



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, October 1, 2014
Immediately Following the
Community Redevelopment Agency Board Meeting
Lake Park Town Hall
535 Park Avenue

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

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

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

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

None

D. **PUBLIC COMMENT:**

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

E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item

will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

1. Final Public Budget Hearing Meeting Minutes of September 17, 2014 Tab 1
 2. Regular Commission Meeting Minutes of September 17, 2014 Tab 2
 3. Resolution No. 32-10-14 Authorizing the Mayor to Sign the Application for State Aid to Libraries Tab 3
- F. **PUBLIC HEARING(S) – QUASI JUDICIAL:**
4. Resolution No. 33-10-14 An Application by Aldi Florida LLC, for Special Exception Use and Site Plan Approval for a 17,107 Square Foot General Grocery Store Tab 4
- G. **PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:**
None
- H. **PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**
None
- I. **NEW BUSINESS:**
5. Resolution No. 34-10-14 Amending the Town of Lake Park Handbook of Procedures and Policies for Employees of the Town of Lake Park to Revise the Town Drug Free Workplace Policy Tab 5
- J. **TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**
- K. **ADJOURNMENT**

Next Scheduled Regular Commission Meeting will be held on Wednesday, October 15, 2014

Consent Agenda

TAB 1



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 1, 2014

Agenda Item No. 1

Agenda Title: Final Public Hearing on the Budget Meeting Minutes of September 17, 2014

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

Approved by Town Manager  Date: 9/19/14

Vivian Mendez - Town Clerk
Name/Title

Originating Department: <p style="text-align: center;">Town Clerk</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Agenda Meeting Minutes
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>V.M.</u> Please initial one.

Summary Explanation/Background:

Recommended Motion:

To approve the Final Public Hearing on the Budget meeting minutes of September 17, 2014.



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Final Public Hearing
On the Budget Meeting
Wednesday, September 17, 2014, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

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

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- A. CALL TO ORDER/ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. PUBLIC HEARINGS

******OPEN PUBLIC BUDGET HEARING******

- A. Staff Report
- B. Public Comments
- C. Commission Deliberation

1. Resolution No. 28-09-14 Adopting the Final Millage Rate for Fiscal Year 2014-2015

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING

Tab 1

THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2014/2015; PROVIDING FOR AN EFFECTIVE DATE.

2. Resolution No. 29-09-14 Adopting the Budget for Fiscal Year 2014-2015

Tab 2

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

***** CLOSE PUBLIC BUDGET HEARING*****

D. PUBLIC COMMENT:

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

E. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

F. ADJOURNMENT:

Next Scheduled Regular Commission Meeting will be held on Wednesday, October 1, 2014



**Minutes
Town of Lake Park, Florida
Final Public Hearing
on the Budget Meeting
Wednesday, September 17, 2014, 6:30 PM
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of the Final Public Hearing on the Budget Meeting on Wednesday, September 17, 2014 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

PUBLIC HEARING:

Open Public Budget Hearing

Mayor DuBois opened the public budget hearing.

A. Staff Report

Town Manager Sugerman explained the no changes have been made to the proposed budget.

B. Public Comments

None

C. Commission Deliberation

Commissioner O'Rourke thanked the Town Manager and staff for preparing a comprehensive budget.

1. Resolution No. 28-09-14 Adopting the Final Millage Rate for Fiscal Year 2014-2015

Motion: Commissioner O'Rourke moved to approve Resolution No. 28-09-14; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		

Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

2. Resolution No. 29-09-14 Adopting the Budget for Fiscal Year 2014-2015

Motion: Commissioner O'Rourke moved to approve Resolution No. 29-09-14; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Motion passed 5-0

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird had no comments.

Town Manager Sugerman had no comments.

Commissioner O'Rourke had no comments.

Commissioner Rapoza had no comments.

Commissioner Flaherty had no comments.

Vice-Mayor Glas-Castro had no comments.

Mayor DuBois had no comments.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner O'Rourke, and by unanimous vote, the meeting adjourned at 6:39 p.m.

Mayor James DuBois

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this _____ of _____, 2014

TAB 2



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 1, 2014

Agenda Item No. 2

Agenda Title: Regular Commission meeting minutes of September 17, 2014

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

Approved by Town Manager  Date: 9/23/14

Vivian Mendez - Town Clerk

Name/Title

Originating Department: <p style="text-align: center;">Town Clerk</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Agenda Meeting Minutes Exhibit "A"; "B"; and "C"
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>V.M.</i> Please initial one.

Summary Explanation/Background:

Recommended Motion:

To approve the Regular Commission meeting minutes of September 17, 2014.



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 17, 2014
Immediately Following the
Final Public Hearing on the Budget
Lake Park Town Hall
535 Park Avenue

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

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

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

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

1. Certificate of Appreciation to James Hart for his Years of Service as Harbor Marina Director

Tab 1

D. **PUBLIC COMMENT:**

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

E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of

these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

2. First Public Hearing on the Budget Meeting of September 3, 2014

Tab 2

3. Regular Commission Meeting Minutes of September 3, 2014

Tab 3

F. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

None

G. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:

4. Ordinance No. 12-2014 An Ordinance providing for the Town's Consent to the Inclusion of the Town into Palm Beach County's Fire/Rescue Municipal Service Taxing Unit (MSTU)

Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; PROVIDING FOR THE TOWN'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE TOWN OF LAKE PARK'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE, CONSENT AND DURATION; PROVIDING FOR EARLIER REPEAL OF ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; ACKNOWLEDGING LIMITATION ON AD VALOREM MILLAGE RATE FOR MUNICIPAL PURPOSES.

H. NEW BUSINESS:

5. Resolution No. 30-09-14 Adjusting the Building Permit Fee Schedule

Tab 5

6. Resolution No. 31-09-14 To Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Harbor Marina Director

Tab 6

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, October 1, 2014



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 17, 2014, 6:39 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 17, 2014 at 6:39 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

SPECIAL PRESENTATIONS/REPORTS

- 1. Certificate of Appreciation to James Hart for his Years of Service as Harbor Marina Director.**

Mayor DuBois presented the certificate to James Hart.

Mr. Hart stated that it had been pleasure working for the town manager and the staff. He thanked the Commission.

PUBLIC COMMENT:

Sue Duchene, 134 Park Avenue, stated that she has noticed vagrants at the Evergreen House.

Mayor DuBois stated that he would speak with the Palm Beach County Sheriff's Office (PBSO) deputy regarding the Evergreen House.

CONSENT AGENDA:

- 2. First Public Hearing on the Budget Meeting of September 3, 2014**
- 3. Regular Commission Meeting Minutes of September 3, 2014**

Motion: Commissioner O'Rourke moved to approve the Consent Agenda; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Mayor DuBois	X		
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Motion passed 5-0.

PUBLIC HEARINGS - ORDINANCES ON FIRST READING:

None

PUBLIC HEARINGS - ORDINANCE ON SECOND READING:

4. **Ordinance No. 12-2014 An Ordinance providing for the Town's Consent to the Inclusion of the Town into Palm Beach County's Fire/Rescue Municipal Service Taxing Unit (MSTU)**

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

Vice-Mayor Glas-Castro stated that when the topic of an MSTU came up during the budget workshops that she was interested in pursuing it. She stated that it offers transparency for the taxpayers to know specifically where this portion of their tax dollars are going.

Town Manager Sugerman explained how the tax bill is broken out, which clearly identifies how many mills go toward the MSTU versus general operating (see Exhibit "A").

Vice-Mayor Glas-Castro stated that her understanding is that there is no legislative authority to separate police services as a taxing unit.

Town Manager Sugerman agreed and explained that it is not just legislative authority from Tallahassee, but that there have been court cases that have determined that it is unconstitutional.

Mayor DuBois stated that he contacted several individuals to get clarification on the MSTU. He stated that in the Palm Beach County Fire Rescue contract it states that the same mill rate applies as that of the County. He explained that the level of service would not change by joining the MSTU.

Town Manager Sugerman explained that this ordinance would not take effect until the 2015-2016 budget. He further explained that if the Commission adopted this ordinance that the next step in joining the MSTU would be to notify the County of the Town's desire to join the MSTU. The Palm Beach County Board of County Commission would have to approve the Town joining the MSTU.

Public Comment:

None

Public Comment Closed:

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance 12-2014 on second reading; Commissioner O'Rourke seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

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

NEW BUSINESS:

5. Resolution No. 30-09-14 Adjusting the Building Permit Fee Schedule

Nadia DiTommaso presented the item (see attached Exhibit "B").

Vice-Mayor Glas-Castro stated that she finds the fees acceptable. She asked for clarification regarding the re-inspection fees.

Community Development Director DiTommaso explained that the re-inspection fee would be \$75 for each re-inspection.

Commissioner Flaherty stated that he supports most of the fee adjustments, but expressed concern with raising the base permit fees.

Motion: Commissioner O'Rourke moved to approve Resolution 30-09-14; Vice-Mayor Glas-Castro seconded the motion.

The Commission discussed re-inspection scenarios and the proposed fee schedule associated with re-inspections.

Vote on Motion:

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

Motion passed 4-1.

6. Resolution No. 31-09-14 To Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Harbor Marina Director

Human Resource Director Bambi Turner presented the item (see attached Exhibit "C").

Commissioner O'Rourke asked for clarification on the changes that are being proposed.

Human Resource Director Turner explained all the changes that were being proposed (see Exhibit "C").

Mayor DuBois stated that emergency management duties are not included in the job description.

Human Resource Director Turner agreed to include language regarding emergency management duties.

Motion: Commissioner O'Rourke moved to approve Resolution No. 31-09-14 as amended; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird stated that he has spoken with the Department of Justice Attorney MacFarland and is expecting to receive information from him for the Commission. He stated that once he receives the information that he would be working with the Town Manager to bring an agenda item forward so that the Commission can review the information either in a regular or workshop setting.

Town Manager Sugerman announced the Sunset Celebration being held on September 26, 2014 from 6:00 p.m. until 9:00 p.m. at the Harbor Marina.

Commissioner Rapoza had no comments.

Commissioner O'Rourke stated that he will be celebrating his birthday during the next Sunset Celebration and encouraged everyone to attend. He asked the Commission to consider allowing a resident, whom arrived after the public comment portion of the agenda, to speak.

Motion: Commissioner O'Rourke moved to allow a resident to speak under public comment for three minutes; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Mayor DuBois	X		
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Motion passed 5-0.

PUBLIC COMMENT:

John Hanley, 618 Date Palm Drive, commented on the employee salary caps on the budget.

Commissioner O'Rourke reminded everyone that today was the birthday of the Constitution.

Commissioner Flaherty thanked the residents that reached out to him regarding the budget. He thanked staff for their work on the budget. He thanked Mr. Hanley for attending the meeting.

Vice-Mayor Glas-Castro thanked Commissioner Flaherty for his assistance with the Eagle Scouts project. She reminded everyone that Wednesday, September 24, 2014 is the Palm Beach County League of Cities general monthly meeting being held in Gaines Park in West Palm Beach.

Mayor DuBois recapped a few of the meetings that he attended throughout the day. He stated that he spoke at the Northern Palm Beach County Chamber of Commerce Annual Mayor's meeting. He stated that he attended the Literacy Coalition luncheon with Commission Rapoza and Library Director Karen Mahnk. He thanked staff for their work on preparing the budget. He stated that the Town has been through some tough times, but things are beginning to change for the better.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 7:37 p.m.

Mayor James DuBois

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this _____ of _____, 2014



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "A"

Meeting Date: September 17, 2014

Agenda Item No. Tab 4

Agenda Title: AN ORDINANCE PROVIDING FOR THE TOWN'S CONSENT TO THE INCLUSION OF THE TOWN INTO PALM BEACH COUNTY'S FIRE/ RESCUE MUNICIPAL SERVICE TAXING UNIT (MSTU)

- Special presentation/reports, Board appointment, Public hearing ordinance on second reading, New business, Other.

Approved by Town Manager [Signature] Date: 9/14/14

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

Table with 3 columns: Originating Department (FINANCE), Costs (\$0.00), Attachments (Ordinance No. 12-2014), Advertised, and notification status.

Summary Explanation/Background:

During the second workshop meeting of the draft of the 2014-2015 annual operating budget, the Town Commission discussed the possibility of separating out the cost of the annual fire/rescue services from the ad valorem taxes collected within the General Fund...

Recommended Motion: I move approval of Ordinance 12-2014 on second reading.

