left or abandoned on a lot or property.

Serious threat to the public health, safety, and welfare is defined as, but not limited to the existence of a vacant unsecured structure, a swimming pool not properly maintained or fenced, or other condition existing upon the property which the Department Director or Building Official has determined poses a life safety issue or physical danger to the public.

Street shall mean any strip of land which is open to the public for the use of vehicular traffic and containing delineations, signs, or other traffic control devices to channel traffic.

Special Magistrate or Magistrate shall mean a licensed Florida attorney appointed by the Town Commission to hear code enforcement cases, including cases involving alleged nuisances.

Structure shall mean anything that is constructed or built from different interrelated parts with a fixed location on the ground and located on a lot or property in the town.

Tree shall mean any woody plant or palm which, in its mature state under normal growing conditions, reaches a height of 15 feet or greater.

Uncultivated vegetation shall mean living plants allowed to grow in an uncontrolled manner, or not cared for or maintained on a regular basis. Native vegetation in its natural state, including mangroves, shall be considered uncultivated vegetation.

Waste shall mean garbage, rubbish and refuse from residential, commercial, or industrial activities, including kitchen and table food waste, animal, or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food material; paper, wood, and wood scraps, cardboard, cloth, glass, rubber, plastic; discarded automobiles, tires and automobile fixtures; household goods and appliances; toys; tools and equipment; trash; debris; lumber; appliances; machinery and similar materials.

Yard trash shall mean abandoned vegetative material from landscaping, maintenance or land clearing operations, and includes such materials as tree and shrub trimmings, grass clippings, palm fronds, tree limbs, tree stumps, and similar materials.

Sec. 10-32. Nuisances declared.

It is hereby declared and determined by the Town Commission, that the good aesthetic appearance of lots or properties within the Town preserves the value of other properties. The conditions as set forth herein below, which, if maintained upon a lot or property are hereby declared by the Commission to be a public nuisance:

- (1) Accumulations of waste, yard trash, or rubble and debris;
- (2) Accumulations of water or the pooling of water on a lot that may serve as breeding grounds for insects or other disease vectors;
- (3) The excessive growth of grass, weeds, branches, and other uncultivated vegetation greater than 12 inches in height located on a vacant property; or greater than 7 inches in height when located on developed residential or nonresidential properties.
- (4) Uncultivated vegetation that is determined to constitute a fire hazard;
- (5) Vegetation, whether or not cultivated, that impedes or obstructs the view of intersections, traffic signs, railroad crossings or traffic from any street, road, or highway; or that interferes with the enjoyment of private property, or grows onto neighboring lots;

- (6) Any standing dead trees whether on a developed or undeveloped lot;
- (7) Swimming pools that do not meet water clarity requirements or the safety barrier requirements of the Florida Building Code, Sections 424.2.17.1.1 through 424.2.17.1.14; or
- (8) Any lot, or a structure on a lot which harbors vermin, rats, insects, poisonous snakes or other wild animals, which may pose a danger to humans or domesticated animals.
- (9) Any structure on a lot which does not meet the minimum housing standards as established in Chapter 54, Article III, Division 3 of the Town Code.
- (10) Any structure which does not meet one or more provisions of the Florida Building Code, which in the opinion of the Building Official render the premises uninhabitable;
- (11) Any activity which is injurious to, or endangers the comfort, repose, health, safety or welfare of the public;
- (12) Any activity which results in at least two calls for service per calendar year by law enforcement and/or fire rescue for life-safety matters such as drug overdoses or disturbances involving excessive or prolonged noise or sounds, or which constitutes an activity that is determined to be injurious to, or endangers the comfort, repose, health, welfare, or safety of Town residents or businesses;
- (12) Interferes with, obstructs or tends to obstruct or render dangerous for passage any public or private street, highway, sidewalk, stream, canal, ditch, or storm water drainage facility;
- (13) Renders another property owner unsafe, including fear for one's own life or the lives of others; or the resident, business owner or employee, or residents use and enjoyment of a lot or property;
- (14) Tends to depreciate the property value of a lot or the lots of others.
- (15) Lots or properties which are vacant or upon which an abandoned structure exists, which may be overgrown with vegetation and which have been documented as being used by vagrants for habitation; or which has been the location of a reported crime or crimes, including but not limited to loitering, trespassing, the sale, possession or consumption of illegal drugs, prostitution or other crimes commonly known as "street crimes."
- (16) Properties upon which nuisance trees exist including Melaleuca quinquenervia (Punk Tree, Cajeput or Paper Tree), Casurina Sap (Australian Pine), Acacia Articulæformis (Earleaf tree) and Schinus terebinthifolius (Brazilian Pepper).

