



AGENDA

Special Call

Community Redevelopment Agency Meeting

Wednesday, October 2, 2019, 6:30 p.m.

Lake Park, Town Hall

535 Park Avenue

Michael O'Rourke	—	Chair
Kimberly Glas-Castro	—	Vice-Chair
Rhonda "Jo" Brockman	—	Board Member
Erin Flaherty	—	Board Member
Christiane Francois	—	Board Member
John Linden	—	Board Member
Roger Michaud	—	Board Member
<hr style="border-top: 1px dashed black;"/>		
John O. D'Agostino	—	Executive Director
Thomas J. Baird, Esq.	—	Agency Attorney
Vivian Mendez, MMC	—	Agency Clerk

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

A. **CALL TO ORDER/ ROLL CALL:**

B. **PLEDGE OF ALLEGIANCE:**

C. **SPECIAL PRESENTATION/REPORT:**

None

D. **PUBLIC COMMENT**

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

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

a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

1. Special Call Community Redevelopment Agency Board Meeting Minutes of September 18, 2019.

Tab 1

F. DISCUSSION:

2. Discussion with the Artist of Palm Beach County Regarding Bond Counsel's Opinion Revised to Address the Artist of Palm Beach County.

Tab 2

G. EXECUTIVE DIRECTOR REPORT:

H. PUBLIC COMMENT

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

I. BOARD MEMBER COMMENTS

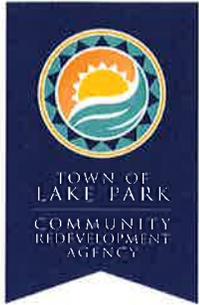
J. REQUEST FOR FUTURE AGENDA ITEMS:

K. ADJOURNMENT

The next scheduled CRA Board Meeting will be conducted on December 4, 2019.

Consent Agenda

TAB 1



**CRA
Agenda Request Form**

Meeting Date: October 2, 2019

Agenda Item No. 1

Agenda Title: Special Call Community Redevelopment Agency Board Meeting Minutes of September 18, 2019

- | | | | |
|--------------------------|------------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | SPECIAL PRESENTATION/REPORT | <input checked="" type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | OLD BUSINESS | <input type="checkbox"/> | NEW BUSINESS: Resolution |
| <input type="checkbox"/> | DISCUSSION FOR FUTURE ACTION | <input type="checkbox"/> | OTHER: General Business |

Approved by Executive Director:

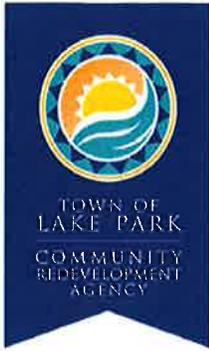
Date:

9-23-19

Agency Clerk, Vivian Mendez

Originating Department: Agency Clerk	Costs: \$ 0.00 Funding Source: Acct. # [] Finance _____	Attachments: -Minutes -Exhibits "A-L"
--	---	--

Recommended Motion: To approve the September 18, 2019 Special Call Community Redevelopment Agency Board Meeting Minutes.



AGENDA

Special Call

Community Redevelopment Agency Meeting
Wednesday, September 18, 2019, 6:30 p.m.
Lake Park, Town Hall
535 Park Avenue

Michael O'Rourke	—	Chair
Kimberly Glas-Castro	—	Vice-Chair
Rhonda "Jo" Brockman	—	Board Member
Erin Flaherty	—	Board Member
Christiane Francois	—	Board Member
John Linden	—	Board Member
Roger Michaud	—	Board Member
<hr style="border-top: 1px dashed black;"/>		
John O. D'Agostino	—	Executive Director
Thomas J. Baird, Esq.	—	Agency Attorney
Vivian Mendez, MMC	—	Agency Clerk

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

A. **CALL TO ORDER/ ROLL CALL**

B. **PLEDGE OF ALLEGIANCE**

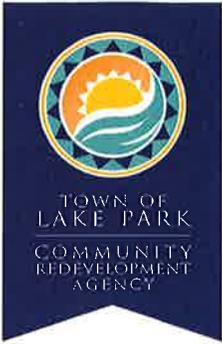
C. **SPECIAL PRESENTATION/REPORT**

None

D. **PUBLIC COMMENT**

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

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



**Minutes
Town of Lake Park, Florida
Special Call Community Redevelopment
Agency Board Meeting
Wednesday, September 18, 2019, 6:30 p.m.
Town Commission Chamber, 535 Park Avenue**

The Community Redevelopment Agency Board met for a special call meeting on Wednesday, September 18, 2019 at 6:30 p.m. Present were Vice-Chair Kimberly Glas-Castro, Board Members Rhonda “Jo” Brockman, Erin Flaherty, and John Linden, Executive Director John D’Agostino, Agency Attorney Thomas Baird, and Agency Clerk Vivian Mendez. Chair Michael O’Rourke, Board Members Roger Michaud and Christiane Francois were absent.

Agency Clerk Mendez performed the roll call and Vice-Chair Glas-Castro led the pledge of allegiance.

Special Presentation/Report: **None**

Public Comment: Vice-Chair Glas-Castro announced that Public Comment would be taken after the business was completed.

Consent Agenda:

- 1. Community Redevelopment Agency Board Meeting Minutes of September 4, 2019.**

Motion: Board Member Flaherty moved to approve the consent agenda; Board Member Linden seconded the motion.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Erin Flaherty	X		
Board Member Christiane Francois			Absent
Board Member Roger Michaud			Absent
Board Member John Linden	X		
Board Member Rhonda “Jo” Brockman	X		
Vice-Chair Kimberly Glas-Castro	X		
Chair Michael O’Rourke			Absent

Motion passed 4-0.

NEW BUSINESS:

2. Resolution No. 62-09-19 Authorizing the Executive Director to Renew Property & Casualty Insurance Coverage from the Florida Municipal Insurance Trust for the Community Redevelopment Agency for Fiscal Year 2020.

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE TOWN OF LAKE PARK AUTHORIZING AND DIRECTING THE EXECUTIVE DIRECTOR TO OBTAIN FOR FISCAL YEAR 2020 PROPERTY AND CASUALTY INSURANCE COVERAGE THROUGH THE FLORIDA MUNICIPAL INSURANCE TRUST; AND PROVIDING FOR AN EFFECTIVE DATE.

Executive Director D’Agostino explained the item. He stated that there was a 2% increase over last year. Board Member Linden asked why there was an increase. Mr. Kirk Gehring of the Gehring Group explained the Town was switching Municipal Trust for a total reduction of 40%. He explained that the risks factors are reviewed and determine the associated increases or decreases in the Trust.

Motion: Board Member Linden moved to approve Resolution 62-09-19; Board Member Flaherty seconded the motion.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Erin Flaherty	X		
Board Member Christiane Francois			Absent
Board Member Roger Michaud			Absent
Board Member John Linden	X		
Board Member Rhonda “Jo” Brockman	X		
Vice-Chair Kimberly Glas-Castro	X		
Chair Michael O’Rourke			Absent

Motion passed 4-0.

Vice-Chair Glas-Castro explained that many public comment were received regarding the status of 800 Park Avenue. She asked Executive Director D’Agostino to give a brief update on the property. Executive Director D’Agostino gave an update on the 800 Park Avenue property, explaining that it must be used for a municipal purpose. If the property were to be used by a non-profit organization then there has to be a substantial public benefit. A substantial public benefit could be defined as providing a benefit to the majority of the community of residents of the Town of Lake Park. He gave a brief history of the tax exempt bond the Town secured. He presented a financial status of the bond (see Exhibit “A”). He gave a brief history of how the gallery was staffed in 2008 and previous administration handling of a Request for Proposal to occupy the gallery. He explained the 2017 Request for Proposal and why he reached out to the Bond Council for an opinion for the use of the building. He stated that moving forward the Town wants to use the building for the intended purpose through the Bond. He

explained that he met with the Artist of Palm Beach County Executive Board to indicate to them that they needed to vacate the property. He stated that later that night he sent the following email (see Exhibit "B").

Vice-Chair Glas-Castro explained that the item was not on the agenda, it's not an item for discussion, it's not an item they could take action on, the best that could come out of tonight was to request a future agenda item to discuss, if warranted. She asked the Agency Attorney if there were anything that he would like to add that might answer the public's questions.

Attorney Baird stated that he was not sure he could answer the public questions and the potential problem, as he has been advised by Bond Council, that not following the Bond connivances and restrictions with respect to the uses of municipal purpose of the property would jeopardize the Town's tax exempt status of those bonds. If the tax exempt status of the bonds are compromised then the Town would, in addition to being liable for the principal due, the Federal Government could seek to the Internal Revenue to recover the interest that should have been paid on the bonds. He did not have the amount that would be due, but that would be the financial liability for not following the legal opinion of Bond Council.

Vice-Chair Glas-Castro explained the public comment process, allowing for two-minutes per person. She asked that the comments not be repetitive or redundant of what has been said because this was not a discussion item for tonight.

PUBLIC COMMENT:

1) Joe Friedman resident in West Palm Beach and President of Artist of Palm Beach County explained that they had been in the building several years and were not provided a date specific as to when they had to leave the Gallery. He stated that Bond Council does not specifically state that they were included in their statement. He has further information to share with the Board. Vice-Chair Glas-Castro asked that the information be shared with the Town Manager. Mr. Friedman stated many members of the Artist of Palm Beach County were present in support of remaining at the Gallery. He stated that their attorney was present at the meeting.