2014 NOTICE OF PROPOSED PROPERTY TAXES AND PROPOSED OR

Full Parcel ID: 36
 Legal Description: KELSEY CITY
DO NOT PAY THIS IS NOT A BILL
 The taxing HEARINGS PUBLIC HE questions o Each taxing

	COLUMN 1			COLUMN 2		
	YOUR PROPERTY TAXES LAST YEAR	TAX AMOUNT	TAXABLE VALUE	YOUR TAXES THIS YEAR	TAXABLE VALUE	TAX AMOUNT
	Taxable Value	Millage Rate	Tax Amount	Millage Rate	Taxable Value	Tax Amount
Taxing Authority *Dependent Special Districts						
COUNTY						
County Operating	80,168	4.7815	383.32	4.7815	82,121	392.66
County Debt	80,168	.2037	16.33	.1914	82,121	15.72
PUBLIC SCHOOLS						
By State Law	105,168	5.0880	535.09	5.0960	107,121	545.89
By Local Board	105,168	2.4980	262.71	2.4980	107,121	267.59
MUNICIPALITY						
Lake Park Operating	80,168	8.8055	705.92	8.8055	82,121	723.12
Lake Park Debt	80,168	1.7400	139.49	1.6650	82,121	136.73
INDEPENDENT SPECIAL DISTRICTS						
So. Fla. Water-Mgmt. Basin	80,168	.1838	14.73	.1717	82,121	14.10
So. Fla. Water Mgmt. Dist.	80,168	.1685	13.51	.1577	82,121	12.95
Everglades Construction	80,168	.0587	4.71	.0548	82,121	4.50
Fl. Inland Navigation District	80,168	.0345	2.77	.0345	82,121	2.83

1

2014 NOTICE OF PROPOSED PROPERTY TAXES AND PROPOSED OR

Full Parcel ID: 36

Legal Description:

KELSEY CITY

The taxing HEARINGS PUBLIC HE questions o Each taxing

DO NOT PAY

THIS IS NOT
A BILL

		COLUMN 1			COLUMN 2		
Taxing Authority *Dependent Special Districts		Your Property Taxes Last Year			Your Taxes This Year if proposed budget change is made		
	Taxable Value	Millage Rate	Tax Amount	Taxable Value	Millage Rate	Tax Amount	
COUNTY							
County Operating	80,168	4.7815	383.32	82,121	4.7815	392.66	
County Debt	80,168	.2037	16.33	82,121	.1914	15.72	
PUBLIC SCHOOLS							
By State Law	105,168	5.0880	535.09	107,121	5.0960	545.89	
By Local Board	105,168	2.4980	262.71	107,121	2.4980	267.59	
MUNICIPALITY							
Lake Park Operating	80,168	8.8055	705.92	82,121	8.8055	723.12	
Lake Park Debt	80,168	1.7400	139.49	82,121	1.6650	136.73	
INDEPENDENT SPECIAL DISTRICTS							
So. Fla. Water Mgmt. Basin	80,168	.1838	14.73	82,121	.1717	14.10	
So. Fla. Water Mgmt. Dist.	80,168	.1685	13.51	82,121	.1577	12.95	
Everglades Construction	80,168	.0587	4.71	82,121	.0548	4.50	
Fl. Inland Navigation District	80,168	.0345	2.77	82,121	.0345	2.83	

2015 NOTICE OF PROPOSED PROPERTY TAXES AND PROPOSED OR

Full Parcel ID: 36

Legal Description:

KELSEY CITY

DO NOT PAY

THIS IS NOT
A BILL

The taxing &
HEARINGS
PUBLIC HE
questions o
Each taxing

EXAMPLE ONLY

Taxing Authority *Dependent Special Districts	COLUMN 1			COLUMN 2		
	Your Property Taxes Last Year	Your Taxes This Year	If proposed budget change is made	Taxable Value	Millage Rate	Tax Amount
	Taxable Value	Millage Rate	Tax Amount	Taxable Value	Millage Rate	Tax Amount
COUNTY						
County Operating	80,168	4.7815	383.32	82,121	4.7815	392.66
County Debt	80,168	.2037	16.33	82,121	1914	15.72
* Fire/Rescue				82,121	3.45811	283.98
PUBLIC SCHOOLS						
By State Law	105,168	5.0880	535.09	107,121	5.0960	545.89
By Local Board	105,168	2.4980	262.71	107,121	2.4980	267.59
MUNICIPALITY						
Lake Park Operating	80,168	8.8055	705.92	82,121	5.3474	439.13
Lake Park Debt	80,168	1.7400	139.49	82,121	1.6650	136.73
INDEPENDENT SPECIAL DISTRICTS						
So. Fla. Water Mgmt. Basin	80,168	.1838	14.73	82,121	1717	14.10
So. Fla. Water Mgmt. Dist.	80,168	.1685	13.51	82,121	.1577	12.95
Everglades Construction	80,168	.0587	4.71	82,121	.0548	4.50
Fl. Inland Navigation District	80,168	.0345	2.77	82,121	.0345	2.83



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "B"

Meeting Date: September 17, 2014

Agenda Item No. Tab 5

Agenda Title: ADJUSTING THE BUILDING PERMIT FEE SCHEDULE.

- Special Presentation/Reports, Board Appointment, Public Hearing - Ordinance on 1st Reading, New Business - Resolution, Other, Consent Agenda, Old Business.

Approved by Town Manager [Signature] Date: 9/5/14

Nadia Di Tommaso / Community Development Director [Signature]

Name/Title

Table with 3 columns: Originating Department (Community Development), Costs (\$0), Attachments (Resolution 30-09-14), Advertisment (N/A), Notification (Yes/No), and Yes I have notified everyone (ND).

Summary Explanation/Background:

The Community Development Department's Building Division is continuing to see an increase in the number of general building permit applications coming into the Department. This seems to be due to the state of the improved economy. We believe that the Department will only continue to get busier. We also are very proud of the fact that, at no cost to the applicant, we are a one-stop shop providing a rather quick turnaround of permit applications; which is often referred to as "expedited" permitting. Of course, there are a variety of fees associated with obtaining a building permit. While the schedule of building permit fees has gone through modifications over the years, the actual building permit and related fees have not been adjusted since 2007. Given that it has been 7 years since the building permit and related fees were reviewed, an analysis of some Palm Beach County municipality fees was undertaken to see how the Town of Lake Park stacked up against some of the other municipalities in our County. We looked at the City of Boca Raton, the City of Delray Beach, the Town of Jupiter, the Town of Juno Beach, the Town of Highland Beach, the City of Palm Beach Gardens, and the City of West Palm Beach. It turns out that each of the

municipality fee schedules studied were structured differently and this is primarily due to varying day-to-day operations and personnel levels of each individual municipality; thereby making it very difficult to perform an apples-to-apples comparison.

With this being said, it turns out that all municipalities studied assess their building permit fees based on the value of the work being done and then also include additional fees for inspections, renewals and any additional reviews which might be required. While the Town's intention is not to nickel and dime applicants for all possible fees, certain fees, primarily for permit applications, re-inspections, renewals, and additional hourly review, are inevitable. The comparison made between the different municipalities studied resulted in the following:

<u>Municipality Name</u>	<u>Permit Fee based on \$2,400 job valuation for residential general construction/interior remodel (roundest to nearest dollar)</u>	<u>Permit Fee based on \$25,000 job valuation for residential general construction/interior remodel (roundest to nearest dollar)</u>	<u>Additional Inspection fees for re-inspections; courtesy inspections; etc.</u>	<u>Permit Renewal or Reissuance Fee</u>	<u>Hourly (or other) rates for additional plan review or special projects</u>	<u>In-House or Contracted Out</u>
City of Delray Beach	\$71	\$1,058	Yes (\$50)	Yes \$150	Yes (varies)	In-House
Town of Highland Beach	\$40 (plus additional inspection fees of \$50 each will apply for all trades)	\$375 (plus additional inspection fees of \$50 each will apply for all trades)	Yes (\$25 to \$200)	Yes \$50	Yes (varies)	Contracted Out
City of Boca Raton	\$124 (plus Engineering inspection fees for new constructions)	\$655 (plus Engineering inspection fees for new constructions)	Yes (varies)	Yes \$182	Yes (varies)	In-House
Town of Juno Beach	\$147	\$825	Yes (\$25 to \$250)	Yes \$75	Yes (varies)	Contracted Out
Town of Jupiter	\$75	\$500	Yes (\$75)	Yes (minimum \$75)	Yes (varies)	Contracted Out
City of Palm Beach Gardens	\$125 (plus additional \$100 for expedited review)	\$450 (plus additional \$100 for expedited review)	Yes (\$75 to \$300)	Yes (\$50 renewal / \$100 reissuance)	Yes (varies)	In-House

City of West Palm Beach	\$60	\$398	Yes (\$100 to \$250)	Yes (\$75 renewal/\$100 reissuance)	Yes (varies)	In-House and Contracted Out
AVERAGE (additional fees as indicated are included for the purposes of calculating an average for each category)	\$98 (includes "one-stop" permitting and all the personalized services that go along with doing business in a smaller municipality)	\$637 (includes "one-stop" permitting and all the personalized services that go along with doing business in a smaller municipality)	\$25-\$100	\$50-\$185	N/A	N/A
LAKE PARK	EXISTING: \$60 PROPOSED: \$100.00	EXISTING: \$560 PROPOSED: \$600.00	EXISTING: Yes (\$50 to \$75) PROPOSED: Yes (flat fee of \$75.00 for re-inspections and \$40 for all other inspections not associated with a building permit)	EXISTING: None PROPOSED: \$75.00	EXISTING: Yes PROPOSED: Yes (will depend on contracted rate)	Contracted Out

The increases proposed are needed in order to bring us closer to the average comparable rates. As noted above, the adjustments will also allow the Town to assess an additional inspection fee for non-permit related inspections, as well as provide for a flat re-inspection fee rather than several re-inspection fees depending on how many times an inspection has failed. It will also allow the Town to charge an administrative fee for permits that have expired and have been approved by the Building Official for a renewal term of 6 months, or for permits that need to be reissued. Finally, given that the Town is currently out to bid for Building Official and related services, it is important that additional services which are contingent on contractual rates, be clearly identified on the permit fee schedule as proposed.

Recommended Motion: I move to **APPROVE** Resolution 30-09-14.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "C"

Meeting Date: September 17, 2014

Agenda Item No. Tab 6

Agenda Title: Resolution to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Harbor Marina Director

- Special Presentation/Reports, Board Appointment, Public Hearing Ordinance, New Business, Other, Consent Agenda, Old Business.

Approved by Town Manager [Signature] Date: 9/13/14

Name/Title: Dawni McKibbin-Surver, HUMAN RESOURCES DIRECTOR

Table with 3 columns: Originating Department (Human Resources), Costs (\$ -0-), Attachments (Resolution and Job Description), Advertised (Not Required), and notification requirements.

Summary Explanation/Background:

Currently, a job description exists in the Town of Lake Park Uniform Classification System entitled Harbor Marina Director. The purpose of this action is to revise this job description to update the minimum requirements and to make several housekeeping clarifications and corrections in the current job description.

A copy of the revised Harbor Marina Director job description is attached in redline format.

There will be no additional financial burden placed on the budget of the Town as a result of this action.

Recommended Motion: I move to adopt Resolution 31-09-14.

TAB 3



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 1, 2014

Agenda Item No. 3

Agenda Title: Authorizing the Mayor to Sign the Application for State Aid to Libraries

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

Approved by Town Manager  Date: 9/15/14, 2014

Karen Mahnk, Library Director
Name/Title

Originating Department: <p style="text-align: center;">LIBRARY</p>	Costs: \$ N/A Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: - Resolution No. 32-10-14 - Grant Agreement - Certification of Local Operating Expenses - Annual Plan of Service as Exhibit "A"
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone __KM____ OR Not applicable in this case ____ Please initial one.

Summary Explanation/Background: Each year, the State Division of Library Services provides some level of support for Libraries throughout the State to help them operate for the citizens of Florida. An application form is required to apply for these funds, as well as Library Annual Plan of Service. Based on the State Division of Library Services' anticipated revenue, this year's (Fiscal Year 2014-2015) allocation for Lake Park is estimated to be \$9000. No match, other than the Library's regular operating budget, is required to receive this funding. The Lake Park Public Library has been applying for and receiving the grant each year since 1998. This Agenda item will authorize the Mayor to execute the Grant Application.

Recommended Motion: I move to approve Resolution No. 32-10-14

RESOLUTION NO. 32-10-14

A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING SUBMISSION OF AN APPLICATION REQUESTING STATE AID TO LIBRARIES GRANT FUNDING FOR LIBRARY SERVICES; APPROVING A LIBRARY ANNUAL PLAN OF SERVICE FOR FISCAL YEAR 2014-2015; AND PROVIDING REQUIRED ASSURANCES.

WHEREAS, effective July 1, 2003 the Florida Legislature amended Chapter 257 Florida Statutes to allow application for State Aid to Libraries Grant Funding by municipalities; and

WHEREAS, in order to meet the requirements for application for State Aid to Libraries Grant Funding, the Town of Lake Park is required to approve submission of the application and make the following certifications provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA THAT;

- Section 1. The Town of Lake Park, Florida is an eligible political subdivision.
- Section 2. The Town of Lake Park is the single library administrative unit.
- Section 3. The Commission of the Town of Lake Park is the designated governing body to provide library services.
- Section 4. The Library Director shall be the single administrative head employed by the Town of Lake Park with authority to manage and coordinate operations of the Town of Lake Park Public Library and shall have an approved job description.
- Section 5. The Library Director shall have an American Library Association accredited professional degree, and have at least two (2) years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of forty (40) hours per week.
- Section 6. All funds will be centrally expended by the single administrative head as part of the Library's budget.
- Section 7. The Town of Lake Park Public Library will extend borrowing privileges without charge to residents of all library service areas in the county that receives State Aid to Libraries Grants.
- Section 8. The Town of Lake Park Public Library will provide free library services.