Sec. 10-33. Entry upon property to inspect suspected nuisances authorized.

The Department's code compliance officers, Palm Beach County Sheriff's Deputies, or any other authorized town employee or agent is permitted to enter upon and inspect any lot or property upon which a nuisance is suspected to exist. Any code compliance officer, Palm Beach County Sheriff's Deputy, or other authorized town agent, employee or independent contractor shall be immune from prosecution, civil or criminal, where he or she had reasonable, good faith belief that it was necessary to enter upon a lot or property to lawfully discharge his or her duties. If an inspection reveals the presence of a nuisance, the Department shall notify the property owner of the nuisance in the manner provided in Section 10-36.

Section 4. Chapter 10, Article II, Sections 10-34, 10-35, 10-36, and 10-37 are hereby created as follows:

Sec. 10-34. Notice of the existence of a nuisance and general procedure.

(1) If the inspection of a lot or property by the Department reveals the presence of a nuisance, the owner shall be provided written notification of the town's determination that a nuisance exists upon the property. The notice shall inform the owner of the nature of the nuisance; and shall set forth a reasonable time, not to exceed 10 days to abate the nuisance, unless the Department finds that the circumstances require more than 10 days.

(2) In the event the property is believed to pose a serious threat to the public health, safety and welfare, or of the condition is such that it is irreparable or irreversible in nature, the Department shall make all reasonable attempts to notify the owner and that the Department is seeking an immediate hearing of the Special Magistrate. A serious threat to the public health, safety, and welfare is defined as, but not limited to the existence of a vacant unsecured structure, a swimming pool not properly maintained or fenced, or other condition existing upon the property which the Department Director or Building Official has determined poses a life safety issue or physical danger to the public. Pursuant to section 162.06, F.S. the Department may immediately seek a hearing before the Special Magistrate authorizing the Department to abate the nuisance. Also, pursuant to 162. __, F.S., the Department is authorized to make repairs or otherwise correct the violation.

(3) The Department shall certify its expenses incurred in the repairs, correction or abatement of the nuisance. In the event a nuisance is determined based on statistical information received by the Palm Beach County Sheriff's Office resulting in the presence of a nuisance as defined herein, the nuisance shall be noticed and scheduled for a Special Magistrate Hearing pursuant to the procedures in Chapter 9 of the Town Code.

(4) Notice pursuant to this Section shall be delivered to the owner in accordance with the procedures set forth in section 162.12, F.S.

(5) The notice shall advise the property owner of the following:

(a) The owner may appeal the Department's finding of the existence of a nuisance to the Town's Special Magistrate pursuant to Section 10-39; and

(b) That the failure of the owner to appeal the determination of a nuisance before the expiration of the date specified in the notice, shall constitute a waiver of the property owner's right to a hearing to appeal the Town's determination of a nuisance on the owner's lot or property; and

(c) Specify the corrective action that must be taken to abate the nuisance and the date by which the corrective action must be completed, any fine which may be assessed and if applicable, that t business tax receipt of any business operating on the property may be revoked; and

(d) State that a failure to abate the nuisance as required by the notice may result in the abatement of the nuisance by the Town or a contractor retained by the Town; and that the cost incurred by the Town in the abatement of the nuisance may be assessed against the property as an assessment lien, or in the case of a nuisance determined utilizing law enforcement statistical data, shall be scheduled for a Hearing with a recommendation that an irreparable and irreversible fine as per State Statute be assessed against the property. and/or, that the business tax receipt for any business operating on the property may be revoked; and