2) Dan Liftman resident of West Palm Beach and Representative of Congressman Alcee L. Hasting. He stated that a letter from the Congressman was submitted (see Exhibit "C") in support of keeping the building as an art gallery. Vice-Chair Glas-Castro invited Congressman Hasting to come to a Commission meeting the next time he was in Town.

3) Dionisia Sophinos resident of Lake Park explained the CRA was established as three districts - Art District, Commerce District, and the Home Town District. She suggested that the building be converted into a CRA Office and have the Grant Writer moved into that office and the remainder of the space have artist work with students from local schools. The building could be used as dull space.

- 4) Mya Simmons resident of Lake Park read from a prepared statement (see Exhibit "D").
- 5) Tim Toomey resident of Lake Park and member of the Artist of Palm Beach County spoke in support of keeping the gallery open.
- 6) Maxine Schreiber resident of West Palm Beach and member of Artist of Palm Beach County and co-manager of the gallery. She referred to the CRA Master Plan and CRA Market Study and Branding Report. She stated that the gallery was a municipal purpose to the residents and the public.
- 7) Rae Franks, Esq. resident of West Palm Beach, provided a letter from Locke Lord for the record (see Exhibit "E"). She stated that the Artist of Palm Beach County were not asked to provide documentation to Locke Lord to determine if the Artist meet the municipal purpose.
- 8) Marion Bryant resident of Lake Park and expressed concern with the potential of a three-story parking garage being proposed on Foresteria Drive. She asked if a traffic study had been conducted on Foresteria Drive to determine the impact a parking garage would have to the residential street. Vice-Chair Glas-Castro asked Ms. Bryant to contact the Town Manager to discuss the issue. Ms. Bryant also expressed concern with the volume and increasing of speed traffic on 5th Street. She suggested having speed humps installed on 5th Street. Board Member Linden stated that the topic of closing 5th Street would be discussed at an upcoming meeting.
- 9) Deborah Fairchild resident of West Palm Beach and recent member of the Artist of Palm Beach County, expressed concern with using the gallery as a storage facility.
- 10) Grant Williams resident of Jupiter and member of the Artist of Palm Beach County, has taught art classes at the gallery. He spoke in support of keeping the building as a gallery.
- 11) Pamela LoCicero resident of Rivera Beach read a letter for the record (see Exhibit "F"). She spoke of her experience with an art district in New York. She spoke in support of keeping the gallery.
- 12) Richard Yosinoff resident of Lake Park, spoke in support of keeping the art gallery open.
- 13) Susan Stechnij resident of Lake Park, read a letter into the record (see Exhibit "G"). She spoke in support of keeping the gallery open.
- 14) Cora Ciaffone resident of Palm Beach Gardens read a letter into the record (see Exhibit "H").

15) Barbara Ziev resident of West Palm Beach and recent member of the Artist of Palm Beach County. She spoke of her redevelopment experience in Pennsylvania. She spoke in support of keeping the gallery open.

16) Carole Pichney resident of West Palm Beach and member of the Artist of Palm Beach County. She read from a prepared statement (see Exhibit "I"). She suggested that staff be relocated to the building and share the space with the gallery.

17) Dr. Karen S. Karmazin resident of Jupiter read a prepared letter from Former Lake Park Commissioner Kathy Rapoza (see Exhibit "J").

18) Ivan John Kopas resident of West Palm Beach and a Litigator stated that proper procedure of quasi-judicial needs to be followed, with sworn witnesses and testimony before the Board could make any decision.

19) Mary Jane Zapp resident of West Palm Beach and member of the Artist of Palm Beach County asked that the Artist of Palm Beach County be properly vetted by Locke Lord.

20) Susan Oakes resident of Lake Worth Beach read from a prepared statement (see Exhibit "K").

21) Joel Kaye resident of West Palm Beach read from a prepared statement (see Exhibit "L").

EXECUTIVE DIRECTOR REPORT:

Executive Director D'Agostino had no comments.

BOARD MEMBERS COMMENTS:

Board Member Francois was absent

Board Member Brockman thanked Commissioner Linden and Mayor O'Rourke for the efforts during the Bahama Relief efforts that were handled at the Kelsey Theatre. She asked if there was anything that the Board should do now that so many comments were made about the gallery.

Board Member Linden spoke of the Bahama Relief efforts that were undertaken for two weeks.

Board Member Flaherty had no comments.

Board Member Michaud was absent.

Vice-Chair Glas-Castro had no comments.

Chair O'Rourke was absent

Future Agenda Items:

Board Member Brockman suggested that an agenda item be placed to discuss the gallery.

Vice-Chair Glas-Castro explained that the Artist of Palm Beach County had indicated that they had information they would share with staff. Attorney Baird explained that the opinion that was shared was from Locke Lord. They were engaged by the Town to do the Bond issue and the best person to render an opinion about the use of the property, and whether or not it was consistent with the Bond Resolution. They have rendered that opinion, if the Board was asking for Locke Lord to render a second opinion it could be asked.

Vice-Chair Glas-Castro explained that unless the Artist of Palm Beach County has something else to be considered, then...

The CRA Board meeting was interrupted by Mr. Kopas and was escorted out of the Commission Chamber.

Vice-Chair Glas-Castro recapped her previous statement. Attorney Baird explained that the opinion was rendered in the contest of the necessity to use the building for a municipal purpose. If the Board wants to ask Bond Council, "does your opinion change because the use is Artist of Palm Beach versus another non-profit using the building", we can do that. He asked the Board to keep in mind that there would be a fee for Bond Council to render a second opinion. Vice-Chair Glas-Castro asked if Bond Council had additional information from Artist of Palm Beach. Attorney Baird stated that Bond Council does not need additional information from Artist of Palm Beach to render an opinion.

Executive Director D'Agostino explained that we can ask Bond Council for a second opinion and provide it to the CRA Board and the Artist of Palm Beach. The Town has offered to work with the Artist of Palm Beach on getting another location on Park Avenue and allow the Town to use the building as it was intended.

Board Member Linden asked when the agenda item would appear before the Board to discuss the issue. Vice-Chair Glas-Castro stated that the next scheduled CRA Board meeting was December 4, 2019. Executive Director D'Agostino suggested holding a Special Call CRA Board meeting. He stated that he would poll the other members and find a date that works for everyone. Board Member Brockman asked if the use of the building would be the topic that would be on the agenda. This was the first time she heard that the building was being proposed as a storage facility. Vice-Chair Glas-Castro stated that the topic would be the Artist of Palm Beach using the facility. Executive Director D'Agostino stated that the opinion would be regarding Artist of Palm Beach staying in the building. He explained that if the opinion remains the same, the facility would be used as record retention until a permanent facility could be built between the Library and Town Hall.

Vice-Chair Glas-Castro stated the three agenda items that have resulted from the discussion:

- Artist of Palm Beach and the status of the Bond
- Plan B of what else the building could be used for temporarily
- Long term use of the Building

ADJOURNMENT

There being no further business to come before the CRA Board and after a motion to adjourn by Board Member Flaherty and seconded by Board Member Linden, and by unanimous vote, the meeting adjourned at 8:14 p.m.

Chair, Michael O'Rourke

Agency Clerk, Vivian Mendez, MMC

Town Seal

Approved on this _____ of _____, 2019

Exhibit "A"

Town of Lake Park
Schedule of Outstanding Debt
2008 A and 2009 Bonds
As of 10/1/2019

2009 Bond CRA Total Due 10/1/2024	2009 Bond Total Due 10/1/2024
Total CRA 394,168.00	452,020.00

2008 A Bond CRA Total Due 10/1/2014	2008 A Bond Total Due 10/1/2024
Total CRA 1,168,656.64	1,876,789.57

Exhibit "B"

From: John D'Agostino jD'Agostino@lakeparkflorida.gov
Subject: Meeting
Date: Sep 12, 2019 at 7:34:34 PM
To: Joe Friedman artistsofpbc@gmail.com
Cc: Bambi Turner bturner@lakeparkflorida.gov, Commission
Commission@lakeparkflorida.gov

Dear Joe:

It was unfortunate that you and your board members summarily left the meeting today. As I stated, the building cannot be occupied by the Artists of Palm Beach. I know this is upsetting to you, but the criteria which was never followed by previous administrations require under the bond that the building be used for Municipal purposes. If a non-profit is to occupy the building under bond counsel's opinion, the non-profit must demonstrate a substantial public purpose in that a majority of Lake Park residents must benefit from your non-profit operations and activities. The Town Attorney has stated at the public meeting a few weeks ago, that your non-profit operations does not meet the substantial public benefit threshold. I know you disagree with this assessment and your group refuses to meet with the Town Attorney so in effect there is little I can do to help unless your group is willing to work with staff. Your more than welcomed to attend our public meetings, I think putting your group on the agenda will not change the opinion of The Town Attorney, or staff's recommendations on the subject matter. The issue was raised by Commissioner Linden with the specific intent to have your organization remain at the 800 Building and the Commission did not take a vote to allow your organization to remain at the site.

As I have stated to you in our phone conversation, the CRA would benefit from the Artists if they remain on Park Ave. Our purpose is to promote the arts.

Having said that, the CRA would be willing to work with you on securing a location on Park Ave. However, unless I know your exact needs, I cannot begin to work with your group on this initiative. What I understand from our conversation is that you pay approximately 2,500 or so per month to remain at the 800 Park Avenue property between electricity, insurance and other costs adding up to the above number. That works out to approximately 30,000 per year. I am sure we can find a Park Ave location with approximately 2,000 square feet. The cost per square feet works out to about \$15.00 per square

feet. That cost per square foot is within the range for rental costs on Park Ave. as I stated, we are willing to sit with you without confrontation and with your organization accepting the fact that the property must be used for a municipal purpose. If we can achieve this understanding, we can move forward to help you find a permanent home on Park Ave.