- Section 9. The Town of Lake Park Public Library will participate with all libraries in the county that receives State Aid to Libraries Grants in joint planning for the coordination of library services to residents.
- Section 10. The Town of Lake Park Public Library will continue to be operated at a minimum of forty (40) hours per week.
- Section 11. Attached hereto is Exhibit A, Library Annual Plan of Service for fiscal year 2014-2015 as hereby approved by the Commission of the Town of Lake Park.
- Section 12. The Commission of the Town of Lake Park, Florida hereby authorizes the Mayor and Town Clerk to execute the application for the State Aid to Libraries Grant funding.
- Section 13. This Resolution shall become effective immediately upon adoption.

**Florida Department of State, Division of Library and Information Services
STATE AID TO LIBRARIES GRANT AGREEMENT**

The Applicant (GRANTEE) Town of Lake Park
(Name of library governing body)

Governing body for Lake Park Public Library
(Name of library)

hereby makes application and certifies eligibility for receipt of grants authorized under Section 257, *Florida Statutes*, and guidelines for the State Aid to Libraries Grant Program.

The Division, as administrator of state funds provided under Section 257, *Florida Statutes*, has approved an application for State Aid to Libraries Grant funds submitted by the GRANTEE. By reference, the application is hereby made a part of this agreement.

Grant Purpose. This grant shall be based upon the following scope of work:

The single library administrative unit, as an eligible political subdivision under 257.17, *Florida Statutes*, is responsible for managing or coordinating free library service to the residents of its legal service area. The library shall:

1. Have a single administrative head employed full time by the library's governing body;
2. Provide free library service, including loaning library materials available for circulation free of charge, and providing reference and information services free of charge;
3. Provide access to materials, information and services for all residents of the area served; and
4. Have at least one library, branch library or member library operated by the library's governing body, open 40 hours or more each week.

The parties agree as follows:

- I. The GRANTEE agrees to:
 - a. For payment number one:
 - i. Have at least one library, branch library or member library, open 40 hours or more each week.
 - b. For payment number two:
 - i. Have at least one library, branch library or member library, open 40 hours or more each week.

- c. Expend all grant funds awarded and perform all acts in connection with this agreement in full compliance with the terms and conditions of Chapter 257, *Florida Statutes*, and guidelines for the State Aid to Libraries Grant Program.
- d. Expend all grant funds received under this agreement solely for the purposes for which they were authorized and appropriated.
- e. Provide the DIVISION with statistical, narrative, financial and other evaluative reports as requested.
- f. Retain and make available to the DIVISION, upon request, all financial and programmatic records, supporting documents, statistical records, and other records for the project.
- g. Retain all records for a period of five years from the date of submission of the final project report. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the five year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period, whichever is later.
- h. Establish and maintain a proper accounting system in accordance with generally accepted accounting procedures. To use and maintain adequate fiscal authority, control, and accounting procedures that will ensure proper disbursement of, and accounting for, project funds.
- i. Perform all acts in connection with this agreement in strict conformity with all applicable laws and regulations of the State of Florida.
- j. Not use any grant funds for lobbying the legislature, the judicial branch, or any state agency.
- k. Hereby certify that it is cognizant of the prohibition of conflicts of interest described in Sections 112.311 through 112.326, *Florida Statutes*, and affirms that it will not enter into or maintain a business or other relationship with any employee of the Department of State that would violate those provisions. The GRANTEE further agrees to seek authorization from the General Counsel for the Department of State prior to entering into any business or other relationship with a Department of State employee to avoid a potential violation of those statutes.
- l. Not discriminate against any employee employed in the performance of this agreement, or against any applicant for employment because of race, color, religion, gender, national origin, age, handicap, or marital status. The GRANTEE shall insert a similar provision in all subcontracts for services by this agreement.

- m. In the event that the grantee expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such GRANTEE, the grantee must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, *Florida Statutes*; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), *Rules of the Auditor General*. In determining the state financial assistance expended in its fiscal year, the GRANTEE shall consider all sources of state financial assistance, including state financial assistance received from the Department of State, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for federal program matching requirements.

In connection with the audit requirements addressed in part m, paragraph 1, the GRANTEE shall ensure that the audit complies with the requirements of Section 215.97(8), *Florida Statutes*. This includes submission of a financial reporting package as defined by Section 215.97(2)(e), *Florida Statutes*, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), *Rules of the Auditor General*.

If the GRANTEE expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, *Florida Statutes*, is not required. In the event that the GRANTEE expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, *Florida Statutes*, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the grantee's resources obtained from other than State entities).

Information related to the requirements of Section 215.97, *Florida Statutes*, (the Florida Single Audit Act) and related documents may be found at apps.fldfs.com/fsaa.

Copies of financial reporting packages required by this agreement shall be submitted by or on behalf of the GRANTEE directly to each of the following:

1. The Department of State at the following addresses:

Office of Inspector General
Florida Department of State
R. A. Gray Building, Room 114A
500 South Bronough Street
Tallahassee, Florida 32399-0250

2. The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

- n. Identify an individual or position with the authority to make minor modifications to the application, if necessary, prior to execution of the agreement.

II. The DIVISION agrees:

- a. To provide a grant in accordance with the terms of this agreement in consideration of the GRANTEE's performance hereinunder, and contingent upon funding by the Legislature. The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Legislature. In the event that the state funds on which this agreement is dependent are withdrawn, this agreement is terminated and the state has no further liability to the GRANTEE beyond that already incurred by the termination date. In the event of a state revenue shortfall, the total grant may be reduced accordingly.
- b. To notify the grantee of the grant award after review and approval of required documents. The grant amount shall be calculated in accordance with Chapter 257, *Florida Statutes*, and guidelines for the State Aid to Libraries Grant Program.
- c. To distribute grant funds in two payments. The first payment will be requested by the DIVISION from the Chief Financial Officer upon execution of the agreement. The remaining payment will be made by June 30.
- d. That any balance of unobligated cash that has been paid to the grantee may be retained for direct program costs in a subsequent period.

III. The GRANTEE and the DIVISION mutually agree that:

- a. This instrument embodies the whole agreement of the parties. There are no provisions, terms, conditions, or obligations other than those contained herein; and this agreement shall supersede all previous communications, representation, or agreements either verbal or written, between the parties. No amendment shall be effective unless reduced in writing and signed by the parties.
- b. The agreement is executed and entered into in the State of Florida, and shall be construed, performed, and enforced in all respects in accordance with the laws and rules of the State of Florida. Each party shall perform its obligations hereunder in accordance with the terms and conditions of this agreement. If any matter arising out of this Agreement becomes the subject of litigation, venue shall be in Leon County.
- c. If any term or provision of the agreement is found to be illegal and unenforceable, the remainder of the agreement shall remain in full force and effect and such term or provision shall be deemed stricken.
- d. No delay or omission to exercise any right, power, or remedy accruing to either party upon breach or default by either party under this Agreement shall impair any such right, power, or remedy of either party; nor shall such delay or omission be construed as a waiver of any such breach or default, or any similar breach or default.

- e. This agreement shall be terminated by the DIVISION because of failure of the GRANTEE to fulfill its obligations under the agreement in a timely and satisfactory manner unless the GRANTEE demonstrates good cause as to why it cannot fulfill its obligations. Satisfaction of obligations by GRANTEE shall be determined by the DIVISION, based on the terms and conditions imposed on the GRANTEE in paragraphs I and III of this agreement and guidelines for the State Aid to Libraries Grant Program. The DIVISION shall provide GRANTEE a written notice of default letter. GRANTEE shall have 15 calendar days to cure the default. If the default is not cured by GRANTEE within the stated period, the DIVISION shall terminate this agreement, unless the GRANTEE demonstrates good cause as to why it cannot cure the default within the prescribed time period. For purposes of this agreement, "good cause" is defined as circumstances beyond the GRANTEE's control. Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the GRANTEE will be compensated for any work satisfactorily completed prior to notification of termination, if equitable.
- f. The DIVISION shall unilaterally cancel this agreement in the event that the GRANTEE refuses to allow public access to all documents or other materials made or received in regard to this agreement that are subject to the provisions of Chapter 119, *Florida Statutes*. GRANTEE agrees to immediately contact the DIVISION for assistance in the event that it receives a public records request related to this agreement or the grant the it awards.
- g. The DIVISION shall not be liable to pay attorney fees, interest, late charges and service fees, or cost of collection related to the grant.
- h. The DIVISION shall not assume any liability for the acts, omissions to act or negligence of the GRANTEE, its agents, servants, or employees; nor shall the GRANTEE exclude liability for its own acts, omissions to act, or negligence to the DIVISION. In addition, the GRANTEE hereby agrees to be responsible for any injury or property damage resulting from any activities conducted by the GRANTEE.
- i. The GRANTEE, other than a GRANTEE which is the State or agency or subdivision of the State, agrees to indemnify and hold the DIVISION harmless from and against any and all claims or demands for damages of any nature, including but not limited to personal injury, death, or damage to property, arising out of any activities performed under this agreement and shall investigate all claims at its own expense.
- j. The GRANTEE shall be responsible for all work performed and all expenses incurred in connection with the project. The GRANTEE may subcontract as necessary to perform the services set forth in this agreement, including entering into subcontracts with vendors for services and commodities, provided that such subcontract has been approved by the DIVISION, such approval not to be unreasonably withheld, and provided that it is understood by the GRANTEE that the DIVISION shall not be liable to the subcontractor for any expenses or liabilities incurred under the subcontract and that the GRANTEE shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.
- k. Neither the State nor any agency or subdivision of the State waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into a contractual relationship.

- l. The GRANTEE, its officers, agents, and employees, in performance of this agreement, shall act in the capacity of an independent contractor and not as an officer, employee or agent of the DIVISION. Under this agreement, GRANTEE is not entitled to accrue any benefits of state employment, including retirement benefits, and any other rights or privileges connected with employment in the State Career Service. GRANTEE agrees to take such steps as may be necessary to ensure that each subcontractor of the GRANTEE will be deemed to be an independent contractor and will not be considered or permitted to be an agent, servant, joint venturer, or partner of the DIVISION.
- m. The GRANTEE shall not assign, sublicense, nor otherwise transfer its rights, duties, or obligations under this agreement without the prior written consent of the DIVISION, whose consent shall not unreasonably be withheld. The agreement transferee must demonstrate compliance with the requirements of the program. If the DIVISION approves a transfer of the GRANTEE's obligations, the GRANTEE remains responsible for all work performed and all expenses incurred in connection with the Agreement. In the event the Legislature transfers the rights, duties, or obligations of the Department to another governmental entity pursuant to Section 20.06, *Florida Statutes*, or otherwise, the rights, duties, and obligations under this agreement shall also be transferred to the successor government entity as if it were an original party to the agreement.
- n. This agreement shall bind the successors, assigns, and legal representatives of the GRANTEE and of any legal entity that succeeds to the obligation of the DIVISION.
- o. The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the legislature. In the event that the state funds on which this agreement is dependent are withdrawn, this agreement is terminated and the DIVISION has no further liability to the GRANTEE beyond that already incurred by the termination date. In the event of a state revenue shortfall, the total grant shall be reduced in accordance with Section 257.21, *Florida Statutes*.
- p. If the GRANTEE is in noncompliance with any term(s) of this grant agreement or any other grant agreement with the Division of Library and Information Services, the Division of Historical Resources or the Division of Cultural Affairs, the Division may withhold grant payments until the GRANTEE comes into compliance. Violation of a grant program requirement, including but not limited to failure to submit grant reports and other grant documents; submission of incomplete grant reports or other grant documents; or violation of other grant agreement requirements; shall constitute a basis for the Division to place the GRANTEE in noncompliance status with the Department of State.
- q. The Division shall apply the following financial consequences for failure to perform the duties / tasks required in the scope of work. Should the library fail to provide free library service to the public or be open fewer than 40 hours per week, it will no longer be eligible to receive State Aid Libraries grant funding, and its funding will be reduced to \$0.
- r. Unless there is a change of address, any notice required by this agreement shall be delivered to the Division of Library and Information Services, 500 South Bronough Street, Tallahassee, Florida 32399-0250, for the State and, for the GRANTEE, to its single library

administrative unit. In the event of a change of address, it is the obligation of the moving party to notify the other party in writing of the change of address.

IV. The term of this agreement will commence on the date of execution of the grant agreement

THE APPLICANT/GRANTEE

Chair of Governing Body or
Chief Executive Officer

Typed Name

Date

Clerk or Chief Financial Officer

Typed Name and Title of Official

Date

THE DIVISION

Florida Department of State
Division of Library and Information Services

Typed Name

Date

Division Witness

Division Witness

**FLORIDA DEPARTMENT OF STATE
DIVISION OF LIBRARY AND INFORMATION SERVICES
FY 2014-2015 STATE AID TO LIBRARIES GRANT APPLICATION
CERTIFICATION OF LOCAL OPERATING EXPENDITURES**

The Town of Lake Park
governing body for Lake Park Public Library

We hereby certify that the following total funds from local sources were expended centrally during the fiscal year beginning October 1, 2012 and ending September 30, 2013 for the operation and maintenance of a library under the provisions outlined in Chapter 257.14 - 257.25, *Florida Statutes*, and guidelines for the State Aid to Libraries Grant Program.

We further certify that the amount listed below does not include funds received from the federal government; funds received from state government; or funds used for purchase or construction of a library building or library quarters. Such funds are not eligible to be used as local match for State Aid applications under Chapter 257, *Florida Statutes*, and guidelines for the State Aid to Libraries Grant Program.

Total local funds expended centrally by the library for the operation and maintenance of a library between October 1, 2012 and September 30, 2013.

\$ 251,497.