(e) The expenses incurred by the town for abating the nuisance may be recorded as an assessment lien against the property if the owner does not timely abate the nuisance;

(f) The assessment shall become delinquent if not timely paid and will be placed on the tax roll as a non-ad valorem assessment and in accordance with law shall be superior to all other rights, interests, liens, encumbrances, mortgages, titles and claims upon the lot and equal in rank and dignity with a lien for ad valorem taxes; and

(g) The failure to pay the assessment lien may result in the issuance of a tax certificate and conveyed by a tax deed, subject to the redemption of the non-ad valorem assessment in full, plus interest, as required by Florida law.

(6) Appeal of the administrative determination of a nuisance.

(a) If an appeal is filed, the town shall schedule a quasi-judicial hearing before the Town's Special Magistrate and provide the property owner with notice of the hearing in the manner provided in Section 9-42.

(b) If no appeal is filed the Department shall, upon the expiration of the compliance date, inspect the property to determine whether or not the nuisance has been abated. If the Department determines that the property still harbors a nuisance, and/or the property owner has not completed the required corrective action, the Town may immediately commence all reasonable actions necessary to abate the nuisance. The Department and/or its agents are authorized to enter upon the property and to take all steps reasonably necessary to abate the nuisance.

(c) If the Department is required to abate the nuisance, the Town shall determine its costs for the abatement of the nuisance on which shall be the basis for an assessment against the lot.

(d) The assessment shall contain a legal description of the property, the street or physical address, the cost of abatement, and specify any administrative fees to be charged by the town. The Department shall mail a notice of the assessment to the owner at its last known address by regular U.S. mail. Until full payment is received, assessments shall be legal, valid and binding as an assessment lien upon the property. The assessment shall become due and payable to the Town as of the date of the mailing of the notice of assessment, interest shall begin to accrue at the statutory rate per annum on any unpaid portion thereof.

(e) As soon as possible after the assessment has been made, a certified copy of the assessment shall be recorded in a claim of lien in the public records of Palm Beach County. The lien shall become effective on the date that a copy of the lien is recorded.

(f) An assessment lien, together with interest thereon, may be enforced by civil action in the appropriate court of competent jurisdiction. The lien created hereby shall be a first lien, equal to a lien for nonpayment of property taxes. The lien shall continue in full force until discharge by payment or otherwise, until settled and released.

(g) The Department shall mail a notice to the record property owner that an assessment has been recorded as a lien has been recorded against the lot or property. The notice shall be sent to the owner in the same manner as set forth in Section 10-34 (4), above, and shall include the following information:

Name and address of the owner;

Legal description of the lot or property where the nuisance has been abated;

A brief description of the nuisance;

Date that notice was originally sent to abate the nuisance;

A statement of the actual costs of abatement, and any administrative fees or interest on the assessment which is due;

Instructions regarding payment and removal of the lien; and

(h) Nothing in this part shall prevent the Town from pursuing enforcement of this article through other legal processes.

Sec. 10-35. Examples of the abatement of specific Nuisances.

Any nuisance which is maintained on a property within the Town shall be abated. The method for the abatement of nuisances which are typical and may be expected to occur on lots or properties in the town are as follows:

(1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and debris, it shall be abated in its entirety

(2) If the nuisance consists solely of uncultivated vegetation and the property is less than one-half (½) acre in size, the nuisance shall be abated in its entirety.

(3) If the nuisance consists of dead trees, only those standing dead trees located in an area that would not cause damage to adjacent developed properties, sidewalks, or rights-of-way.

(4) If the nuisance consists in part of uncultivated vegetation and in part of other nuisances declared by this article, the provisions of subsections (1), (2) and (3) shall each apply to its abatement.

(5) If the nuisance consists of an infestation of vermin or insects then the nuisance shall be abated in its entirety.