If you are interested, please contact Janet Perry to schedule a second appointment. I await your response.

Sincerely Yours

John D'Agostino
Town Manager, Town of Lake Park Florida

ALCEE L. HASTINGS
20TH CONGRESSIONAL DISTRICT
FLORIDA

COMMITTEE ON RULES
VICE CHAIRMAN

UNITED STATES
HELSINKI COMMISSION
CHAIRMAN

FLORIDA DELEGATION
DEAN & CO-CHAIRMAN
SENIOR DEMOCRATIC WHIP



Congress of the United States
House of Representatives
Washington, DC 20515-0923

PLEASE RESPOND TO:

- 2353 RAYBURN BUILDING
WASHINGTON, DC 20515-0923
TELEPHONE: (202) 225-1313
FAX: (202) 225-1171
- 5701 NW 86TH AVE.
SUITE 200
TAMARAC, FL 33371
TELEPHONE: (954) 733-2800
FAX: (954) 722-9399
- 5725 CORPORATE WAY
SUITE 208
WEST PALM BEACH, FL 33407
TELEPHONE: (561) 461-6767
FAX: (954) 722-9399

www.alceehastings.house.gov

September 18, 2019

Hon. Michael O'Rourke
Mayor
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

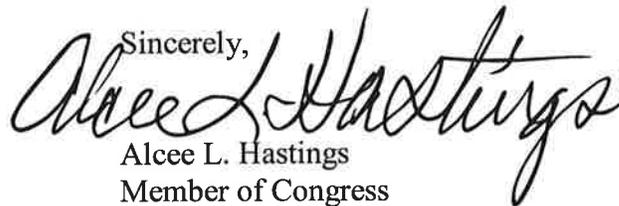
Dear Mayor O'Rourke,

I am writing on behalf of everyone in your town who favor keeping APBC Art on Park as the fine gallery that it is. The beautiful works of art, including paintings, photography and sculpture, that are put on display there are of great benefit to your citizens and fans of fine art living in the surrounding area. Besides showing their work in the gallery, Lake Park artists have a place they enjoy to work on their wonderful creations.

Another thing to consider when making your decision on the future of the gallery is Easel Art Supply Center. Easel Art is the largest business of its type in the vicinity. It is likely that the artists who work on their paintings at the gallery buy the things they need there. Closing the gallery would inconvenience them and would almost certainly result in a loss of business for Easel Art. I urge you and your fellow town commissioners to approve the requests to keep Art on Park open.

With warmest regards, I remain

Sincerely,



Alcee L. Hastings
Member of Congress

ALH: dl

Dear Mr. Mayor and Councilmen,

Thank you for the opportunity to speak. Obviously I have a very personal interest in wishing our town's art gallery to remain opened and hope that after meeting with you tonight and you hearing everyone's personal experiences, you will decide to save our art gallery.

Hi, my name is Mya Simmons and I live in the beautiful town of Lake Park. I enjoy my community, my neighborhood, my home and my school. I even enjoy the many different birds and butterflies that are attracted here along with many other things that makes my small town feel like home. One of my favorite things about Lake Park is visiting our art gallery and that's exactly what I had the opportunity to do this past summer with my friends. Because of my experience, I feel I need to bring certain facts about it, to your attention.

During my visits, my eyes grew wide at the knowledge I gained at the gallery. I couldn't believe all the different things there were to do like educational programming and events not only for adults but kids too. There were even stations set up to start conversations about certain works of art on display. My experience left me feeling we could all self-identify as artists here, regardless of our age. I also enjoyed being able to see work of local artists in my community on display. I also learned that art allows an artist to personally express their moment as it happens. Those who work at the gallery were very engaging with us and wanted to make sure we had a good time during our visit and that we did do.

The gallery is a vital part of our arts community and deserve the support of our community and their views on the gallery's future. The Lake Park Art Gallery does not belong to the arts community, it belongs to everyone.

This surely shows that the gallery is much in demand in our small town. The fate is in your hands. You are the link to help Lake Park's art gallery connect the artists, audience, students, and venues by contributing to a thriving art community rather closing its doors.

I hope that for the people who sees it as a resource, you'll make the decision to let it stay.

Thank you.

TO: John O. D'Agostino, Town Manager, Town of Lake Park, Florida
CC: Thomas J. Baird, Esq.
FROM: Mark-David Adams
Richard J. Miller
DATE: February 28, 2019
RE: 800 Park Avenue Building (the "800 Building")

You have requested our advice regarding a proposed alternative use of 800 Building that was financed by the Town of Lake Park, Florida (the "Town") through the issuance of its Public Improvement Revenue Note, Series 2009 (the "Note"). Town Resolution No. 30-08-09, which authorized the issuance of the Note, provided for the "acquisition of a building to be used for municipal purposes." As described below, a municipal purpose is a critical concept in public finance that has state and federal income tax law considerations and ramifications.

Florida Law Considerations

When the Note was issued, it was expected that the 800 Building would be used as a community center to be operated and maintained by the Town. Initially, the 800 Building was used as office space for the Town's Community Redevelopment Agency and was later used by the Town as a community center to display art and for other community events. This type of governmental use goes to the heart of the municipal purpose concept which is a requirement under the Florida Constitution for publicly financed facilities.

Section 10 of Article VII of the Florida Constitution provides:

Pledging credit.-Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend or use its taxing power or credit to aid any corporation, association, partnership or person; but this shall not prohibit laws authorizing:

- (a) the investment of public trust funds;
- (b) the investment of other public funds in obligations of, or insured by, the United States or any of its instrumentalities;

(c) the issuance and sale by any county, municipality, special district or other local governmental body of (1) revenue bonds to finance or refinance the cost of capital projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation or leasing of the projects. If any project so financed, or any part thereof, is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.

(d) a municipality, county, special district, or agency of any of them, being a joint owner of, giving, or lending or using its taxing power or credit for the joint ownership, construction and operation of electrical energy generating or transmission facilities with any corporation, association, partnership or person.

This provision of the Florida Constitution has been interpreted by the Florida Supreme to generally prohibit the issuance of municipal bonds to acquire property to be leased for private use:

Because the constitution requires that bonds be issued, public funds be spent and the power of eminent domain be exercised for public uses only, any lease agreement which requires that one of the above powers be exercised for private use would necessarily be void.

City of West Palm Beach v. Williams, 291 So.2d 572, 576 (Fla. 1974).

The Florida Supreme Court also ruled, "nor may municipalities use the proceeds of municipal bonds to build improvements to be leased for a private use." *City of West Palm Beach* at 576, citing, *State v. Town of North Miami*, 59 So.2d 779 (Fla. 1952).

Aside from the limited projects¹ authorized by the Florida Legislature in Florida Industrial Development Financing Act (Part II of Chapter 159, Florida Statutes), the Florida Supreme Court imposes a rigorous standard when reviewing bonds issued to finance facilities for non-governmental use:

However, if this Court finds that a contested project does not fall within that authorized type, then the project must "run the gauntlet" and pass scrutiny under

¹ The Florida Industrial Development Financing Act permits the financing of certain industrial, manufacturing and related projects on a conduit/pass-through basis. The 800 Building was financed as a governmental project and would not qualify as a project under the Florida Industrial Development Financing Act.

the cases decided prior to the 1968 constitutional change to see if it is permissible under article VII, section 10's general rule requiring a *paramount public purpose*. Only then can the project be validated.

Orange County Industrial Development Authority v. State, 427 So.2d 174, 177 (Fla. 1983) (*Emphasis Supplied*).

The paramount public purpose standard is demanding:

Running throughout this Court's decisions on paramount public purpose is a consistent theme. It is that there is required a paramount public purpose with *only an incidental private benefit*. If there is only an incidental benefit to a private party, then the bonds will be validated since the private benefits "are not so substantial as to tarnish the public character" of the project...If, however, the benefits to a private party are themselves the paramount purpose of a project, then the bonds will not be validated even if the public gains something therefrom. "Every new business, manufacturing plant, or industrial plant which may be established in a municipality will be of some benefit to the municipality." *State v. Town of North Miami*, 59 So.2d 779, 784 (Fla.1952). "Incidental benefits accruing to the public from the establishment of some private enterprise is [sic] not sufficient to make the establishment of such enterprise a public purpose." *Adams v. Housing Authority of Daytona Beach*, 60 So.2d 663, 669 (Fla.1952), overruled on other grounds, *Baycol, Inc. v. Downtown Development Authority*, 315 So.2d 451 (Fla.1975).

Orange County Industrial Development Authority at 179 (*Emphasis Supplied*).

To the extent the Town desires to lease the 800 Building to a non-governmental entity, the Town must demonstrate that a paramount public purpose is achieved by such arrangement. A minimal increase in employment and alleged advancement of the general welfare of the people of the Town is not viewed by the Florida Supreme court as fulfilling a paramount public purpose. See *Orange County Industrial Development Authority* at 179.

Based on the information provided, it is not apparent that the proposed lease of the 800 Building to Palm Beach Tech Association in connection with the 1909 Accelerator Program would be able to meet the rigorous paramount public purpose standard.