SIGNATURES:



Library Finance Manager

Single Library Administrative Head

Blake Rane, Finance Director
Typed Name

Karen Mahnk, Library Director
Typed Name

Date

9/1/14
Date



Annual Plan of Service FY 2014-2015 *Partnering into the Future*

Mission

To promote knowledge and preservation of information; make available materials which aid in the pursuit of education, information, research and recreation; and provide the community with skilled guidance in navigating all information to fulfill knowledge needs.

Vision

To cultivate and foster in the community an enthusiasm for knowledge and an atmosphere that promotes lifelong learning

Motto

This is where education continues after school ends; where readers are grown from the time they are young; and where doors are open for everyone.

This is *YOUR* library.

Activities & Events

- Continue annual Food for Fines drive during November and December in conjunction with community partners
- Continue public recognition of Library Partners and Community supporters.
- Expand Library's presence in community events.
- Increase number of Library Partners and outreach programs.
- Coordinate a Teen Culture Club and discussion group.
- Explore adding outdoor events in Town locations sponsored by the Library.

Collection Development

- Continue investigating new and more user friendly methods of searching the collection.
- Seek out innovative collection design that encourages user browsing of our collection.
- Research user preferences utilizing surveys, focus groups and circulation statistic reports
- Continue current decennial Library inventory project

Marketing

- Expand marketing of Library programs and services by utilizing new and traditional media methods.
- Revamp Library's web page and investigate new methods by which to engage online users.
- Rebrand the library and create a logo in style that is more consistent with that of the Town.
- Utilize a more cost-effective methods for producing library publications such as calendars and brochures.

Programs & Services

- Continue refurbishing and redesign of adult area.
- Explore expanding weekend hours.
- Expand teen services as well as adult programs.
- Create roving circulation services; replace traditional circulation desk with a “one stop tech bar”.
- Add additional electronic resources available to library visitors as well as for remote users.
- Improve Volunteer Program by enhancing recruitment methods and training program.
- Initiate a Memory project with the Town Historic Society

Technology

- Replace all public and staff computers with updated OS; utilize thin client for most public access.
- Add patron photos to circulation database
- Restore weekly computer classes for the public utilizing volunteers.
- Add tablets to staff tool for patron assistance and other tasks.
- Add additional features and enhancements available to the the Library ILS.
- Ensure that staff receives training on all new software and hardware as well as refresher courses on current programs.

**Public
Hearing
Quasi
Judicial**

TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 1, 2014

Agenda Item No. 4

Agenda Title: AN APPLICATION BY ALDI FLORIDA LLC, FOR SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL FOR A 17,107 SQUARE FOOT GENERAL GROCERY STORE.

- Special Presentation/Reports, Board Appointment, Public Hearing Ordinance, Resolution - Public Hearing/Quasi-Judicial, Other, Consent Agenda, Old Business.

Approved by Town Manager [Signature] Date: 9/19/14

Nadia Di Tommaso / Community Development Director

Table with 3 columns: Originating Department (Community Development), Costs (Required advertisement and certified mail, Funding Source: Applicant), Attachments (Staff Report, Resolution 33-10-14, etc.), Advertised (Date: 08-29-2014), and notification status.

Summary Explanation/Background:

The Owner of the subject property, Congress Avenue Properties LLC, is currently under a purchase contract with ALDI Florida LLC (the Applicant). Aldi LLC submitted a Site Plan and Special Exception Use application to develop a 17,107 square foot "General Grocery Store" on Parcel A of the Congress Business Park Planned Unit Development (PUD).

Business Park Planned Unit Development (PUD) zoning district with an underlying Commercial-2 Business District (C-2) zoning district designation.

Section 78-77(1)(g)(3) of town code states that the uses which are permitted within a PUD include those which are listed in the underlying zoning district. A general grocery store measuring over 10,000 square is not listed as a permitted use in the C-2 zoning district. A PUD also provides for *additional uses that may be permitted by the Town Commission following review and approval of a Special Exception Application.*

Staff has determined that because the C-2 zoning district allows smaller specialty grocery stores, ALDI's proposed 17,107 square foot "general grocery store" may be permissible if approved as an "additional" special exception use. Staff's interpretation of the code is based upon the opinion that a general grocery store is compatible with the uses and general intent of the C-2 zoning district which permits a wide variety of commercial uses.

Both applications, the special exception use and the site plan, were reviewed pursuant to the town code criterion for special exception uses and requirements for site plan review and have met the town code criterion and requirements. The enclosed staff report includes a detailed description of the criterion and requirements.

The Planning & Zoning Board reviewed the applications at its September 8, 2014 meeting and provided a unanimous recommendation of approval on both the special exception use of a 17,107 square foot general grocery store and on the site plan application with all the conditions of approval proposed by staff along with additional conditions #18, #19, and #20.

Recommended Motion: I MOVE TO APPROVE RESOLUTION 33-10-14 WITH THE CONDITIONS OF APPROVAL PROPOSED BY STAFF.



**TOWN LAKE OF PARK
TOWN COMMISSION
MEETING DATE: October 1, 2014**

APPLICATION: SITE PLAN AND SPECIAL EXCEPTION USE FOR A 17,107 SQUARE FOOT ALDI GROCERY STORE WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT

SUMMARY OF APPLICANT'S REQUEST: The Owner of the property, which is the subject of the two Applications, is Congress Avenue Properties, LLC (Owner). ALDI Florida, LLC ("Applicant") has a contract to purchase the property referenced in the submitted Applications for a Site Plan and the Special Exception Use of "Grocery Store". The Applicant proposes to develop a 17,107 square foot "ALDI" grocery store on Parcel A of the Congress Business Park Planned Unit Development ("the Site"). The Site has a "Commercial/Light Industrial" land use designation and is within the previously approved Congress Business Park Planned Unit Development (PUD) Zoning District with an underlying Commercial-2 Business District (C-2) zoning designation.

Section 78-77(1)(g)(3) of Town Code states that the uses which are permitted within a PUD includes those which are listed in the underlying zoning district. However, within a PUD, *additional uses may be permitted by the Town Commission following review and approval of a Special Exception Application.*

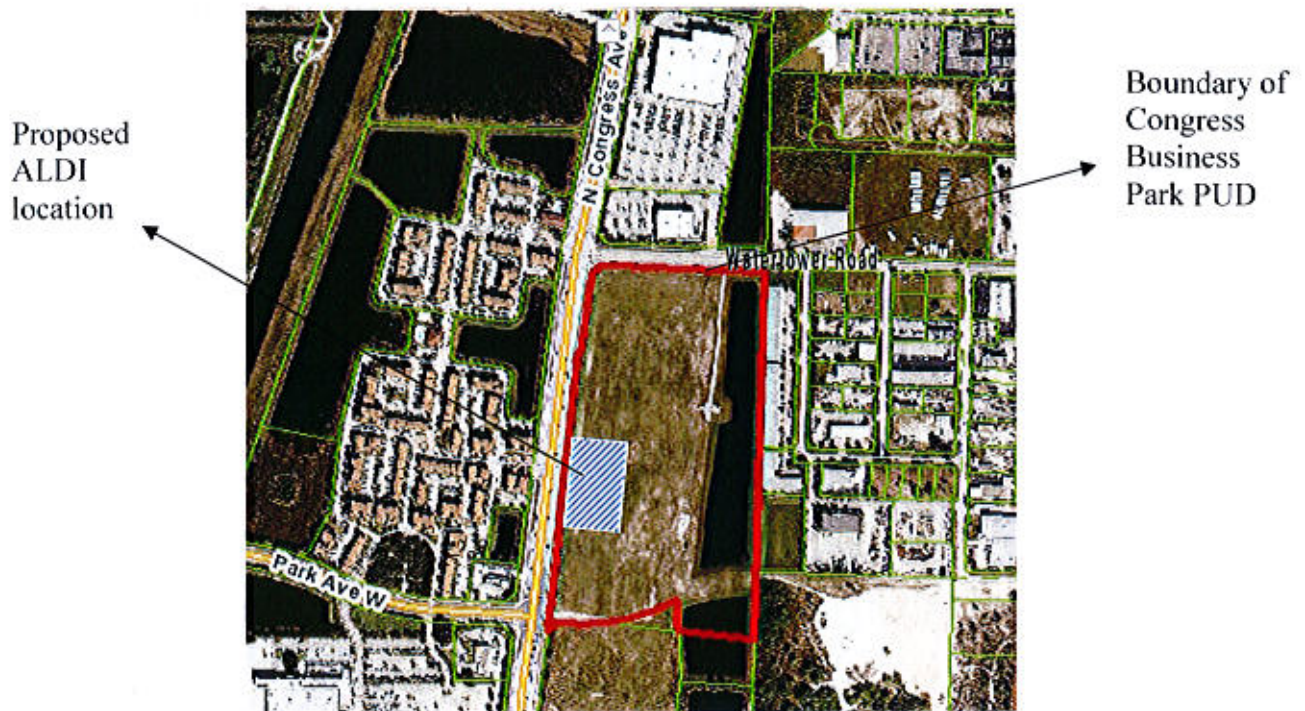
The C-2 Zoning District only allows specialty grocery stores as a use by right with a maximum building size of 10,000 square feet. Staff has determined that ALDI's proposed grocery store is not a "specialty grocery store." Consequently, Staff has interpreted the Applicant's proposed 17,107 square foot *general* grocery store as being an "additional use" which would be permitted within the PUD provided it meets the criteria established by the Code for a Special Exception Use. Staff's interpretation of the Code is based upon the opinion that a general grocery store is compatible with the uses and general intent of the C-2 Zoning District which permits a wide variety of commercial uses.

PLANNING & ZONING BOARD (Recommended Approval 5-0: 09/08/2014): A recommendation of approval was motioned, seconded, and approved 5-0 for both the special exception use and the site plan with additional conditions #18, #19, and #20.

BACKGROUND:

Applicant(s): Jeffery Williams/ALDI Florida, LLC
Owner(s): Congress Avenue Properties, LLC
Address/Location: North Congress Avenue
Net Acreage: 2.38 acres
Legal Description: 19-42-43, PT OF SE 1/4 LYG BET WATER TOWER RD RW & PB21P3 & E OF & ADJ TO CONGRESS AVE R/W (LESS SLY 728.69 FT & PT K/A
Existing Zoning: Planned Unit Development (PUD)
Commercial 2 (C-2) Business District
Future Land Use: Commercial/Light Industrial

Figure 1: Aerial View of Site (image not to scale; for visual purposes only)



Adjacent Zoning

North: Planned Unit Development (PUD) / Commercial 2 (C-2)
 South: Planned Unit Development (PUD) / Commercial 2 (C-2)
 East: Planned Unit Development (PUD) / Commercial 2 (C-2)
 West: Traditional Neighborhood District (TND)

LAKE PARK ZONING MAP

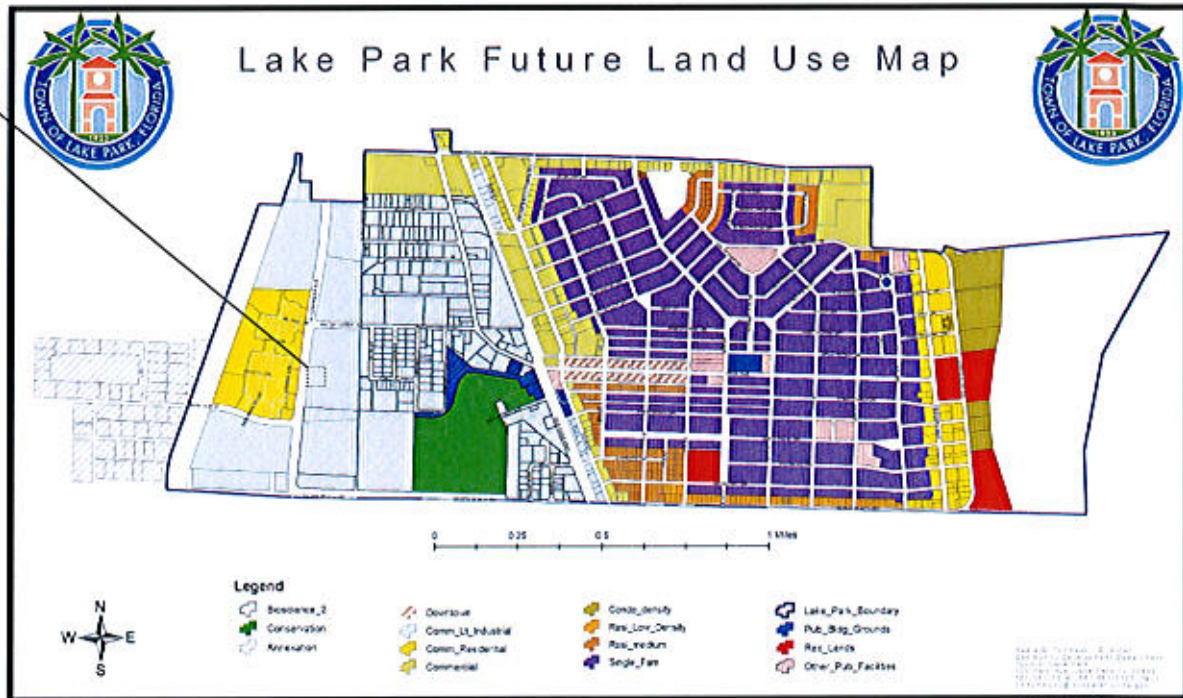


Adjacent Existing Land Use

North: Commercial Light Industrial
South: Commercial Light Industrial
East: Commercial Light Industrial
West: Commercial/Residential

LAKE PARK FUTURE LAND USE MAP

Subject Site



PART I: APPLICATION FOR A SPECIAL EXCEPTION USE

ANALYSIS OF SPECIAL EXCEPTION CRITERIA

Town Code Section 78-184 sets forth the criteria which must be met to entitle an applicant to a Special Exception use. There are criteria, all of which must be met. **Note: Staff's analysis of the criterion are in bold.**

1. Is the proposed Special Exception Use consistent with the goals, objectives, and policies of the Town's Comprehensive Plan?