(6) If the nuisance consists of a swimming pool without an adequate safety barrier and/or proper water clarity, the nuisance shall be abated in its entirety.

(7) All other nuisances resulting from a violation of the Florida Building Code, or Housing Code, shall be abated so as to eliminate the immediate threat to the public's health, safety and general welfare. In the event the nuisance is declared pursuant to law enforcement statistical data, a recommendation will be made by Staff and PBSO on how to best eliminate the threat to the public's health, safety and general enjoyment of property. In all cases, an irreparable and irreversible fine as governed by State Statute will apply and as applicable, the local business tax receipt will be revoked.

Section 10-36. Appeal procedures.

At any time before the expiration of the time specified in the notice to abate the nuisance, the property owner may appeal the Town's determination of the existence of a nuisance by submitting an appeal on form prepared by the Department together with a certified check or money order in the amount of \$200.00 made payable to the Town of Lake Park, which amount shall constitute a fee necessary to defray the costs to the Town for the processing and hearing of the appeal. Failure to file an appeal within the proscribed time shall be deemed a waiver of the property owner's rights to appeal the administrative action. The Special Magistrate shall conduct a hearing in accordance with the procedure set forth in Section 9-37 of the Code. The Special Magistrate is authorized to assess fines and costs as provided in Section 9-39 of the Code. The decision of the Special Magistrate shall constitute a final order finding a nuisance and imposing a fine and costs. The final order may be recorded by the Town and thereafter shall constitute an assessment lien against the lot or property.

Sec. 10-37. Assessment lien.

Assessment liens levied pursuant to this section may be certified to the tax collector for collection pursuant to the uniform method provided in § 197.3632, Fla. Stat.

Section 5.

The Commission hereby repeals existing Chapter 54, Article __, Sections 54-131 through 54-134 in their entirety.

Section 6. 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 7. 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 8. Repeal of Laws in Conflict.

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

Section 9. Effective Date.

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

Exhibit "C"

TOWN MANAGER COMMENTS

SEPTEMBER 4, 2019 – REGULAR COMMISSION MEETING

TOWN STATE OF EMERGENCY DECLARATION LIFTED – ...It has been determined that Hurricane Dorian no longer presents a clear and present danger to persons or property of the Town of Lake Park. It is declared by the Mayor of the Town of Lake Park that a state of emergency declared effective at 5 p.m. on Thursday, August 29, 2019, is hereby lifted effective at 10 a.m. on September 4, 2019.

SANITATION UPDATE - The Town is running all commercial and multi-family dumpster routes today. Everyone that should have their sanitation picked up either Monday or Tuesday will be picked up today, September 4, 2019. Residential recycling is running today, as normally scheduled.

On Thursday, September 5, 2019, the Town will run residential grey can service, along with residential bulk trash service.

We expect to be back onto the normal schedule by tomorrow.

THANK YOU TO TOWN STAFF

HURRICANE RELIEF EFFORT FOR THE BAHAMAS – Supplies needed:

Water – Canned goods – Can openers – Mosquito spray – Sunscreen – Diapers – Baby formula – First aid items – Flashlight – Batteries – Small generators

NAUTILUS US 1 CORRIDOR MIXED-USE ONE-ON-ONE MEETINGS WITH COMMISSION

FLORIDA REDEVELOPMENT ASSOCIATION 2019 CONFERENCE – The FRA Annual Conference will be held October 16-18, 2019 in Tampa, FL. There is a scheduled Regular Town Commission Meeting on Wednesday October 16th. If members of the Commission wish to attend the FRA Conference, a quorum would be needed to hold the Regular Town Commission Meeting on October 16th. If there is not a quorum of Commission members to attend the Commission meeting of October 16th, a Resolution would be required to cancel the meeting.



Office of the
Town Manager

September 4, 2019

Re: Budget Transmittal Letter

Dear Mayor Michael O'Rourke, Vice Mayor Kim Glas-Castro and Members of the Town Commission and the Residents of Lake Park:

The purpose of this Budget Transmittal Letter is to highlight the changes to the Operating and Enterprise Budgets for the upcoming Fiscal Year 2019-2020.