To meet the paramount public purpose test, it is critical that the non-governmental use of the 800 Building be predominantly public, such as a not-for-profit educational or health services facility that is available to provide services to the general public and benefit the community. Any private benefit derived from the operation of the 800 Building must be incidental. The fact that an entity is a not-for-profit corporation does not guarantee that its use of the 800 Building

will serve a paramount public purpose, and, hence, further analysis is required as to specifics of the intended use.

Federal Income Tax Law Considerations

In addition to Florida Law, there are federal income law considerations. Since the Note was issued as a federally tax-exempt obligation, there are strict limitations on non-governmental use and non-governmental payments made with respect to the 800 Building, regardless of whether the non-governmental user is a for-profit or not-for-profit entity.

Section 141(b) of the Internal Revenue Code imposes a two-part test to determine if interest on a municipal bond can be tax exempt for federal income tax purposes. If both parts of the test are satisfied, then a bond is a federally taxable private activity bond with interest potentially being taxable from the date of initial issuance. If more than 10% of the proceeds of a bond issue are to be used by a non-governmental person and more than 10% of the debt service on the bond issue is being paid directly or indirectly from payments made by a non-governmental person for use of the financed facility, then the federal tax-exempt status of the bond issue would be jeopardized.

We have previously advised the Town to take remedial action (e.g., retirement of the portion of the Note that financed the 800 Building) in the event that the Town desires to enter into an arrangement which meets the two-part test described in the prior paragraph. In this regard, if there is not a contemplated Town governmental use, the Town might consider selling the 800 Building and use the proceeds to retire the portion of the Note which financed the facility.

EXECUTION COPY

LOAN AGREEMENT

BETWEEN

TOWN OF LAKE PARK, FLORIDA

AND

BANK OF AMERICA, N.A.

Dated as of August 7, 2009

This **LOAN AGREEMENT**(the "Agreement") is made and entered into on August 7, 2009, by and between the Town of Lake Park, Florida, a municipal corporation in the State of Florida, and its successors and assigns (the "Town"), and Bank of America, N.A., a national banking association, and its successors and assigns (the "Financial Institution");

WITNESSETH:

WHEREAS, the Town of Lake Park, Florida (the "Town"), pursuant to the provisions of the Florida Constitution; the Town Charter of the Town as amended and supplemented; Chapter 166, Florida Statutes, as amended and supplemented; and other applicable provisions of law (collectively, the "Act") is authorized to borrow money, contract loans and issue bonds, notes or other obligations or evidences of indebtedness of any type or character to finance the undertaking of any capital or other project for purposes permitted under Florida law; and

WHEREAS, there is a need to provide funds for the acquisition, construction and equipping of certain improvements to land to be used for a municipal parking facility, acquisition of a building to be used for municipal purposes, acquisition and installation of new Public Works Department fuel tanks, replacement of the administration building roof, acquisition of a storm water utility vehicle and acquisition of parking meters (collectively, the "Project"); and

WHEREAS, the Town finds that the Project will serve a public purpose under the Act; and

WHEREAS, the Financial Institution is willing to loan to the Town, and the Town is willing to borrow pursuant to the terms of this Agreement, money in an aggregate principal amount of \$1,475,000, to finance costs of the Project.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That the parties hereto, intending to be legally bound hereby and in consideration of the mutual covenants hereinafter contained, **DO HEREBY AGREE** as follows:

Keep the Gallery open, Please!

↑ message

Joanne Slattery <creativejoanne@att.net>
Reply-To: Joanne Slattery <creativejoanne@att.net>
To: artistsofpbc@gmail.com

Wed, Sep 18, 2019 at 12:59 PM

Keeping the gallery open helps not only artists, but your community. It is so important to have this venue, esp. located alongside a famous art supply store...it attracts artists, collectors and the general upscale citizen who are interested in culture awareness and self improvement through their shows and classes. Seriously, what would you do without them? I'm from South Palm and I travel up there frequently to see what's going on in the north and in-between. I believe your town would suffer. Continue, graciously, their endowment to you and yours to them.

Thank you,
Joanne Slattery



Exhibit "G"

Artists ofPalmBeachCounty <artistsofpbc@gmail.com>

Continuing the APBC tradition

1 message

Paul Bresler <pjbresler@gmail.com>
To: APBC <Artistsofpbc@gmail.com>

Wed, Sep 18, 2019 at 10:39 AM

The possible closing of the present location seems to me to be significant step backward from the stated intention of making the downtown area more visible and community inclusive. I have visited the location many times, and brought neighbors and visitors to Florida to experience the very special ambiance the location offers. If forced to relocate, or worse, close, it would be a terrible loss.

Paul Bresler

[124 Bianca Drive](#)

Palm Bch Gardens, FL 33418

617-686-5018

Exhibit "H"



Flamingo Clay Studio
Clay Glass Metal Stone Gallery
15 South J Street
Lake Worth FL 33460

To: Lake Park City Commissioners

"Culture Builds Communities" is a proven maxim. The William Penn Foundation, through a three year study, demonstrated this in neighborhood after neighborhood and city after city. Planners and developers have used the findings to obtain grants that create urban oases, attracting home buyers and visitors. Artists play a huge role in the economic engine of a community. They make life in that community more desirable for growth and development.

So often, the artists, once having served their purpose, are discarded. The short shortsightedness of these actions do a disservice to artists and the communities they help build.

Artists bring color and dimension to a world that is gray. Artists move into communities with available facilities and support. Artists contribute to the local economy as consumers.

The demise of affordable space for the Artists of Palm Beach County will eliminate a venue for low income artists, parents and children who may have no other exposure to the cultural events and opportunities afforded them through this venue,

Please considering making this exceptional resource a permanent part of your community and it's plans for the future.

Sincerely,
Joyce Brown
Executive Director
Flamingo Clay Studio
Clay Glass Metal Stone Gallery
15 South J Street
Lake Worth FL 22463
Joyce@FlamingoClayStudio.org
215-205-9441

Exhibit "II"

Testimony, Carole Pichney, Member of Board of Directors, Artists of Palm Beach County,

September 18, 2019

Dear Mayor O'Rourke and Commissioners:

What began as a dispute between the town manager and our former gallery manager over our lease has escalated into a very serious situation.

Municipalities throughout the country and even the world have recognized that art and artists have a huge economic impact on the neighborhoods that nurture and encourage them.

New York City, San Francisco, Santa Fe, and other cities all have neighborhoods that have undergone phenomenal economic and residential growth after art galleries and artists have established strongholds. Soho, Greenwich village, the High Line District, and other neighborhoods in New York are now some of the most popular places to live and are thriving economically. The Wynwood district in Miami is thriving and rents in that area have exploded. Many municipalities in Florida support Art in Public Places by requiring developers to allocate money for municipal art projects.

The Lock Lord letter states that art galleries do serve a municipal purpose. We ask that rather than using this opinion against the Artists of Palm Beach County that the Town give that bond firm the data to show that art galleries do serve paramount municipal purposes. We would be happy to work with the Town to provide that data.

We are sure a mutually beneficial solution could be worked out which would benefit the Town and the gallery. Perhaps there is enough space to store the records and continue to operate the gallery. Maybe the Special Events Office or another Town office could co-locate with the gallery. In Santa Fe the walls of the capitol are covered with the work of local artists.

The Lake Park Community Development Agency Market Study states that Lake Park has an emerging arts district but it is fragile. Rather than contribute to this fragility, let the Town support the arts and this gallery. To close a thriving gallery to store records and close this building to the public would be a tragedy. The last thing Lake Park needs is another closed store front which lowers property values and invites crime.

Thank you.

Exhibit "J"

Kathleen M. Rapoza

801 Lake Shore Drive #114 Lake Park, FL 33403-2922

Tel: 561-840-3481 Cell: 508-269-2014

Email: kathyrapoza114a@gmail.com

9-18-19

Art on Park Gallery
800 Park Avenue
Lake Park, FL 33403

CRA;

I am writing this letter in support of the purchase of the building as an artist coop.

I am a resident and a retired Commissioner of Lake Park and totally in favor of keeping the Art Gallery, in the 800 building open to Artists of Palm Beach County residents. I have fond recollections, of discussing this subject among the Commission, with results being favorable. We believed and commented then, in the vision to promote the arts, by bringing culture and economic innovation to the Town of Lake Park and surrounding areas. The related uses and activities, as a thematic focus, to bring a future revival of the arts, and suggested future plans for art exhibitions, [including children's talents], educational expansion, scholarships and donations, using the use of all types of art media, sculpture and also enticing future artists, [similar to New York's, Greenwich Village], toward renting the second floor's of our buildings on Park Avenue. I also remember Mayor O'Rourke, then a Commissioner, being greatly in favor of the development and sincerely hope that Mayor O'Rourke and the Commissioners retain that same vision and positive attitude today.

The association has proven to our residents, since 2009, which has become a vital asset to Lake Park and I'm confident, it will continue to grow and sustain itself, as an important municipal purpose to our "Jewel of a City". Please vote in favor of the association to remain in, and occupy the 800 Park Avenue building.

Thank you for your consideration,

Kathy Rapoza, retired Commissioner

Exhibit "K"

8268 Genova Way
Lake Worth, FL 33467
Sept. 17, 2019

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

To Whom it May Concern;

As a member of Artists of Palm Beach County displaying my work at Art On Park Gallery, in many shows including two solo exhibits, I can attest to the worthiness and value of having a physical space of our own. It is difficult if an artist does not have huge name recognition or is not represented by an artist's agent or large gallery, to have a permanent presence in this area.

Some time ago, I was a member of another local artists' gallery in Jupiter which was disbanded causing the dissolution of the artists' group completely.