Staff has determined that the proposed use would specifically further two Objectives, and one Policy of the Future Land Use Element of the Comprehensive Plan:

Objective 1, Policy 1.5:

The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.

Objective 5 :

As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.

The development of a new building on a currently undeveloped parcel will increase the Town's tax base. The Site is not environmentally sensitive or historically significant and therefore the development of the Site would not cause negative impacts to the surrounding area, or existing neighborhoods. The development of a general grocery store across Congress Avenue from a large residential apartment complex furthers the two Objectives and the Policy of the Comprehensive Plan of infill development which is considerate of existing neighborhoods. The Palm Beach County Traffic Division has issued a traffic concurrency letter confirming that the development of ALDI will not exceed the adopted level of service for North Congress Avenue.

CRITERIA MET.

2. Is the proposed Special Exception Use consistent with the Town's land development regulations and all other portions of this Code?

The Site Plan meets the Land Development Regulations of the Town Code.

CRITERIA MET

3. Is the proposed Special Exception Use compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property?

A general grocery store is compatible with the character of the surrounding commercial uses. The commercial uses along North Congress Avenue

includes big box retail businesses such as Kohl's, Walmart, and Target. The Applicant's proposed hours of operation (from 9 am – 8 pm, 7 days a week) are comparable to these businesses and considerate of the surrounding areas, including the residential district directly across the proposed Site on the west side of North Congress Avenue.

CRITERIA MET

4. Will the proposed Special Exception Use on the Site create a concentration or proliferation of the same or similar type of use, which may be detrimental to the development or redevelopment of the area?

There are no standalone specialty or general grocery store uses along North Congress Avenue, however, several businesses along the Corridor provide food (grocery) sales as part of their operation. Given the nature of this use being proposed as a standalone grocery store, and the market it will serve, it is highly unlikely that the general grocery store would result in a proliferation of grocery stores in this area of the Town.

CRITERIA MET

5. Will the proposed Special Exception Use have a detrimental impact on surrounding properties based on:

- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;

The proposed use is not expected to have a detrimental impact on the surrounding properties. The Site Plan meets the Code's Land Development Regulations for a general grocery store and provides sufficient parking for customers using it and the employees who will be employed there.

CRITERIA MET

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

The primary operations of the proposed Special Exception Use are entirely indoors, and therefore, should not produce any external visual or odor nuisances. Delivery trucks will bring products to the store on a regular basis. These vehicles may create some noise, odor, or other nuisances, however, this activity will take place on the exterior of the building inside the truck well which is screened from public view. The Applicant is proposing a sloped truck well where delivery trucks can unload produce and goods to be sold within the store. This type of delivery area is similar to other businesses within the corridor. This may mitigate to a small degree the noise or visual nuisances that may occur as a result of the deliveries.

The dumpsters will be located within the truck well and will be screened from public view as well.

CRITERIA MET

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

As previously stated, Palm Beach County's Traffic Division issued a Traffic Concurrency Letter which verifies that the projected traffic upon the affected roadways meets the County's Traffic Performance Standards based on the proposed use, can be accommodated.

CRITERIA MET

- (6) **Does the proposed Special Exception Use:**

- a. **Significantly reduce light and air to adjacent properties?**

The building constructed upon the Site generally meets the setback regulations of the Town Code for a use of this nature. It should also be noted that the Site is within a "master planned" PUD.

CRITERIA MET

- b. **Adversely affect property values in adjacent areas.**

The Site's development will not adversely affect the property values of the adjacent uses.

CRITERIA MET

- c. **Deter the improvement, development or redevelopment of surrounding properties in accord with existing regulations.**

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

CRITERIA MET

- d. **Negatively impact adjacent natural systems or public facilities, including parks and open spaces.**

The proposed Site is not within or in close proximity to any naturally sensitive areas or parks. The south, east, and west sides directly adjacent

to the Site are undeveloped, therefore, the proposed Special Exception Use will not negatively impact any open space or public facilities.

CRITERIA MET

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

The Site Plan indicates that trash receptacles, benches and bike racks will be located at appropriate locations on the Site. A pedestrian pathway across the Site provides connectivity to and from North Congress Avenue.

CRITERIA MET

PART II: APPLICATION FOR A SITE PLAN

The Site Plan has been reviewed by the Town's Engineer, Landscape Architect, and Community Development Department. Based upon this review, the Staff finds that the Site Plan meets the Land Development Regulations of the Town Code, and is consistent with the PUD's established Signage Guidelines, Architectural Guidelines, and Landscaping Plan.

SITE PLAN PROJECT DETAILS:

Building Site: The Site is a parcel within a Master Plan associated with a PUD. The PUD's underlying zoning designation is C-2. The Site is to be developed as a general grocery store of 17,107 square feet.

Site Access: The Site has two entrances. One entrance is on the west side of the Site and the other is on the south side, both of which are accessible by the PUD's interior roads. The interior roads can be accessed by using the Park Avenue West Extension road which is currently under construction.

Traffic: The Applicant has received a Traffic Performance Standard (TPS) concurrency letter from Palm Beach County's Traffic Division which confirms that there is adequate capacity on the roadways which serve the Site.

Landscaping: The Site Plan meets the Town's Landscaping Code regulations and is consistent with the Landscaping Master Plan approved pursuant to a previously approved application for a PUD by the owner of the property. The Applicant's Landscaping Plan has been determined to be "satisfactory for Site Plan Approval" by the Town's consulting Landscape Architect.

Drainage: The Town's Engineer has reviewed the Applicant's Paving and Drainage Plan and has determined that it meets the engineering requirements for Site Plan review.

Parking: The Town's Parking Code requires 5 spaces per 1,000 square feet of gross floor area. Therefore, the proposed building at 17,107 square feet requires 86 parking spaces. The Applicant is proposing 86 parking spaces, which includes 4 required handicap parking spaces.

Signage: The Applicant has submitted a proposed Master Signage Plan that is consistent with the Town's Sign Code and the previously approved PUD Master Signage Plan. The Applicant is proposing wall signs above the south and east building entrances, as well as a monument sign classified as a PUD Tenant Sign in the PUD regulations.

Zoning: The use of a general grocery store is not a use permitted by right, but rather as an "additional use" by special exception approval. The Applicant has applied for Special Exception Use approval.

Water/Sewer: Staff has received confirmation from Seacoast Utilities Authority that the Applicant has reserved water capacity for the Site. Drainage permits are required prior to the issuance of building permits per SUA.

Design: The Applicant's proposed Elevations Plan meets the Town's Architectural Guidelines as well as the architectural guidelines established by the previously approved PUD. The Applicant has incorporated design features for the building which are consistent with the intent of the Code and the previously approved PUD.

Fire: Palm Beach County Fire completed a preliminary site plan review of the proposed Site Plan and has no comments pertaining to the Site Plan at this time. PBC Fire will be reviewing the plans in greater detail as part of the building permit review process at that time.

PBSO: The Crime Prevention Through Environmental Design (CPTED) review was done by the Town Planner who is CPTED Certified rather than the Palm Beach Sheriff's Office (PBSO). The Reviewer recommended the installation of video surveillance, but the Applicant chose to not incorporate the recommendation. The Reviewer did not raise any additional recommendations or concerns.

PART III: STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Special Exception Use for a 17,107 square foot grocery store in the Congress Business Park PUD. Staff recommends **APPROVAL** of the Site Plan subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Site Plan Details, and Photometric Plan referenced as Sheets C-3, C-4, and C-11 respectively; signed and sealed on August 8, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on August 29, 2014.
 - b. Landscape Plans and Irrigation Plans, referenced as Sheets LP-1, LP-2, LP-3 and LI-1, LI-2, LI-3; signed and sealed on May 7, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on September 3, 2014.
 - c. Floor Plans, Elevations, and Signage Plans referenced as Sheets A-131, A-201, and MS100 respectively; signed and sealed on August 22, 2014 and prepared by Cuhaci & Peterson Architects Engineers Planners; received and dated by the Department of Community Development on August 29, 2014.
 - d. Paving, Grading & Drainage and Water/Sewer Plans referenced as Sheets C-5 through C-11; signed and sealed on August 8, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on August 29, 2014.
 - e. Survey dated May 20, 2014 referenced as Drawing D99-240K prepared by Lidberg Land Surveying Inc. signed and sealed on May 20, 2014 and received by the Department of Community Development on September 3, 2014.
2. Construction is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director.
3. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue or the Park Avenue West Extension during the construction of the Site, shall be subject to the review and approval of the Community Development Director (the Director).
4. Should any disruption to the normal flow of traffic occur during construction of the Site, the construction shall immediately cease until the Directors of the Town's Public Works Department and Community Development Departments have reviewed the situation and given the Applicant written approval to proceed.

5. Should any disruption to the surrounding entrance/exit streets and parking areas along North Congress Avenue or the Park Avenue West Extension occur such that the daily operation of nearby businesses is adversely impacted, the construction activities shall cease until the Applicant has secured the written approval of the Director.
6. All landscaping shown on the Site Plan and the Landscaping Plan shall be continuously maintained from the date of the issuance of the Certificate of Occupancy by the Town. The Owner/Applicant shall replace any and all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
7. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans for the Site or the PUD.
8. Safe and adequate pedestrian passage shall be maintained along the Site's entrances.
9. The Applicant shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction of the Site.
10. The dumpster shall be screened as noted on the Site Plan and kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town.
11. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site Plan and the Landscaping Plan.
12. The Site shall be subject to the Unity of Control which has been approved for the PUD. No building permit shall be issued until and unless an executed Unity of Control approved by the Town Attorney has been recorded.
13. Prior to the issuance of a building permit, the Applicant shall submit an application for a Plat and receive it's approval by the Town.
14. Prior to the issuance of any building permits, the Applicant shall submit copies of any permits required by other agencies, including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
15. Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, statement of use, photometric plan, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Department, and shall be subject to it's review and approval.

16. Prior to the issuance of a Certificate of Occupancy for the grocery store, the Owner and Applicant shall ensure that all of the Park Avenue Extension, the interior roadways and curb cuts as shown in the approved PUD Master Plan have been constructed and approved by the Town Engineer.
17. Plans shall include stamped/treated asphalt or similar decorative feature within hatched areas on the east and southwest sides.
18. The Applicant shall submit proposed Cross Access Agreements with the adjoining property owners, as may be necessary to comply with Section 78-144 of the Town Code, which shall be subject to the review and approval of the Town Attorney. Continuous access shall be maintained between all parcels in accordance with the PUD Master Plan and Section 78-144 of the Town Code.
19. The Applicant shall revise the Site Plan to show the relocation of some of the bike racks closer to the front entrance of the building.
20. The Owner or Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Failure to do so shall render the Development Order void. Once initiated, the development of the Site shall be completed within 18 months.
21. **Cost Recovery.** All fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Owner or an Applicant to reimburse the Town within the 10 day time period may result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

RESOLUTION NO. 33-10-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AND SPECIAL EXCEPTION USE FOR A 17,107 SQUARE FOOT ALDI GROCERY STORE TO BE LOCATED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN AND USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ALDI Florida, LLC, ("Applicant") is proposing to develop a 17,107 square foot "ALDI" grocery store on Parcel A of the Congress Business Park Planned Unit Development Zoning District (the Site); and

WHEREAS, the Site is currently owned by Congress Avenue Properties ("Owner") and the Applicant has a contract to purchase the proposed Site; and

WHEREAS, Applicant has submitted Applications for a Site Plan and Special Exception Use of "Grocery Store" (the Applications); and

WHEREAS, the Site has a future land use designation of "Commercial/Light Industrial"; and

WHEREAS, the Site is within the previously approved Congress Business Park Planned Unit Development (PUD); and

WHEREAS, the zoning of the Site is PUD with its underlying zoning designation being Commercial-2 Business District (C-2);

WHEREAS, the uses permitted in the PUD include those uses permitted in the C-2 Zoning District and additional uses by special exception if approved by the Commission; and

WHEREAS, the Community Development Department has determined that the use of a "Grocery Store" would be consistent with the uses permitted in the C-2 Zoning District; and

WHEREAS, the Town's Planning and Zoning Board has reviewed the Applications and has recommended to the Town Commission that it approve the Applications with certain conditions; and

WHEREAS, the Town Commission has conducted a quasi-judicial hearing to consider the Applications; and

WHEREAS, at these hearings, the Town Council considered the evidence presented by the Town Staff, the Applicant, and other interested parties and members of the public, regarding the Applications.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1: The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves a Site Plan and the special exception use of "Grocery Store" subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Site Plan Details, and Photometric Plan referenced as Sheets C-3, C-4, and C-11 respectively; signed and sealed on August 8, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on August 29, 2014.
 - b. Landscape Plans and Irrigation Plans, referenced as Sheets LP-1, LP-2, LP-3 and LI-1, LI-2, LI-3; signed and sealed on May 7, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on September 3, 2014.
 - c. Floor Plans, Elevations, and Signage Plans referenced as Sheets A-131, A-201, and MS100 respectively; signed and sealed on August 22, 2014 and prepared by Cubaci & Peterson Architects Engineers Planners; received and dated by the Department of Community Development on August 29, 2014.
 - d. Paving, Grading & Drainage and Water/Sewer Plans referenced as Sheets C-5 through C-11; signed and sealed on August 8, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on August 29, 2014.
 - e. Survey dated May 20, 2014 referenced as Drawing D99-240K prepared by Lidberg Land Surveying Inc. signed and sealed on May 20, 2014 and received by the Department of Community Development on September 3, 2014.
2. Construction is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director.
3. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue or the Park Avenue West Extension during the construction of the Site, shall be subject to the review and approval of the Community Development Director (the Director).
4. Should any disruption to the normal flow of traffic occur during construction of the Site, the construction shall immediately cease until the Directors of the Town's Public

Works Department and Community Development Departments have reviewed the situation and given the Applicant written approval to proceed.