The budget process commenced with the submission of budget initiatives from each department director. Budget submittals are what Town departments need to deliver the highest and best services to our residents. Initially, budget initiatives and line item expenditures increased the budget deficit by more than **\$1,000,000**. Unfortunately, revenues never match up with budget and initiative requests. The budget process requires us to pare down the budget to ensure that the operating budget, along with each enterprise fund is balanced. This process required the budget team members consisting of Lourdes Cariseo Finance Director, Bambi Turner, Assistant Town Manager and Human Resource Director, Janet Perry Assistant to the Town Manager and each Department Director to meet with the budget team to achieve a balanced budget.

Staff is proposing a balanced operating budget for the upcoming Fiscal without an increase to the millage rate. The rate remains at 5.3474. The Fire MSTU is **3.4581**. Together, the total millage rate is 8.8055. The state has capped the millage rate for municipalities at \$10.00 per \$1,000. The millage rate will increase to **\$3,689,136** from **\$3,384,406**, increasing property values. The associated revenue to support a budget of more than **\$8,980,345** permits departments to develop after-school programs designed to enable after school-age children to get involved in constructive recreational activities throughout the school year at no charge to families. The difference is made up from other revenue sources outside of the millage rate. The total revenue from outside of the millage rate is **\$6,074,315**.

The financial condition of the Town continues to improve. Staff is mindful of the increase in value increasing property taxes. If the Town decided to roll back the rate and eliminate the rise in taxable value, the Town would need to reduce the budget by **\$410,292**. We can only reach the rollback rate when significant new reoccurring revenues hit the operating budget. The Federal Highway development project, which has an estimated value of 160 million dollars, will generate Ad Valorem tax revenue of approximately \$1.4 million per year. Our current Ad Valorem revenue is **\$2,737,304**. Until new revenue streams are added to the budget, we cannot reach the rollback rate without significant reductions in personnel, programs, and services.

Sixtyfive percent of single-family homes are renter-occupied. Roughly 35 percent of our housing stock is owner-occupied. Younger residents and families continue to move into Lake Park in part because of low property values, the unique location of the Town between Jupiter and West Palm Beach and quick

535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3304
Fax: (561) 881-3314

www.lakeparkflorida.gov

access to the waterfront. Young families are finding Lake Park affordable. We must provide these families with the services they desire to remain a livable community. The challenges we face as leaders are to stem the tide of rental housing. The goal of this administration is to encourage homeownership opportunities throughout Lake Park. The town remains attractively affordable and a community on the move. This budget year, Strategic Marketing Inc. will begin to implement an overall strategy for the Community Redevelopment Agency (CRA) to attract millennials to the PADD (Park Avenue Downtown District) and to fill vacant commercial space and create a sense of excitement around the newly established Park Avenue Downtown Brewery District. The CRA funded branding initiative continues in the next fiscal year's CRA budget at \$55,000. The objective is to promote the CRA as a hipster place to eat, drink, and recreate. Property values in the CRA increased by over 16.5 percent (in the last fiscal year) while property values throughout the rest of the town increased over eight and a half percent. As the CRA continues to outpace the rest of the town in property value increase, creating a synergistic balance among businesses, restaurants, breweries, live entertainment, the arts, and a live-work and recreational environment in the downtown area is critical. The vibrancy of any rebirth of a downtown area requires residents to live and work in the downtown district. The Special Events Department will work with downtown businesses to assist in the planning of special events in the PADD, which will contribute to the revitalization and success of the CRA.

MILLAGE RATE:

The Millage Rate has remained at 5.3474. The rate remains steady for the past five fiscal years. The increase in your tax bill is related to the rise in property values. The most significant increase in property values occurred within the CRA boundaries. The CRA continues to be a good investment for the business community.