Artists of Palm Beach County serves the art community not only meeting the needs of individual artists, but also in its contribution to the larger community. I have seen the renewal of Lake Park in this area over the past few years. When a community is openly supportive of the arts, visual and performing, it has a mutually beneficial effect on not only the creative spirit of the community, but also the economic health and vitality of the surrounding area as well.

Artists of Palm Beach County is a local resource not only for the member artists but also because we offer the community workshops and classes at an affordable rate enabling people the opportunity to try different forms of expression which they might be reluctant to commit to on a larger scale, such as a university level.

The presence of Art On Park Gallery has been such an asset to Lake Park. We look forward to developing this benefit for all for many years to come, with support. Thank you.

Susan Oakes
8268 Genova Way
Lake Worth, FL 33467

561-432-4633

www.suoakesart.com
www.suoakesdesign.com
www.suoakesphotoimaging.com

Exhibit "L"

September 18, 2019

To Town of Lake Park Administration,

I want to share why I feel the need to keep the Art on Park Gallery because I find it a disturbing and a short sighted approach to dismiss this gallery as not of paramount value to this community.

The Gallery not only provides a place for local artists to have a place to develop their craft, but also provides a place for newer artists such as ourselves to be made to feel welcome and encouraged to expand their skills with positive feedback from other artists at the gallery, and feel like we belong in this community.

In addition to that, the gallery holds numerous exhibitions for not only the resident artists but for local students as a place to display and be featured for their work. Not only is that providing a service but it is giving our communities young people a positive venue and experiences that if taken away likely will contribute to a choice of activities that aren't necessarily positive for them, and certainly not for Lake Park and it's surrounding neighborhoods.

The gallery is also one of the cornerstones on Park Avenue and the Town of Lake Park. This is demonstrated by the fact we shop at Easel Arts Store because we take lessons at the gallery. We use the Post Office because we go to the gallery and it's right nearby. We shop at Publix in Lake Park because it is nearby and we're in Lake Park to be at the gallery. If the gallery was gone we would be shopping at places closer to our home in West Palm Beach.

The Town of Lake Park and Park Avenue in particular is a charming street with a vibrant ambiance that should continue to focus on being and becoming an even more desirable place to visit. Not just for shopping, but as a destination for the diverse cultural venues offered. Not many places have a charm and welcoming feel like Park Avenue. The gallery adds purpose and contributes to that environment. By keeping the gallery and seeing the value in a community supporting places such as this, provides a theme to the downtown area that goes beyond being a place to shop. To revive downtown areas means creating an environment that shows an interest in culture and special events, care about young and older members of the community and a respect and appreciation for the arts. You can't quantify this, but when places like the Art on Park Gallery are dismissed as not offering something of value then the community loses a piece of it's identity and collective spirit; the very things that set Lake Park apart from other towns and cities. There is great potential for Park Avenue that quite frankly needs to be expanded upon and supported, not discarded.

Thank you for your time and consideration.

Joel & Grace Kaye
4500 N Flagler Drive, B20, West Palm Beach, FL 33407
(561)-429-4013

Jean Hutchison <jeanhutchison57@gmail.com> Tue, Sep 17, 2019 at 3:44 PM

To: "Artistsofpbc@gmail.com" <Artistsofpbc@gmail.com>

As a founding member of Artists of Palm Beach County, I was pleased when we found a space to promote artists and their work in Lake Park. Every community that I know of is trying to incorporate an arts district. We know that it attracts tourists to the local businesses surrounding a gallery. We have included events to help educate young people and given free classes to residents thereby enhancing their living experience in Lake Park. To use that building for another purpose will only mean that the city fathers have no interest in the citizens of the town. Jean Hutchison

13 A Ridge Point Drive
Boynton Beach, FL 33435
561-739-8162

City of Lake Park

↑ message

Laura Friedman <violet00@me.com>
To: Artistsofpbc@gmail.com

Wed, Sep 18, 2019 at 10:48 AM

Town of Lake Park,

The Artist's of Palm Beach county has brought so much to our community. When you support local art centers, museums, galleries and the like, you are creating culture for the community. When you think of some of the most culturally diverse and renowned cities on Earth, they all have at least one thing in common: ART

Arts organizations stimulate business and economic growth in community. These businesses and the creative people they employ, empower and support encourage innovation while playing a vital part in building and sustaining a local economy.

One of the most extraordinary things about art is its capability of turning any region into a choice tourism destination. Part of this ability comes from art's wide appeal. From seniors to children, there are ways for everyone to engage in and learn from art. Every day, more than 100,000 nonprofit arts and culture organizations serve as the foundation of our nation's tourism industry.

For art to remain a significant part of our society, we must pass it along to the younger generations by providing classes, programs and summer camps where youth go to learn, grow and create. It has even been found that children who receive education in the arts have higher GPAs, better test scores and lower dropout rates. By inspiring and encouraging children to embrace their individual creativity, we give the resources they need to succeed in life.

I support The Artist's of Palm Beach County and what they provide for our community.

Kind Regards,

Laura R. Friedman

[1903 2nd Avenue](#)[Sacramento, Ca 95818](#)

916.718.2610

in support of Art on Park Gallery

1 message

Diane Cardaci Art <dianecardaciart@gmail.com>
To: Artistsofpbc@gmail.com

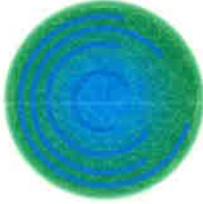
Wed, Sep 18, 2019 at 1:17 PM

I am writing this in support of the Art on Park Gallery. I have been a professional artist for over 3 decades, and have been teaching art for almost as long a time. I have also authored over 6 art instruction books (published by Walter Foster). I feel I am well qualified to fully understand how important art is to our community. I have witnessed first hand how art must be an integral part of a well balanced society. Not only for it as a creative outlet, which is necessary for a healthy community, but also for its amazing healing powers. We currently live in an environment where drugs, violence and suicide are on the rise—and we must support all the more those activities that are healthy and curative for the human spirit.

The Art on Park Gallery is one such important venue, and the town must not be short sighted in appreciating its value to the community. Sadly, over the years, I have witnessed too many times when decisions made by those in control have hindered, and even destroyed a blossoming art/cultural environment. I hope this will not be the case in Lake Park. The goal of the Master Plan was a noble one indeed, to bring art and culture to the district. The Art on Park Gallery is fulfilling their responsibility to doing just that and it is vital that they continue to thrive in their current location. The community will benefit greatly, not only from the standpoint of providing art, but also from an economic standpoint, because art and culture always bring people to an area. I would have no reason to come to the Lake Park district if it was not for both this gallery and also its neighbor, Easel Art.

Thank you,
Diane Cardaci
196 Sedona Way
Palm Beach Gardens, FL 33418
561 315 4015

Diane Cardaci Art
diane@dianecardaci.com



Caren Hackman

ART + DESIGN

561-818-9273

caren@carenhackman.com

4305 Hickory Drive

Palm Beach Gardens, FL 33418

Town of Lake Park

September 18, 2019

Dear Town of Lake Park,

I would like to speak in support of Artists of Palm Beach County retaining use of the space at 800 Park Avenue.

For the past six years the space has provided a diverse group of working artists with affordable work and exhibit space.

The group engages the community with free gallery openings, poetry readings, free and low cost workshops, art salons, and more.

Artists of Palm Beach County nurtures the arts in Lake Park and will offer opportunities to bring people together in both cultural and business endeavors.

When the arts do well, businesses thrive as well.

Please permit Artist of Palm Beach County to continue their excellent work at 800 Park Avenue as Art on Park.

Sincerely,

The gallery adds cultural

1 message

Nina Fusco <ninafusco47@gmail.com>

Wed, Sep 18, 2019 at 7:56 AM

To: Artistsofpbc@gmail.com

The Art on Park Gallery is a cultural necessity to the community. It invites the community to enjoy festive art openings to view new works of art throughout the year. It gives artists throughout Palm Beach County the opportunity to compete in call to artists special themed events. The awards help recognize the artistic talent that we are surrounded by in this area. The co-op studio provides a glimpse of the creative process to those walking by. It enables the artists to share ideas, network and help each other grow as artists. The gallery is extremely important to maintain an interest in the Arts.

Warmly,

Nina Fusco
286 Moccasin Trail West
Jupiter, Florida 33458
561-908-3556

Tue, Sep 17, 2019

The Rickie Report

Serving the South Florida Community of Artists,Artisans and Art Patrons

Art On Park Gallery, under the leadership of Artists of Palm Beach County, has helped bring a new creative direction to the Town of Lake Park, FL. for over 5 years.

- Artists of Palm Beach County and Art on Park Gallery continue to bring free art events to the local residents.
- Their well-attended Opening Receptions, exhibits, classes, workshops, art salons, lectures and other events bring visitors and art patrons from outside the area to Lake Park, adding dollars to the economy of the area.
- Their pioneer spirit has helped put Lake Park back on the cultural map of Palm Beach County.

The Rickie Report covers the visual art scene from Melbourne, FL to Miami, FL. It is an honor to recommend Art on Park Gallery and Artists of Palm Beach County, good citizens and volunteers, to continue their activities at 800 Park Avenue, Lake Park, FL.

I hope you will confirm your support as well.