5. Should any disruption to the surrounding entrance/exit streets and parking areas along North Congress Avenue or the Park Avenue West Extension occur such that the daily operation of nearby businesses is adversely impacted, the construction activities shall cease until the Applicant has secured the written approval of the Director.
6. All landscaping shown on the Site Plan and the Landscaping Plan shall be continuously maintained from the date of the issuance of the Certificate of Occupancy by the Town. The Owner/Applicant shall replace any and all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
7. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans for the Site or the PUD.
8. Safe and adequate pedestrian passage shall be maintained along the Site's entrances.
9. The Applicant shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction of the Site.
10. The dumpster shall be screened as noted on the Site Plan and kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town.
11. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site Plan and the Landscaping Plan.
12. The Site shall be subject to the Unity of Control which has been approved for the PUD. No building permit shall be issued until and unless an executed Unity of Control approved by the Town Attorney has been recorded.
13. Prior to the issuance of a building permit, the Applicant shall submit an application for a Plat and receive it's approval by the Town.
14. Prior to the issuance of any building permits, the Applicant shall submit copies of any permits required by other agencies, including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
15. Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, statement of use, photometric plan, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements

or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Department, and shall be subject to its review and approval.

16. Prior to the issuance of a Certificate of Occupancy for the grocery store, the Owner and Applicant shall ensure that all of the Park Avenue Extension, the interior roadways and curb cuts as shown in the approved PUD Mater Plan have been constructed and approved by the Town Engineer.
17. Plans shall include stamped/treated asphalt or similar decorative feature within hatched areas on the east and southwest sides.
18. The Applicant shall submit proposed Cross Access Agreements with the adjoining property owners, as may be necessary to comply with Section 78-144 of the Town Code, which shall be subject to the review and approval of the Town Attorney. Continuous access shall be maintained between all parcels in accordance with the PUD Master Plan and Section 78-144 of the Town Code.
19. The Applicant shall revise the Site Plan to show the relocation of some of the bike racks closer to the front entrance of the building.
20. The Owner or Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Failure to do so shall render the Development Order void. Once initiated, the development of the Site shall be completed within 18 months.
21. **Cost Recovery.** All fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Owner or an Applicant to reimburse the Town within the 10 day time period may result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

Section 3: The Owner, Applicant and their successors and assigns shall be subject to the conditions of approval.

Section 4. This Resolution shall become effective upon adoption.

APPLICATION REQUIREMENTS:

1. Please discuss how the Special Exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

Since the project use will be consistent with the overall proposed PUD, we feel that it is consistent with the Town's overall Comprehensive plan.

2. Please discuss how the proposed Special Exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.

Since the project use will be consistent with the overall proposed PUD, we feel that it is consistent with the Town's overall land development and zoning regulations.

3. Please explain how the proposed Special Exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location; mass; height and setback; and other relevant factors peculiar to the proposed Special Exception use and the surrounding property.

The proposed Grocery Store is part of an overall master PUD that is currently under review. Based on the master PUD we feel that we are consistent with the future use of the overall Commercial Park.

4. Please explain how the establishment of the proposed Special Exception use in the identified location does not create a concentration or proliferation of the same or similar type of Special Exception use, which may be deemed detrimental to the development or redevelopment of the area in which the Special Exception use is proposed to be developed.

The proposed Grocery Store is currently the only grocery store proposed in the Commerce Park. We don't feel that it will adversely affect the other proposed uses.

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5. Please explain how the Special Exception use does not have a detrimental impact on surrounding properties based on; (a) The number of persons anticipated to be using, residing, or working on the property as a result of the Special Exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception use; (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use.
 6. Please explain how the proposed Special Exception use meets the following requirements; (a) does not significantly reduce light and air to adjacent properties; (b) does not adversely affect property values in adjacent areas; (c) would not be deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations; (d) does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The proposed Grocery Store is part of a master PUD that is currently in for review. The use is consistent with the PUD and should not have any adverse affect on adjacent Commercial Uses.

7. Please provide the following:
 - a. Special Exception fee plus escrow of \$800.00.
 - b. Advertising costs: The petitioner shall pay all costs of publication of public hearing required in a newspaper of general circulation within the Town. This cost will be deducted from the escrow.
 - c. Courtesy Notice Property Owners List. A complete list of property owners and mailing addresses of all property owners within 300 feet of the subject parcel as recorded in the latest official tax role in the County Court House. Certified Mail will be sent to all owners within 300 feet; postage will be deducted from escrow.
 - d. The applicant must place a 3'x 3' sign on the property to be readily visible to vehicular and pedestrian traffic stating "THIS SITE IS BEING CONSIDERED FOR A CONDITIONAL USE - TOWN OF LAKE PARK". The applicant shall remove sign from subject property within ten (10) days of final action.
 - e. Location Map

- f. Provide a site plan drawn to scale indicating the size of the buildings, the intended floor area ratios, the quantity of parking spaces proposed to be provided, the intended access road(s), the general type of construction in accordance with the Florida Building Code and the codes of the Town of Lake Park, and the availability and approximate location of utilities.
- g. Provide a certified boundary survey by a surveyor registered in the State of Florida containing an accurate legal description of the property and a computation of the total acreage of the parcel.

DOCUMENTS:

1. A statement of the applicant's interest in the property.
2. A warranty deed with an affidavit from the applicant that the deed represents the current ownership.

REPORTS:

A traffic impact analysis, if required by the Town Engineer or staff, on the project generated Traffic impact on the external street serving the site.

For the final review, 13 complete sets of all final required documents, after approval of all other governing agencies, must be submitted.

The Town of Lake Park
Community Development Department



PLEASE DO NOT DETACH FROM APPLICATION.

SIGNATURE REQUIRED BELOW.

Please be advised that the Town of Lake Park Code of Ordinances under Section 51-6 provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs can include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional staff time, cost of reports and studies, NPDES stormwater review and inspection costs, all engineering fees and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions please contact the Community Development Department at 561-881-3318.

I, <u>[Signature]</u> , have read and understand the regulations above regarding cost recovery	
<u>[Signature]</u> Signature of Property Owner	<u>4/20/14</u> Date

533 Park Avenue, Lake Park, Florida 33403
Phone: (561) 881-3318 Fax: (561) 881-3323
Web Site: www.lakeparkflorida.gov



THE TOWN OF LAKE PARK

APPLICATION FOR SITE PLAN REVIEW

Project Name: ALDI - Lake Park

Property Address: North Congress Avenue, Lake Park, FL 33403

Owner: CONGRESS AVENUE PROPERTIES LTD Address: 4500 PGA Boulevard Suite 207 Palm Beach Gardens, FL 33418

Applicant (if not owner): Jeffrey Williams / ALDI Florida LLC

Applicant's Address: 2056 Vista Parkway, Suite 200 West Palm Beach, FL 33411 Phone: 813-446-5915

Fax: 888-635-8198 Cell Phone: _____ E-Mail: jeff.williams@aldi.us

Property Control Number (PNC): 3643421900005040

Site Information:

General Location: Parcel of Land on East side of North Congress Avenue between Water Tower Road and Park Avenue West

Address: North Congress Avenue, Lake Park, FL 33403

Zoning District: C-2 Future Land Use: Comm LI Industrial Acreage: 2.54
Business district

Adjacent Property:

Direction	Zoning	Business Name	Use
North	C2	Vacant	Vacant Commercial
East	C2	Vacant	Vacant Commercial
South	C2	Vacant	Vacant Commercial
West	TND	Residential	Residential

Justification:

Information concerning all requests (attach additional sheets if needed.)

- 1 Explain the nature of the request Construction of a +/- 17,135 square foot ALDI grocery store and associated parking lot and driveways.

2 What will be the impact of the proposed change on the surrounding area?

The proposed site is within a commercial business area so the proposed project should not have an adverse impact to surrounding projects.

3 How does the proposed project comply with Town of Lake Park's zoning requirements?

Proposed commercial business use complies with the current zoning and future land use designation.

Legal Description:

The subject property is located approximately _____ mile(s) from the intersection of _____ on the _____ north, X east _____ south, _____ west side of North Congress Avenue (street/road)

Legal Description See attached legal description.

I hereby certify that I am (we are) owner(s) of record of the above described property or that I (we) have written permission from the owner(s) of record to request this action



Signature of Owner/Applicant

3-5-14

Date

Consent Form from Owner and Designation of Authorized Agent:

Before me, the undersigned authority, personally appeared _____
who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description
2. That he/she is requesting _____
in the Town of Lark Park, Florida
3. That he/she has appointed Ryan Thomas, Brandon Ulmer, Thomas Engineering Group
to act as authorized on his/her behalf to accomplish the above project

Name of Owner CONGRESS AVENUE PROPERTIES Ltd.

[Signature]
Signature of Owner

Judith Galvis, V-President
By Name/Title

4500 PGA Boulevard Suite 207
Street Address

Palm Beach Gardens, FL 33418
City, State, Zip code

P O Box

City, State, Zip code

561-691-9050
Telephone Number

561-622-1851
Fax Number

Email Address

Sworn and subscribed before me this 5th day of March 2014



[Signature]
Notary Public

My Commission expires _____

RECEIPT

**LEGAL NOTICE OF PUBLIC HEARING
FOR A SPECIAL EXCEPTION USE
AND SITE PLAN APPLICATION -
TOWN OF LAKE PARK**

Please take notice and be advised that the Planning & Zoning Board will hold a public hearing on Monday, September 8, 2014 at 7:00 p.m., in the Town Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, for a Special Exception Use Application and a Site Plan Application by ALDI Florida, LLC. The Special Exception Use Application seeks to establish the use of a general grocery store within the Congress Business Park Planned Unit Development (PUD), to be located on a parcel between Watertower Road and the Park Avenue West, on the east side of North Congress Avenue. The Site Plan Application proposes the development of the proposed 17,107 square foot, one-story general grocery store within the above-referenced PUD. The applications will also tentatively be heard by the Town Commission of the Town of Lake Park at the meeting of Wednesday October 1, 2014 at 6:30 p.m., or as soon thereafter as can be heard, in the Lake Park Town Hall Commission Chambers, 535 Park Avenue, Lake Park, Florida.

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

Town Clerk: Vivian Mendez
8-29/ 2014 #294761



Town of Lake Park
Community Development Department

Certified Mail – You are receiving this notice because you are the legal owner of record for property that is located within 300 feet of the subject property.

August 28, 2014

Re: ALDI Florida, LLC - Special Exception Use & Site Plan Application

Dear Property Owner:

Please be advised that ALDI Florida, LLC (also known as "ALDI") has filed an application for Special Exception to establish the use of a general grocery store within the Congress Business Park Planned Unit Development (PUD), to be located on a parcel between Watertower Road and Park Avenue West, on the east side of North Congress Avenue. The Applicant is also requesting approval of a Site Plan Application to develop the 17,107 square foot, one-story general grocery store in the above referenced PUD.

The **Planning and Zoning Board** will conduct a public hearing to consider these applications on **Monday, September 8, 2014 at 7:00 p.m.**

The item will also tentatively be heard by the **Town Commission** on **Wednesday, October 1, 2014 at 6:30 p.m.**, or as soon thereafter as can be heard.

Both hearings will be held in the Town Hall Commission Chambers located at 535 Park Avenue, Lake Park, Florida. If you have any questions, please do not hesitate to call the Community Development Department at (561) 881-3319.

Sincerely,



Debbie Abraham, *Town Planner*

New Business

TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 1, 2014

Agenda Item No. 5

Agenda Title: RESOLUTION AMENDING THE TOWN OF LAKE PARK HANDBOOK OF PROCEDURES AND POLICIES FOR EMPLOYEES OF THE TOWN OF LAKE PARK TO REVISE THE TOWN DRUG FREE WORKPLACE POLICY

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

Approved by Town Manager *[Signature]* Date: 9/19/14
 Name/Title HUMAN RESOURCES DIRECTOR

Originating Department: Human Resources	Costs: \$ -0- Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Resolution and Copy of Proposed Revised Drug Free Workplace Policy in Redline Format
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case: <u>BMT</u> Please initial one.