HOMESTEAD EXEMPTION:

Homestead exemptions reduce the overall tax burden to residents by **\$522,405** each year. However, the homestead exemption only applies to homeowners living in their residence. Remember, 65 percent of the property in the Town is rental and therefore not eligible for the exemption.

FUNDED INITIATIVES:

Each year, the ability for the Town to fund department initiatives remains problematic. Nautilus is in plan review. The building permit fee for an estimated \$160 million project is calculated to be close to \$2 million, and staff expects to collect the payment in the 2019-2020 budget year. Therefore, I am recommending the Commission reopen the budget process to fund one-time budget initiatives later in the FY 2019-2020 fiscal year. The following initiatives are funded in the FY 2019-2020. Those initiatives include: extending Lambda Rail (Second Phase) \$180,000, Web Hosting \$4,000, part-time to full-time Project Manager at \$30,000, Town Hall Doors at \$70,000, Town Clerk's Ceiling Assessment at \$28,000 (Historical Grant Approval), water supply update at \$9,800, the Back To School Extravaganza at \$3,000, afterschool youth activities at \$5,000 and funds to complete the CDBG funded additional playground equipment and canopy at \$7,000. The total of public initiatives added to the operating budget is \$336,800.00. The upgrade of a Stormwater Technician to a Stormwater Infrastructure Manager for \$9,464 was added to the Stormwater Budget.

Furthermore, the continuation of the grant program for **\$25,000** to assist not-for-profit and for-profit organizations in our community will continue in the FY 2019-2020. Last year the Commission decided to fund the Lake Park Baptist youth soccer program. Bike racks

along Park Avenue and to provide funding for \$4,000 to assist the Brewhouse Gallery back alley Mural Project. The youth Soccer camp staff saw approximately 150 youth participate in the one week program between the time school ended and the start of summer camp programs in Palm Beach County. The initiative provided working parents with a structured recreational program for their children.

PERSONNEL CHANGES:

The budget for FY19-20 will fund the full-time equivalent Code Compliance Officer's position in its entirety. Last year's budget supported the full-time Code Compliance Officer on a partial basis using CDBG grant funds, with the general fund picking up the balance of salary and benefits. While the CDBG program may be extended an additional six months into FY 19-20, Palm Beach County will not make this decision for possibly another 30 days; therefore, the position must be funded in its entirety now.

Further, the budget continues to support a Part-Time Planner at twenty-five hours per week. With the continued increase in projects projected for this budget year, additional personnel including the need for a second Community Development Technician for is necessary but remains unfunded. Even with the assistance/relief provided by other department employees, Community Development is experiencing delays and anticipates these delays will increase in the next budget cycle given the limited resource with hundreds of Business Tax Receipt applications per year (minus the daily customer interactions – front counter, phones and email – which average approximately 70 customer interactions per day).

The Town Clerk's Office needs a Records Retention Clerk to enable the various departments to scan and retrieve public records electronically. With the introduction of Laserfiche as the document retrieval backbone, documents scanned into the system are readily available to staff, and residents via the Town Website and will allow staff to respond to records requests in an expeditious manner.

ENTERPRISE FUNDED INITIATIVES:

Public Works Department Streets and Road Fund Budget:

The Public Works Department Streets and Roads fund budget will continue to fund the sidewalk repair and replacement program. The budget supports the program at **\$418,041**. Future roadwork projects, such as 10th street from Sliver Beach Road to Park Avenue, will require grant funding to complete. The road lacks proper drainage, and the streets and roads budget funds are insufficient to meet the financing needs to complete the roadwork. Staff believes the entire roadway from Silver Beach to Park Avenue will require a full re-acclimation. The addition of green infrastructure drainage swales throughout the corridor will enhance the Town's ability to secure funding from the Lake Worth Lagoon Initiative. Our approach will be to aggressively seek grant funding to implement a trial sustainable green initiative of bioswales along 10th Street. The need to achieve sustainable green initiatives means that the Town will position itself for future grant funding from funding sources that support clean water initiatives.