Thank you for your consideration,

~ Rickie

Rickie Leiter, Publisher
www.therickiereport.com
rickie@therickiereport.com
561-537-0291



Support of Art on Park Gallery

1 message

Ann von Lossberg <1089nights@gmail.com>
To: Artistsofpbc@gmail.com

Tue, Sep 17, 2019 at 6:59 PM

To Whom it May Concern,

I have taken classes at the Art on Park Gallery and loved it. So many people enjoy these classes for personal enrichment, as well as the various exhibitions and opportunities for local artists to show. At a time when the arts are struggling in Palm Beach County, it's so important to support community groups like this one instead of closing them down!

Please, this would be a mistake for all of us. Please reconsider.

Sincerely,
Ann von Lossberg

15 South Golfview Dr, #304
Lake Worth FL 33460
410-215-9148

annvl.zenfolio.com
1089nights.wmthost.com

On Tue, Sep 17, 2019 at 1:24 PM Virginia Pappalardo <vcjbpop@gmail.com> wrote:

To whom it may concern:

I have grave concerns regarding the closure of the Gallery on Park. I'm a practicing artist who, along with my friends, frequent this showplace. I question the fact that as a city, Lake Park wants to close this facility to replace it with a storage building. Surely you can find an abandoned or run- down site to use as such. The Artists of Palm Beach County facility adds so much to the artistic character of Lake Park. Please reconsider.

Sincerely,

Ginny (Virginia) Pappalardo

91 Laguna Drive

Palm Beach Gardens, FL 33418

561-626-1595

203-613-4744



September 17, 2019

Dear Lake Park Commissioners,

As a promoter of local artists for many years, I know how important it is to help provide facilities where these very talented artists can showcase their work. Art and the exhibiting of local artist's works helps to feed the soul of your community. The monthly shows mounted by Artists of Palm Beach Gallery help draw people to other local businesses such as your restaurants, music venues, and art supply stores.

As I understand it, the gallery is paying all the utilities and insurance for the building. Using this structure, which is right on the main street of Lake Park for record storage would be an outright shame. That function can better be served by storing your records in an airconditioned storage unit and not in a window front store structure.

Why not ask for some sort of payment in lieu of taxes? That way the City of Lake Park would be losing nothing by continuing to allow the artists to remain in place and would go a long way in maintaining the good will of all concerned.

Yours truly,

JB Berkow

JB Berkow, Founder and President
Benzaiten Center for Creative Arts
Jbberkow65@gmail.com
561-310-9371

n support of Art on Park

1 message

Ileana Bell <ileanabell@att.net>

Tue, Sep 17, 2019 at 2:22 PM

Reply-To: Ileana Bell <ileanabell@att.net>

To: "Artistsofpbc@gmail.com" <Artistsofpbc@gmail.com>

You MUST include your name, address and phone number for the email or letter of support to be legally binding.

Ileana Bell
2129 D White Pine Ci.
Greenacres, FL
33415
561-232-5842

As a **Children's Librarian** I daily see the need and the *positive impact* the arts has on children from *all* walks of life; how they light up when they know we're hosting our monthly Craft Week's, or ask me if they can use the craft cart I made for them to simply get items out and create whatever they feel like that day.

Many will say it's not necessary or "useful", but I have to say I see it's necessity, when we take it away and are left with plummeting social decline, frustration, and *boredom!*
Students with an education rich in the arts have higher GPAs and standardized test scores, and lower drop-out rates, not to mention happier afternoons - after one spent painting, drawing, creating!

The arts allows for diversity, creativity, individualism all while fostering unity at the same time. What other outlet can provide even close to this level of connectedness with all hearts and souls? Politics? No. Religion? No.

Art connects people, reaching them on a deep, meaningful level.

And in today's world of social-media "aloneness", with a massive rise in depression due to over-used technology to create a life for ourselves that's only virtual but unfulfilling, we *need* a return to human interaction, compassion, caring, connectedness on a deeper level - preserving the arts is **top priority** now more than any previous generation.

If/when we stifle or limit that creativity, especially in kids, they *will* find a way to express themselves, and usually in ways less.. *becoming*.

As a **mother** of an artist, I also know how important art is to teens/adults, and within the family. My son (a previous Dreyfoos art student now graduated) blossomed and grew in ways he could not have done without freedom of expression, and being allowed to put onto whatever medium of choice at the time, his feelings for life, love, pain, evil, etc.

If we think about it, *all* our lives are daily steeped in one art form or another.

Even if one isn't a painter or feels talented with a pencil, it could be music, or dance, or writing and reading (like myself!), but we're at our basest level, the most primal point, all expressions of true ART.

Keep Art in the community, **and go a step further**, work together with all forms of art available to Lake Park to make the biggest impact for the community and its neighbors.

I truly hope Lake Park will have one of the county's most notable, well-rounded, influential art districts around!

Sincerely

~Ileana Bell

Artists of Palm Beach County. Save The Art on the Park Gallery

1 message

Sandra R KONIGSBURG <lawdak@aol.com>
To: Artistsofpbc@gmail.com

Mon, Sep 16, 2019 at 6:16 PM

The Art on the Park Gallery is invaluable in continuing and offering exhibitions, opportunities for both new and established artists to work at the gallery and/ or show their individual creations. It is an exciting venue and even offers scholarships to students. To be replaced with a a non-artistic facility would be a severe loss not only to local community. There is a waiting list and artists and art lovers compromising the whole county will suffer the profound loss.

Those of you who will make the decision should be most thoughtful in your deliberations and final vote. I am not an artist working at the gallery and feel very strongly about this.

Most sincerely,
Sandra Konigsburg
2450 Presidential Way PH7 West Palm Beach FL 33401
Cell 561 301 9099
561

Letter to Town of Lake Park

1 message

Joy Rudy <joymagnet@comcast.net>
To: Artistsofbbc@gmail.com

Mon, Sep 16, 2019 at 5:52 PM

To: Town of Lake Park

My husband and I were so pleased to recently join the Artists of Palm Beach County (APBC), which has been located since 2012 at the "Art on Park" Gallery at 800 Park Avenue In Lake Park.

APBC brings much needed creative and cultural experiences to the area. Bringing artists together, APBC is also a means for enriching the greater community through social events, exhibits and education for both adults and children. APBC has offered free programs including exhibitions, lectures and classes to local residents. It has provided scholarships for students in local high schools and donations to various Lake Park events.

A disturbing announcement was made during the APBC Event on September 13. APBC has been given notice by the Town of Lake Park to vacate the space by this November. It seems the Town wants to use the space for storage, which seems contradictory to their plans for resurgence and redevelopment.

From the Town of Lake Park website: "Lake Park is experiencing a resurgence that celebrates it's history and welcomes a bright new future filled with opportunity."

Perhaps The Town is unaware of how important this "highest and best" use of 800 Park Avenue space is to local townspeople and the PBC arts community at large.

Allow APBC to continue in the 800 Park Avenue space.

Thank you.

Joy Rudy

10380 Terra Lago Dr.
West Palm Beach, FL. 33412
(561 624 4033

Cc: Letter to the Editor

The Palm Beach Post

300 Park Avenue

1 message

BJ COLLISTER-BOYER <lilbiyte@aol.com>
To: Artistsofpbc@gmail.com

Mon, Sep 16, 2019 at 5:44 PM

To Whom it may concern

The Gallery at 899 Park Avenue has become a great asset to the city of Lake Park. It brings a cultural presence to this community that has been struggling to make a difference in the lives of it's residents.
The Gallery has presented a venue for artist of the county and Lake Park to show to the public the exceptional talent that it's artist have and willingly share with the community. It would be a disservice to the people of this county if that was taken away from them.

Betty J.Collister
645 Hummingbird Lane
Delray Beach, Florida
Member of Artist of Palm Beach County.

Town of Lake Park

1 message

homes4ufl@aol.com <homes4ufl@aol.com>
To: Artistsofpbc@gmail.com

Mon, Sep 16, 2019 at 6:14 PM

To you it may concern at the Town of Lake Park:

It appears that there is a niche for the arts developing in Lake Park. Art on Park brings to the town

people who are interested in the Arts. It appears to be a good fit for the community.

When I come to Lake Park I often stop to get a bite to eat and stop in at several of the shops.

Cordially,

Marilyn Samwick

4152 Lazy Hammock Road

Palm Beach Gardens, Fl. 33410

626-3564

Art on Park Gallery - Letter of Support

2 messages

Noelle McCarthy <noellemccarthyartist@gmail.com>
To: artistsofpbc@gmail.com

Mon, Sep 16, 2019 at 8:10 PM

3110 Karen Drive
Delray Beach
Florida 33483

September 16, 2019

Attention: Town of Lake Park

To Whom It May Concern

I am a local artist in Delray Beach and have been a Member of Artists of Palm Beach County and exhibiting regularly at Exhibitions at Art on Park Gallery since 2015.

I love this gallery and the range of artwork that it displays and the fact that it is a gallery that provides spaces for resident artists to work from, which is much needed for artists who don't have a studio to work in.

The gallery draws a variety of people in various disciplines from creators to art exhibitors to art appreciators as it has a lot to offer from artwork to exhibitions to classes, and providing student artist scholarships. It has been a staple in Lake Park for years and provides a sense of community to the area. The Gallery promotes and is a center for the arts and community activities and is a critical contributor to the revival of Downtown Lake Park.

I have also received good press from being associated with Art on Park Gallery and Artist of Palm Beach County.

I highly recommend continuing Art on Park Gallery at it's current location in Lake Park as their presence is needed and valued by many. It promotes arts and art activities. This little gem needs to stay, for "art's sake".

Thanking you for your consideration.