Summary Explanation/Background:

The Town's current Drug Free Workplace Policy is set forth in the 2012 edition of the Handbook of Procedures and Policies for Employee of the Town of Lake Park (Employee Handbook) which was adopted by the Town Commission on August 15, 2012. It is necessary that periodic adjustments be made to the Drug Free Workplace Policy in order to ensure that it is consistent with applicable state and federal laws.

The purpose of this action is to amend the Employee Handbook to revise and update the Town's Drug Free Workplace Policy. A copy of the revised policy is attached in redline format as Exhibit A.

Staff recommends approval.

Recommended Motion: I move to adopt Resolution 34-10:14

RESOLUTION NO. 34-10-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE TOWN OF LAKE PARK HANDBOOK OF PROCEDURES AND POLICIES FOR EMPLOYEES OF THE TOWN OF LAKE PARK TO REVISE THE TOWN DRUG FREE WORKPLACE POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has previously adopted a Drug Free Workplace Policy which is set forth in the 2012 edition of the Town of Lake Park Handbook of Procedures and Policies for Employees of the Town of Lake Park (hereinafter referred to as the "Employee Handbook"); and

WHEREAS, the Town Commission recognizes that periodic adjustments must be made to the Drug Free Workplace Policy in order to keep it consistent with applicable state and federal laws; and

WHEREAS, Town staff has recommended to the Town Commission that the current Employee Handbook be amended to revise the Drug Free Workplace Policy; and

WHEREAS, the Town Commission has determined that it is in the best interest of Town employees to revise the Drug Free Workplace Policy as set forth in the 2012 edition of the Employee Handbook; and

WHEREAS, a true and correct copy of the proposed revised Drug Free Workplace Policy is attached hereto and incorporated herein as **Exhibit A**.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION
OF THE TOWN OF LAKE PARK, AS FOLLOWS:**

Section 1. The whereas clauses are incorporated herein as true and correct and are hereby made a specific part of this Resolution.

Section 2. The Employee Handbook is hereby amended to revise the Drug Free Workplace Policy as set forth in the attached **Exhibit A**.

Section 3. This Resolution shall become effective immediately upon adoption.

**TOWN OF LAKE PARK DRUG FREE WORKPLACE POLICY AND PROCEDURES
POLICY STATEMENT, SECTION 8
"DRUG FREE WORKPLACE POLICY"**

I. PURPOSE

As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work and to promote a drug-free community, the Town has established its Drug Free Workplace Policy and Procedures on the use or abuse of alcohol and drugs by its employees. Substance and alcohol abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity and a decline in the quality of products and services provided. Continuing research and practical experience have proven that even limited quantities of narcotics, abused prescription drugs or alcohol can impair reflexes and judgment. For these reasons, the Town policy requires that all employees must report to work and work completely free from the presence of illegal drugs or alcohol in their bodies, and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

This policy is established to provide guidelines on handling incidents of alcohol and/or drug abuse as it relates to the workplace, in compliance with the drug-free workplace requirements under the Florida Statutes Workers' Compensation Chapter (Fla. Stat. § 440.101-02). The legislative intent of the Chapter is to promote drug-free workplaces in order for employers to be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from drug abuse by employees. Further, drug abuse is discouraged under the statute, and employees who choose to engage in drug abuse face the risk of unemployment and the forfeiture of workers' compensation benefits. To qualify as having established a drug-free workplace program under Chapter 440 and to qualify for discounts provided under section 627.0915, Florida Statutes, and deny medical and indemnity benefits under this chapter, the Town must implement drug testing that conforms to the standards and procedures established in section 440.102. The Town has implemented a drug-free workplace program in accordance with the notice, education, and procedural requirements taken directly from the comprehensive procedures outlined in Florida Statute § 440.102. Chapter 59A-24 of the Florida Administrative Code, containing the Drug-Free Workplace Standards adopted by the Agency for Health Care Administration, is also hereby incorporated by reference and shall be utilized for all drug testing pursuant to Chapter 440, Florida Statutes. This policy is hereby implemented pursuant to the Drug-Free Workplace Program under Florida law, Chapter 440, Florida Statutes. This law provides that an employee who is injured in the course and scope of his/her employment and who either tests positive on a drug or alcohol test or who refuses to be tested forfeits his/her eligibility for workers' compensation medical and indemnity benefits.

Questions concerning the Town's policy should be presented to the Human Resources Director for guidance or clarification.

~~H. SCOPE~~

~~All current and future applicants and employees are covered by this policy and, as a condition of employment, are required to abide by the terms of this policy. Because of state or federal laws and regulations, certain employees may be subject to additional requirements. Employees covered by a Collective Bargaining agreement may have specific language in their agreement concerning the Town's Drug-Free Workplace policy; however, all employees of the Town are expected to comply with the provisions contained in the Town's policy, including any enacted amendments or supplements to Florida law or administrative regulations.~~

~~III. DEFINITIONS~~

~~The definitions set forth in Chapter 440, Florida Statutes, and ~~the Chapter 59A-24~~ Florida Administrative Code will apply to the terms used in this policy. In pertinent part:~~

- ~~a. Confirmation test, confirmed test, or confirmed drug test refer to a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.~~
- ~~b. Drug means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid¹; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. An employer may test an individual for any or all of such drugs.~~
- ~~c. Drug Rehabilitation Program means a service provider, established pursuant to s. 397.311(33), Florida Statutes, that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.~~
- ~~d. Drug test or test refer to any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.~~
- ~~e. Initial Drug Test means a sensitive, rapid, and reliable procedure to identify~~

¹ "Drug" is defined herein as defined in Fla. Stat. § 440.102(1)(c). The section 440.102 has not been amended since the passage of Fla. Stat. § 381.986, the legislature has not expressly provided an exception to the definition of "drug" for medically prescribed low-THC Cannabis (as defined in section 381.986). "Drug" is therefore interpreted by the Town as including all cannabinoids, including low-THC Cannabis. However, through section 440.102(1)(1)'s reference to section 893.02 (which defines "cannabis" as excluding low-THC Cannabis), this policy shall treat low-THC Cannabis as a prescription drug, and all appropriate rules and requirements shall apply accordingly.

negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

f. **Job Applicant** means a person who has applied for a mandatory-testing position. Mandatory testing positions include the following:

- Camp Counselor
- Childrens' Services Assistant
- Dock Attendant
- Equipment Operator I
- Equipment Operator II
- Equipment Operator III
- Facilities Mechanic
- Foreman General Infrastructure
- Foreman
- Grounds Maintenance Crew Leader
- Human Resources Director
- Librarian I
- Library Assistant II

g. **Medical Review Officer or MRO** mean a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

h. **Prescription or non-prescription medication** refer to drugs or medication obtained pursuant to a prescription as defined by section 893.02², Florida Statutes, or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

i. **Reasonable-suspicion drug testing** means drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn

² As referenced above in subsection (b), defining "drugs" under this Policy, section 893.02 defines "Cannabis" as excluding "low-THC cannabis", as long as the low-THC cannabis is manufactured, possessed, sold, purchased, delivered, distributed, or dispensed in conformance with section 381.986, Florida Statutes. Accordingly, such low-THC cannabis will be evaluated as a prescription drug, and employees must conform with the requirements of section (VXF) of this Policy.

from those facts in light of experience. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance
3. A report of drug use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
5. Information that an employee has caused, contributed to, or been involved in an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

j. **Mandatory-testing position** means a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to section 110.1127, Florida Statutes, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

k. **Special-risk position** means a position that is required to be filled by a person who is certified under Chapter 633 (Fire Prevention and Control) or Chapter 943 (Department of Law Enforcement), Florida Statutes.

l. **Specimen** means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

III. NOTICE

- a. Prior to testing, an employee or job applicant shall receive proper notice in the form of this Comprehensive Alcohol and Drug Abuse Policy. Additionally, Chapter 59A-24 of the Florida Administrative Code shall be provided upon request.
- b. The drugs to be tested for are included in the definition provided above. The following is a list of over-the-counter and prescription drugs which could alter or affect a test result:

- i. Alcohol: all liquid medications containing ethyl alcohol (ethanol). For example: Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof). Check the label of liquid medications for alcohol content.
- ii. Amphetamines: Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin
- iii. Cannabinoids: Marinol
- iv. Cocaine: Cocaine HCl topical solution (Roxanne)
- v. Phencyclidine : Not legal by prescription
- vi. Methaqualone: Not legal by prescription
- vii. Opiates: Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiacuss AC, NOVahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
- viii. Barbiturats: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.
- ix. Benzodiazepines: Ativan, Azene, Clonpin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
- x. Methadone: Dolphine, Metadose
- xi. Propoxyphene: Darvocet, Darvon N, Dolene, etc.

This list is not intended to be all-inclusive.

- c. The following are the name, address and telephone number of the Town's Employee Assistance Program (EAP) through which substance abuse assessment and counseling services are available to Town employees. The Town will pay the cost of such services if the Town's sponsored EAP program is used:

Center for Family Services
4101 Parker Avenue
West Palm Beach, FL 33405
Telephone: 561-616-1222 ext. 227

- ~~— a representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs;~~
- d. The Town has a collective bargaining agreement, which acknowledges the Town's adherence to Fla. Stat. § 440 and requirements for a drug free workplace policy in conjunction with workers' compensation rights. For employees whose positions are covered by the collective bargaining agreement, appeals of disciplinary actions may be brought forth following the procedures set forth in the collective bargaining agreement. More specifically: All regular full-time and regular part-time employees may make an appeal of disciplinary action or other management decision by addressing the appeal to the Employee Complaint Review Committee (ECRC). In the

event of an appeal of disciplinary action, the employee may request such an appeal requesting that the ECRC determine the appropriateness of the recommended disciplinary action. Such request shall be submitted in writing to the Human Resources Director within five (5) workdays of the disciplinary recommendation using the prescribed form. The Human Resources Director shall forward the request to the Town Manager who shall submit the request to the ECRC to convene the meeting.

IV. WHEN TESTING MAY BE REQUIRED

The Town may require an employee to submit to tests for the presence of drugs after proper notice, under any of the following circumstances:

- a. As part of the initial screening process for job applicants applying for special-risk or mandatory-testing positions, as defined above.
- b. Whenever an employee's job classification is changed such that the new job classification is a special-risk or mandatory-testing position, as defined above.
- c. Whenever Reasonable-Suspicion Drug Testing is warranted, as defined above.
- d. As part of routine fitness for duty drug testing for employees in special-risk or mandatory-testing positions.

The following job positions require a current commercial drivers' license and are subject to routine fitness for duty drug testing every two years:

- Public Works Director
- Recreation Director
- Foreman General Infrastructure
- Foreman
- Vehicle Maintenance Foreman
- Equipment Operator II
- Equipment Operator III
- Stormwater Technician I
- Stormwater Technician II
- Maintenance Worker II
- Maintenance Worker III
- Grounds Maintenance Crew Leader
- Facilities Maintenance Worker III
- Recreation Bus Driver

For follow-up drug testing, if the employee in the course of employment enters an employee assistance program for drug-related problems, or a drug rehabilitation program, the employee is required to submit to a drug test as follow-up to such program, unless the employee voluntarily entered the program. In those cases, the Town has the option to not require follow-up testing. If follow-up testing is required, it must be conducted at least once a year for a two year period after completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested.

V. DRUG USE PROHIBITIONS FOR ALL EMPLOYEES

Though mandatory testing may only be conducted under the circumstances listed and described above, the following conduct is prohibited for all employees pursuant to the Town's effort to provide a safe, healthy, drug-free workplace and promote a drug-free community:

- A. All employees are prohibited from manufacturing, distributing, dispensing, possessing, using or being impaired, intoxicated or under the influence of drugs (as defined in the policy) while on duty, operating a Town vehicle or equipment or on Town property including parking areas or while otherwise performing Town duties away from the Town.
- B. Off-duty abuse of drugs which adversely affects an employee's job performance, or which can be expected to cause harm to the Town's image or relationship with other employees or the public, is prohibited.
- C. An employee who is perceived to be under the influence of drugs will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The Town will take further action based on medical information, work history and other relevant factors and will conduct the appropriate drug test if reasonable suspicion is found. The determination of what action is appropriate in each case rests solely with the Town.
- D. Employees arrested for an alcohol or drug related incident shall immediately notify their supervisor or Department Head who shall immediately notify the Human Resources Director.
- E. For the purpose of this policy, an employee is presumed to be impaired by drugs if the results of a urine test or any other accepted testing procedure is positive for the presence of one or more of the illegal substances for which the Town will test.
- F. The proper use of medication prescribed by your physician is not prohibited; however, this policy expressly prohibits the misuse of prescribed medications. Prescription drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any prescription drug which might impair safety, performance or any motor functions must advise his/her supervisor before reporting to work under such medication. Failure to do so may

result in disciplinary action. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair job performance. If the Town determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his or her job the Town may, at its sole discretion, temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of prescription drugs is prohibited and may result in disciplinary action, up to and including termination of employment. Prescription medication must be kept in its original container if such medication is taken during working hours or on Town property, or the prescription must be available to be brought in by the employee and made available upon request by the employee's supervisor within a reasonable period of time.

- G. It shall be the responsibility of each employee who observes or has knowledge of another employee in a condition which impairs the employee to perform his/her job duties, or who presents a hazard to the safety and welfare of others or is otherwise in violation of this policy, to promptly report that fact to his/her immediate supervisor.