Lake Harbor Marina Fund Budget:

The FY 2019-2020 Marina Fund Budget is \$ **1,541,868**. The Marina Fund will look to increase revenues by establishing a new methodology for slip rentals. The Marina currently charges slip fees based on the actual length of the boat. The new method will calculate the exact length of the vessel size plus the motor, which will slightly increase revenues per month, per slip. The Marina budget

will continue to fund the Marina Maintenance II position. For years, the Marina has deferred maintenance resulting in significant costs for building repairs and maintenance. Considerable building maintenance and repair work remains a top priority.

The administration is proposing to enter into a public-private partnership to fund upgrades to the Marina. The upgrades, including the expansion of the Marina, is estimated at \$20-\$30 million dollars. We will need to balance necessary repair work with prospects of moving the funding for the Marina to a private investor. Continual maintenance to the property will be required. Air conditioning units have been replaced. The fuel pumps at the Marina require further evaluation and may need replacement shortly. One of the most significant challenges to the Marina budget continues to be the funding of large-scale capital projects. The administration is proposing to move the current Dockmaster to the Marina Director's position and hire a Dockmaster to support the day-to-day operations. The need to re-evaluate how services are delivered at the Marina remains a top priority. For years, the Marina has thought to be this quaint park-like Marina. Development near the marina has changed the dynamic of what the Lake Park Harbor Marina will look like in the future. A resort-style marina that is expanded to accommodate larger vessels with possible mixed-use on the Marina Peninsula. The proposed public-private partnership envisioned for the Marina will move the Marina to a full-scale resort-style Marina.

Stormwater Utility Fund Budget:

The Stormwater Budget has a balance of **\$2,002,263**. The further development of the Comprehensive Stormwater Management Plan incorporates best practices for sustainable green initiatives throughout the Town. Every aspect of drainage in the Town will include retaining and treating run-off on-site for as long as possible before discharging to the Intracoastal. Rather than expand piping, which is incredibly expensive and not necessary, the emphasis will be on water retention and the utilization through a series of bioswales from the west to east ends of the town and eventually into the Intracoastal Waterway. The initiatives in the bioswale areas will act as a natural filter before discharging into the Lake Worth Lagoon, thereby contributing to cleaner outflows into the water body. In the upcoming year, we also intend to acquire a new street sweeper, implement an additional pipe repair (similar to the repairs completed in FY2018-2019 at Kalmia and Palmetto), and perform in-depth engineering of the large 60 inch pipe that serves a large portion of the Town, which runs along the southern part of Lake Park. We have previously completed repairs to this large pipe – but the entire pipeline will be examined for structural integrity and need for further maintenance.

Sanitation Fund Budget:

The Sanitation Budget has a balance of \$23,250 after the purchase of two refuse trucks.

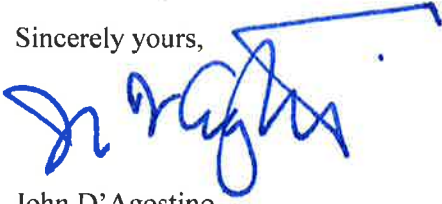
CONCLUSION:

The Fiscal Year 2019-2020 budget is balanced. Service levels will either remain the same or increase slightly. The turn around time for permits in the Community Development Department is approaching a week to a week and a half for simplified permits and several weeks for permits that involve the more extensive review, or outside agency review (this is one area that may suffer additional delays next budget cycle). In my opinion, extending that time beyond a week is unacceptable. The need to hire a second Community Development Technician will be a priority in the next budget cycle. The Public Works Department is near capacity with almost all positions filled.

I look forward to working with the Commission to further the goals and objectives of both the Commission and the administration as together we move the Town forward in a positive direction.

I want to thank the Commission for its insight, vision, and direction as together we have balanced the budget with the best intentions of the Town at the heart of what we do on behalf of the residents of Lake Park.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "John D'Agostino". The signature is stylized and includes a horizontal line above the name.

John D'Agostino
Town Manager, Town of Lake Park