Sincerely

Noelle McCarthy
Artist
Tel. 561-212-2055
noellemccarthyartist.com
[facebook.com/noellemccarthyartist](https://www.facebook.com/noellemccarthyartist)

APBC <artistsofpbc@gmail.com>
Draft To: Noelle McCarthy <noellemccarthyartist@gmail.com>

Tue, Sep 17, 2019 at 1:12 PM

Hi Noelle,

The letter is excellent but needs your name address and phone number on it. Could you include those and resend it?

Dear Town of Lake Park,

My name is Lydia Dardi. I live at 4 Ceann Court in Palm Beach Gardens, Florida. My phone number is 561-267-1392.

I became a member of Artists of Palm Beach County about 3 or 4 years ago. I initially discovered Art on Park gallery when I went to Easel Art to buy some supplies. Out of curiosity, I went in to check out the gallery. To my delight, I discovered a small and charming venue managed by a group of enthusiastic artists dedicated to promoting an appreciation for ART and supporting like-minded artists such as myself. I am not a professional artist so when I learned I could participate in a monthly public juried art show, I jumped at the opportunity! It was an exciting and wonderful experience for me. It motivated me to become a member and to continue with my art.

Since becoming a member, I have gained SO much through Artists of Palm Beach County.

First of all, I have met so many wonderful and interesting people from all walks of life: retired doctors, lawyers, teachers, social workers, housewives, professionals, non-professionals, young, old - all people interested in Art as an outlet for personal expression. How did I meet these people? Mostly, through the gallery's regular monthly exhibitions but also through its monthly Art Salons and classes.

Secondly, this group, Artists of Palm Beach County, is very well-connected to other art organizations outside the Lake Park area. Through them, I've learned of exhibition and learning opportunities at the Armory Center (WPB), Lighthouse Center School of the Arts (Tequesta), Grassy Waters Preserve, town of Palm Beach Gardens, town of Palm Beach, even the Convention Center - just to name a few. These opportunities have presented themselves either because some of our board members have reached out to these organizations OR because these organizations have reached out to our board for collaboration. My belief is that these outside organizations were able to reach us because of our established presence in Lake Park and our reputation for a growing membership.

Sadly, it has come to my attention, as a member of APBC, that the Town of Lake Park would like to evict us because you, the town, feel we do not serve a public service. Nothing could be further from the truth. Prior to becoming a member, I had no reason or interest to come to Lake Park other than to buy my art supplies at Easel Art. As a landlord myself with plenty of experience with tenants, "eviction" to me means getting rid of "problems" and "undesirables."

We, as a group are NEITHER of these things!! We greatly appreciate the Town's generosity in letting us use your building. In return, members of the board have taken great care to maintain the premises and always follow the town's rules - in addition to using the facility very well FOR a Public Service

I hope dear Town of Lake Park you realize that by asking Artists of Palm Beach County to vacate your premises, you will be asking a large group of AMAZING PEOPLE - again from all walks of life as mentioned above and from all parts of the County - to leave your town with little or no reason to come back.

Evicting us would be a tremendous loss not just for all the members of Artists of Palm Beach County / Art on Park gallery but also for you the Town of Lake Park AND for the other businesses on Park Avenue.

I hope you strongly reconsider your intentions with the building. Thank you for your time in reading my letter.

Regards,
Lydia Dardi

To: Town of Lake Park

My husband and I were so pleased to recently join the Artists of Palm Beach County (APBC), which has been located since 2012 at the “Art on Park” Gallery at 800 Park Avenue In Lake Park.

APBC brings much needed creative and cultural experiences to the area. Bringing artists together, APBC is also a means for enriching the greater community through social events, exhibits and education for both adults and children. APBC has offered free programs including exhibitions, lectures and classes to local residents. It has provided scholarships for students in local high schools and donations to various Lake Park events.

A disturbing announcement was made during the APBC Event on September 13. APBC has been given notice by the Town of Lake Park to vacate the space by this November. It seems the Town wants to use the space for storage, which seems contradictory to their plans for resurgence and redevelopment.

From the Town of Lake Park website: “Lake Park is experiencing a resurgence that celebrates it’s history and welcomes a bright new future filled with opportunity.”

Perhaps The Town is unaware of how important this “highest and best” use of 800 Park Avenue space is to local townspeople and the PBC arts community at large.

Allow APBC to continue in the 800 Park Avenue space.

Thank you.

Joy Rudy

10380 Terra Lago Dr.
West Palm Beach, FL. 33412
(561 624 4033

Cc: Letter to the Editor

The Palm Beach Post

The Art on the Park Gallery is invaluable in continuing and offering exhibitions, opportunities for both new and established artists to work at the gallery and/ or show their individual creations. It is an exciting venue and even offers scholarships to students. To be replaced with a a non-artistic facility would be a severe loss not only to local community. There is a waiting list and artists and art lovers compromising the whole county will suffer the profound loss.

Those of you who will make the decision should be most thoughtful in your deliberations and final vote. I am not an artist working at the gallery and feel very strongly about this.

Most sincerely,
Sandra Konigsburg
2450 Presidential Way PH7 West Palm Beach FL 33401
Cell 561 301 9099

Letter to Town of Lake Park

2 messages

Christine Fogel <christinefogel@gmail.com>
To: Artistsofpbc@gmail.com

Tue, Sep 17, 2019 at 10:15 AM

Dear Town of Lake Park:

I am writing to tell you of the importance of keeping the Art on the Park Gallery. Open to the public daily and offering community programs and exhibitions, the gallery is a beacon of community inclusiveness and activity. The gallery has contributed to the revival of Lake Park as a cultural and artistic hub of Palm Beach county. people come from all over to see the exhibits and the exhibits are open to all.

For me, the gallery has given me a place to show my work, inspire me and a place to meet new people.

Sincerely,
Christine Fogel

6012 Curie Place
Palm Beach Gardens, FL 33418

917-573-6443

Christine Fogel
6012 Curie Place
Palm Beach Gardens, FL 33418

c: 917-573-6443
www.christinefogel.com

APBC <artistsofpbc@gmail.com>
To: Christine Fogel <christinefogel@gmail.com>

Tue, Sep 17, 2019 at 1:25 PM

Christine,

Thank you so much!

Maxine

[Quoted text hidden]

--
<http://www.artistsofpalmbeachcounty.com/>

Save APBC Art on Park Gallery

1 message

kpenley <kpenley@kpenley.com>
To: Artistsofpbc@gmail.com

Wed, Sep 18, 2019 at 2:39 PM

To: Town of Lake Park
From: Kathleen (Kat) Penley
[1127 Rainwood Cir W, Palm Beach Gardens, FL 33410](#)
Phone: 561-352-6366

The Town of Lake Park has done such a good job of rejuvenating Park Avenue and creating a destination area, it would be a travesty to begin undoing all this good work by removing those stalwart businesses that support the town of Lake Park's artistic goals and vision.

APBC Art on Park Gallery has brought people to the area for many events. It is imperative that we save this group to continue fulfilling the town's promise to its citizens.

Sincerely,
Kathleen Penley

Sent from my Sprint Samsung Galaxy S8.

OLD Business

TAB 2



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 2, 2019

Agenda Item No. 2

Agenda Title: Discussion with the Artists of Palm Beach County regarding Bond Counsel's Opinion revised to address the Artists of Palm Beach County.

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

Approved by Town Manager

Date:

9-26-19

John O. D'Agostino, Town Manager

Name/Title

Originating Department: Town Manager	Costs: \$ 0 Funding Source: General Fund Acct. # <input type="checkbox"/> Finance _____	Attachments: <ul style="list-style-type: none"> Locke Lord Bond Counsel Opinion on 800 Park Avenue used by the Artists of Palm Beach County Inc. Email notifying the Town Commission and the Chair of the Board of Directors of the Palm Beach County Artists of Palm Beach County, Inc.
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties with interest in this agenda item are 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> Please initial one.

Summary Explanation/Background: The opinion of Bond Counsel is attached. I have sent an email to the Chair of the Board of Directors explicitly notifying him of the Oct. 2,

2019 meeting. The email was sent to the Town Commission with a short summary of the Opinion Memorandum of Bond Counsel.

Recommended Motion: A motion is not necessary unless the Commission is explicitly directing the Executive Director to permit the continued use of the 800 Park Avenue Property by the Artists of Palm Beach County.

TO: Thomas J. Baird, Esq.
CC: John O. D'Agostino, Town Manager, Town of Lake Park, Florida
FROM: Mark-David Adams
Richard J. Miller
DATE: September 26, 2019
RE: 800 Park Avenue Building (the "800 Building")

You have requested our advice regarding a proposed use of 800 Building that was financed by the Town of Lake Park, Florida (the "Town") through the issuance of its Public Improvement Revenue Note, Series 2009 (the "Note"). Recently, the Town was informed that the Palm Beach County Sheriff's Office (the "Sheriff's Office") requires additional space to accommodate its police services to the Town. To address this need, the Town has decided to relocate Town files and related records to the 800 Building. Below is our analysis of the proposed use and the existing use by the current occupant, Artists of Palm Beach County, Inc. (the "Corporation")

Analysis

The Town is proposing to move Town files and related records to the 800 Building to free up additional space for the Sheriff's Office. We note that the Town resolution which authorized the issuance of the Note stated that the purposed was for the "acquisition of a building to be used for municipal purposes." See *Town Resolution No. 30-08-09 adopted August 5, 2009*. Transferring Town files and related records to the 800 Building to provide additional space for the Sheriff's Office would constitute a municipal purpose as contemplated by Town Resolution No. 30-08-09.

The Town pays debt service on the Note from legally available moneys of the Town. The Florida Constitution imposes certain requirements for publicly financed buildings.

Section 10 of Article VII of the Florida Constitution provides:

Pledging credit.-Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend or use its taxing power or credit to aid any corporation, association, partnership or person; but this shall not prohibit laws authorizing:

- (a) the investment of public trust funds;
- (b) the investment of other public funds in obligations of, or insured by, the United States or any of its instrumentalities;
- (c) the issuance and sale by any county, municipality, special district or other local governmental body of (1) revenue bonds to finance or refinance the cost of capital projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation or leasing of the projects. If any project so financed, or any part thereof, is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.
- (d) a municipality, county, special district, or agency of any of them, being a joint owner of, giving, or lending or using its taxing power or credit for the joint ownership, construction and operation of electrical energy generating or transmission facilities with any corporation, association, partnership or person.

This provision of the Florida Constitution has been interpreted by the Florida Supreme to generally prohibit the issuance of municipal bonds to acquire property to be leased for private use:

Because the constitution requires that bonds be issued, public funds be spent and the power of eminent domain be exercised for public uses only, any lease agreement which requires that one of the above powers be exercised for private use would necessarily be void.

City of West Palm Beach v. Williams, 291 So.2d 572, 576 (Fla. 1974).

The Florida Supreme Court also ruled, "nor may municipalities use the proceeds of municipal bonds to build improvements to be leased for a private use." *City of West Palm Beach* at 576, citing, *State v. Town of North Miami*, 59 So.2d 779 (Fla. 1952).

A review of the Articles of Incorporation for Artists of Palm Beach County, Inc. provides that the following purpose for which the Corporation was created:

COALITION CREATED & MANAGED BY ARTISTS, FOR ARTISTS.
DEDICATED TO EMPOWERING INDIVIDUALS IN THE ARTS BY
REACHING OUT TO ITS COMMUNITY, CULTIVATING RESOURCES
AND OPPORTUNITIES FOR ITS MEMBERS AND DEVELOPING
COLLABORATIVE RELATIONSHIPS.

The foregoing description of the Corporation suggests that it is an organization intended to support members in the artistic community, comparable to a trade organization.

Aside from the limited projects¹ authorized by the Florida Legislature in Florida Industrial Development Financing Act (Part II of Chapter 159, Florida Statutes), the Florida Supreme Court imposes a rigorous standard when reviewing bonds issued to finance facilities for non-governmental use:

However, if this Court finds that a contested project does not fall within that authorized type, then the project must “run the gauntlet” and pass scrutiny under the cases decided prior to the 1968 constitutional change to see if it is permissible under article VII, section 10’s general rule requiring a *paramount public purpose*. Only then can the project be validated.

Orange County Industrial Development Authority v. State, 427 So.2d 174, 177 (Fla. 1983) (*Emphasis Supplied*).

The paramount public purpose standard is demanding:

Running throughout this Court’s decisions on paramount public purpose is a consistent theme. It is that there is required a paramount public purpose with *only an incidental private benefit*. If there is only an incidental benefit to a private party, then the bonds will be validated since the private benefits “are not so substantial as to tarnish the public character” of the project...If, however, the benefits to a private party are themselves the paramount purpose of a project, then the bonds will not be validated even if the public gains something therefrom. “Every new business, manufacturing plant, or industrial plant which may be established in a municipality will be of some benefit to the municipality.” *State v. Town of North Miami*, 59 So.2d 779, 784 (Fla.1952). “*Incidental benefits accruing to the public from the establishment of some private enterprise is [sic] not sufficient to make the establishment of such enterprise a public purpose.*” *Adams v. Housing Authority of Daytona Beach*, 60 So.2d 663, 669 (Fla.1952), overruled on other grounds, *Baycol, Inc. v. Downtown Development Authority*, 315 So.2d 451 (Fla.1975).

Orange County Industrial Development Authority at 179 (*Emphasis Supplied*).

Although the Corporation may have public outreach programs, the public benefits of such use are incidental and not viewed by the Florida Supreme court as fulfilling a paramount public purpose or the original governmental purpose for which the Note was issued.

¹ The Florida Industrial Development Financing Act permits the financing of certain industrial, manufacturing and related projects on a conduit/pass-through basis. The 800 Building was financed as a governmental project and would not qualify as a project under the Florida Industrial Development Financing Act.

In contrast, the proposed use by the Town for the storage of files and related records to free up space for use by the Sheriff's Office is consistent with the governmental use and the municipal purpose for which the 800 Building was acquired and the Note issued.

Conclusions:

Although the Corporation may have public outreach programs, the public benefits of such use are incidental and not viewed by the Florida Supreme court as fulfilling a paramount public purpose or the original governmental purpose for which the Note was issued. Therefore, we do not believe the use of the 800 Building by the Corporation meets the paramount public purpose test.

Furthermore, the Note was not issued to acquire a building to be used/leased/licensed by a not-for-profit group or other third-party entity. The Note was issued to acquire the 800 Building to be used by the Town for its municipal purposes. At the time of issuance, the Town represented that the 800 Building would be used by governmental entities and not non-governmental persons. Although the Town permitted the temporary use of the 800 Building by the Corporation, the 800 Building was not acquired for such purpose. The financing documents did not authorize use of the 800 Building by third parties whether they are for-profit or not-for-profit. The proposed use by the Town for the storage of files and related records to free up space for use by the Sheriff's Office is consistent with the governmental use and the municipal purpose for which the 800 Building was acquired and the Note issued.

John D'Agostino

From: John D'Agostino
Sent: Thursday, September 26, 2019 5:18 PM
To: Vivian Mendez (vmendez@lakeparkflorida.gov); Erin Flaherty; John Linden; Kim Glas-Castro; Michael ORourke; Roger Michaud
Cc: 'artistsofpbc@gmail.com'
Subject: FW: Lake Park Memorandum
Attachments: Supplemental Memorandum Town of Lake Park 800 Park Avenue Building Municipal Purpose Memorandum-c.DOC; ATT00001.htm

Importance: High

Dear Commission:

On Oct. 2, 2019, under the Special Call CRA as requested by the Commission the issue of the use of the 800 Park Avenue Property will be open for discussion. The meeting on October 2, 2019 will take place at 6:30 pm in the Commission Chambers. Also attached to this email is a supplemental memorandum Town of Lake Park 800 Park Avenue Building Municipal Purpose Memorandum authored by Mark David Adams of Locke Lord. The use of the building for records by the Town of Lake Park is a permitted use under the Municipal Use purpose so described in Attorney Adams' memorandum. What is not permitted either under the description of Municipal Use or Paramount Public Purpose is the Artists of Palm Beach County. Under the articles of incorporation of the corporation which was created for the following purpose: Coalition created and managed by artists, for artists. Dedicated to empowering individuals in the arts by reaching out to its community, cultivating resources and opportunities for its members and developing collaborative relationships. Bond counsel further states that the foregoing description of the Corporation suggests that it is an organization intended to support member of the Artistic Community comparable to a trade organization. You can read the letter for yourself. I am hopeful the Artists will be on hand to discuss with the Commission the opinion of Bond Counsel.

John O. D'Agostino
Town Manager, Town of Lake Park, FL
561-881-3304 (Office)
561-881-3314 (Fax)
jdagostino@lakeparkflorida.gov
Twitter: @LakePkTM1
www.lakeparkflorida.gov

Please note: Florida has a very broad public records law. Written communication regarding town business is public records available to the public upon request. Your e-mail communications are therefore subject to public disclosure. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entry, instead, contact this office by phone or in writing. Section 668.6076, FS

PLEASE NOTE: Pursuant to Florida's Government in the Sunshine Act (a.k.a. "Sunshine Law"), e-mails containing city business should be directed to either: all City Commissioners or only 1 City Commissioner at a time and should not include prior responses from other Commissioners in order to avoid the perception that a third party is acting as a liaison between Commissioners.

From: Baird, Thomas J. <TBaird@jonesfoster.com>
Sent: Thursday, September 26, 2019 4:49 PM
To: John D'Agostino <jD'Agostino@lakeparkflorida.gov>; Janet Perry <jperry@lakeparkflorida.gov>
Subject: Fwd: Lake Park Memorandum

CAUTION: This email originated from outside of the Town of Lake Park. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Sent from my iPhone

Begin forwarded message:

From: "Adams, Mark-David" <Mark.Adams@lockelord.com>
Date: September 26, 2019 at 4:47:06 PM EDT
To: "Baird, Thomas J." <TBaird@jonesfoster.com>
Cc: "Miller, Richard" <Richard.Miller@lockelord.com>
Subject: Lake Park Memorandum

This Message originated outside your organization.

Tom:

Please see a copy of the Memorandum.

Mark-David Adams
Locke Lord LLP
777 South Flagler Drive, Suite 215-E
West Palm Beach, FL 33401
561-820-0281 Direct
561-655-8719 Fax
561-719-2589 Mobile
mark.adams@lockelord.com
www.lockelord.com



Atlanta | Austin | Boston | Chicago | Cincinnati | Dallas | Hartford | Hong Kong | Houston | London | Los Angeles | Miami | New Orleans | New York | Princeton | Providence | San Francisco | Stamford | Washington DC | West Palm Beach

For more information visit www.lockelord.com

CONFIDENTIALITY NOTICE:

This e-mail and any attached files from Locke Lord LLP may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail by accident, please notify the sender immediately and destroy this e-mail and all copies of it. We may scan and or monitor emails sent to and from our servers to ensure regulatory compliance to protect our clients and business.