IV.—ALCOHOL USE PROHIBITIONS

- A.—All employees are prohibited from distributing, dispensing, possessing, using or being impaired, intoxicated or under the influence of alcohol while on duty, operating a Town vehicle or equipment or on Town property including parking areas or while otherwise performing Town duties away from the Town.
- B.—Off-duty abuse of alcohol which adversely affects an employee's job performance, or which can be expected to cause harm to the Town's image or relationship with other employees or the public, is prohibited.
- C.—For the purpose of this policy, an employee is presumed to be impaired, intoxicated or under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows that the employee has a level of at least .05 percent blood alcohol in his/her system at the time of testing.
- D.—An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The Town will take further action based on medical information, work history and other relevant factors. The determination of what action is appropriate in each case rests solely with the Town.
- E.—Employees arrested for an alcohol or drug related incident shall immediately notify their supervisor or Department Head who shall immediately notify the Human Resources Director.

V.—DRUG USE PROHIBITIONS

- A.—All employees are prohibited from manufacturing, distributing, dispensing, possessing or using illegal drugs or other unauthorized or mind-altering or intoxicating substances while on duty, operating a Town vehicle or equipment or on Town property (including parking areas and grounds) or while otherwise performing Town duties away from the Town. Included within this prohibition are lawful controlled substances which have been illegally or improperly obtained. Employees are also prohibited from reporting to work or working with the presence of any such illegal or unauthorized controlled substances or excessive amounts of otherwise lawful controlled substances in their systems.
- B.—For the purpose of this policy, an employee is presumed to be impaired by drugs if the results of a urine test or any other accepted testing procedure is positive for the presence of one or more of the illegal substances for which the Town will test.

~~C. The proper use of medication prescribed by your physician is not prohibited; however, this policy expressly prohibits the misuse of prescribed medications. Prescription drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any prescription drug which might impair safety, performance or any motor functions must advise his/her supervisor before reporting to work under such medication. Failure to do so may result in disciplinary action. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair job performance. If the Town determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his or her job the Town may, at its sole discretion, temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of prescription drugs is prohibited and may result in disciplinary action, up to and including termination of employment. Prescription medication must be kept in its original container if such medication is taken during working hours or on Town property, or the prescription must be available to be brought in by the employee and made available upon request by the employee's supervisor within a reasonable period of time.~~

~~D. It shall be the responsibility of each employee who observes or has knowledge of another employee in a condition which impairs the employee to perform his/her job duties, or who presents a hazard to the safety and welfare of others or is otherwise in violation of this policy, to promptly report that fact to his/her immediate supervisor.~~

VI. TESTING

The Town shall conduct drug tests in the following circumstances:

~~A. Applicant Testing~~

- ~~1. All job applicants will be tested for the presence of illegal drugs as part of the application process.~~
- ~~2. The Town may elect to conduct limited testing of job applicants and only test applicants who apply for certain job positions, based on a reasonable classification basis.~~
- ~~3. The Town may allow a job applicant to begin work pending the results of the drug test; however, any such employment is conditional and may be revoked if the applicant/employee fails the required test.~~
- ~~4. Any job applicant who refuses to submit to drug testing, refuses to sign a consent form, fails to appear for testing, tampers with the test, or fails to pass the pre-employment drug test will be ineligible for hire. Such an individual may not reapply for employment with the Town for at least one (1) year from the date of the drug test.~~

~~B. — Reasonable Suspicion Testing~~

~~Employees must submit to a drug test if the Town has reasonable suspicion that they have violated any of the rules set forth in this policy. "Reasonable suspicion" may arise from, among other factors:~~

- ~~1. — Direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.~~
- ~~2. — Deterioration in work performance.~~
- ~~3. — A report of drug use provided by a reliable and credible source.~~
- ~~4. — Evidence that an individual has tampered with a drug test during his/her employment with the Town.~~
- ~~5. — Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on Town premises or while operating Town vehicles, machinery or equipment.~~
- ~~6. — Abnormal conduct or erratic behavior while at work.~~

~~C. — Routine Fitness For Duty Testing~~

~~An employee will submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness for duty medical examination that is part of the Town's established policy or that is scheduled routinely for all members of an employment classification or group.~~

~~D. — Follow-up Testing~~

~~If the employee in the course of employment enters an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, the employee must submit to drug testing as a follow-up to such a program, at least once a year for a two-year period after completion of the program. Advance notice of follow-up testing will not be given to the employee being tested.~~

~~E. — Random Testing~~

~~Employees who are required to have a commercial driver's license (CDL) will be required to submit to drug testing on a random basis.~~

~~Selection of employees for random testing will be conducted through the use of a neutral selection process.~~

When an employee is selected for random testing, both the employee and the employee's supervisor will be notified on the day the test is scheduled to occur.

Testing may be postponed only when an employee's supervisor agrees that there is a compelling need for deferral.

An employee whose random drug test is deferred will be subject to an unannounced test within sixty (60) days.

F. — Job-Related Accident or Injury

An employee who has a job-related accident or injury shall report the incident to the appropriate Department Head immediately, and shall submit to a post-accident drug test immediately following such incident.

G. — Additional Testing

Additional testing may also be conducted as required by applicable state or federal laws, rules or regulations, or as deemed necessary by the Town.

VI. TESTING PROCEDURES AND EMPLOYEE PROTECTION

The following procedure will be used for testing in accordance with this Policy and Chapter 440:

- A. A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.
- B. Specimen collection must be documented and the documentation procedures shall include: (1) labeling specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results; and (2) a form for the employee or job applicant to provide any information he or she considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information. The form must provide notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. The providing of information shall not preclude the administration of the drug test but shall be taken into account in interpreting any positive confirmed test result.
- C. Specimen collection, storage, and transportation to testing site shall be performed in a manner that reasonably precludes contamination or adulteration of specimens.
- D. Each confirmation test conducted shall be conducted by a licensed or certified laboratory pursuant to Chapter 440.
- E. A specimen may be taken or collected by: a physician, a physician assistant, a registered professional nurse, a licensed practical nurse, or a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of

- rendering emergency medical service or treatment; or a qualified person employed by a licensed or certified laboratory as outlined in Chapter 440.
- F. The person who collects or takes a specimen shall collect an amount sufficient for two drug tests as determined by the Agency for Health Care Administration.
 - G. Every specimen that produces a positive, confirmed test result shall be preserved by the licensed or certified laboratory that conducted the confirmation test for a period of at least 210 days after the result of the test was mailed or otherwise delivered to the medical review officer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled. During the 180 day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee's or job applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the employer is responsible for the transfer of the portion of the specimen to best and for the integrity of the chain of custody during such transfer.
 - H. Within 5 working days after receipt of a positive confirmed test result from the medical review officer, an Town shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. The Town shall provide the employee or job applicant a copy of the test results upon request.
 - I. Within 5 working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the Town explaining or contesting the test result, and explaining why the result does not constitute a violation of the employer's policy.
 - J. If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the Town, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive result, shall be provided by the Town to the employee or job applicant; and all such documentation shall be kept confidential by the Town pursuant to Chapter 440 and shall be retained by the Town for at least 1 year.
 - K. The Town may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a medical review officer.
 - L. The Town shall use chain-of-custody procedures established by the Agency for Health Care Administration to ensure proper recordkeeping, handling, labeling, and identification of all specimens tested.
 - M. The Town shall pay the cost of all drug tests, initial and confirmation, which the employer requires of employees. An employee or job applicant shall pay the costs of any additional drug tests not required by the Town.
 - N. The Town shall not discharge, discipline, or discriminate against an employee

solely upon the employee's voluntarily seeking treatment, while under the employ of the Town, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered a drug rehabilitation program. Unless otherwise provided by a collective bargaining agreement, the Town may select the employee assistance program or drug rehabilitation program if the Town pays the cost of the employee's participation in the program.

- O. If drug testing is conducted based on reasonable suspicion, the Town shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential by the Town pursuant to subsection (8) of Section 440.102, and shall be retained by the employer for at least 1 year.
- P. All authorized remedial treatment, care, and attendance provided by a health care provider to an injured employee before medical and indemnity benefits are denied under this section must be paid for by the carrier or self-insurer. However, the carrier or self-insurer must have given reasonable notice to all affected health care providers that payment for treatment, care, and attendance provided to the employee after a future date certain will be denied. A health care provider, as defined in s. 440.13(1)(g), that refuses, without good cause, to continue treatment, care, and attendance before the provider receives notice of benefit denial commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
- Q. Confirmation Testing
1. If an initial drug test is negative, the Town may in its sole discretion seek a confirmation test.
 2. Only licensed or certified laboratories may conduct confirmation drug tests.
 3. All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the United States Food and Drug Administration as such technology becomes available in a cost-effective form.
 4. If an initial drug test of an employee or job applicant is confirmed as positive, the Town's medical review officer shall provide technical assistance to the employer and to the employee or job applicant for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

VII. TOWN PROTECTION

- a. An employee or job applicant whose drug test result is confirmed as positive in accordance with this section shall not, by virtue of the result alone, be deemed to have a "handicap" or "disability" as defined under federal, state, or local handicap and disability discrimination laws.
- b. No physician-patient relationship is created between an employee or job applicant and the Town or any person performing or evaluating a drug test, solely by the establishment, implementation, or administration of a drug-testing program.

- c. If an employee or job applicant refuses to submit to a drug test, the Town is not barred from discharging or disciplining the employee or from refusing to hire the job applicant.

VIII. CONFIDENTIALITY PURSUANT TO SUBSECTION (8) OF SECTION 440.102, FLORIDA STATUTES

- a. Except as otherwise provided in this subsection, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section or in determining compensability under this chapter.
- b. The Town laboratories, medical review officers, employee assistance programs, drug rehabilitation programs, and their agents may not release any information concerning drug test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, unless such release is compelled by an administrative law judge, a hearing officer, or a court of competent jurisdiction pursuant to an appeal taken under this section or is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:
 - 1. The name of the person who is authorized to obtain the information.
 - 2. The purpose of the disclosure.
 - 3. The precise information to be disclosed.
 - 4. The duration of the consent.
 - 5. The signature of the person authorizing release of the information.
- c. Information on drug test results shall not be used in any criminal proceeding against the employee or job applicant. Information released contrary to this section is inadmissible as evidence in any such criminal proceeding.
- d. This subsection does not prohibit the Town, an agent of the Town, or laboratory conducting a drug test from having access to employee drug test information or using such information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.
- e. In accordance with Attorney General Opinion 2013-19, drug test results obtained by the Town pursuant to this drug-testing program are not subject to inspection or copying pursuant to a request under Chapter 119, Florida Statutes, Florida's Public Records Law.

IX. DRUG TESTING STANDARDS FOR LABORATORIES

The Town will follow the Drug-Testing Standards for Laboratories as outlined in subsection (9) of Section 440.102, Florida Statutes. Also see the drug-testing standards included in Chapter 59A-24 of the Florida Administrative Code, which will be provided upon request.

X. EMPLOYEES TESTING POSITIVE FOR DRUG USE

- a. If an employee in a mandatory-testing position enters an employee assistance program or drug rehabilitation program, the Town must assign the employee to a position other than a mandatory-testing position or, if such position is not available, place the employee on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.
- b. An employee in a special-risk position may be discharged or disciplined by the Town for the first positive confirmed test result if the drug confirmed is an illicit drug under s. 893.03. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special-risk or mandatory-testing position of the Town, but may be assigned to a position other than a mandatory-testing position or placed on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

XI. ARREST OR CONVICTION FOR DRUG-RELATED CRIME

- A. If an employee is arrested for or convicted of a drug-related crime, the Town will investigate the circumstances and direct the implementation of drug-testing procedures if cause is established by the investigator. In most cases, an arrest for a drug-related crime constitutes reasonable suspicion of drug use under this policy. The following procedures will apply:
 1. During investigation, an employee may, at the Town's discretion, be placed on leave without pay. After the investigation is completed, the leave may be converted to a suspension without pay or other disciplinary action, or the employee may be reinstated depending upon the facts and circumstances.
 2. If convicted of a drug-related crime, an employee will be terminated from employment.
 3. If an employee has been suspended and the case has been dismissed or otherwise disposed of, the Town will make a determination as to whether to authorize the employee's return to work based on its investigation. If the employee is authorized to return to work, the employee must agree in writing to unannounced, periodic testing for a period of up to two (2) years.
 4. Because of the seriousness of such situations, the Town reserves the right to alter or change its policy or decision on a given situation depending upon its investigation and the totality of the circumstances.

~~B. As a condition of continued employment, an employee shall notify the Town of any criminal drug statute arrest or conviction immediately or by the beginning of the next business day.~~

XII. DENIAL OF BENEFITS

~~The Town shall deny an employee medical or indemnity benefits under Chapter 440 for a violation of the Drug-Free workplace program implemented by the Town.~~

IV. VII. PRIOR TO TESTING

~~A. The Town may test for any or all of the following drugs:~~

~~Alcohol~~

~~Amphetamines (Desoxyn, Dexedrine)~~

~~Cannabinoids (e.g., marijuana)~~

~~Cocaine~~

~~Phencyclidine (e.g., PCP)~~

~~Methaqualone~~

~~Opiates (e.g., opium)~~

~~Barbiturates (Phenobarbital, Tuinal, Amytal)~~

~~Benzodiazepines (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)~~

~~Methadone (Dolophine, Methadone)~~

~~Propoxyphene (Darvocet, Darvon-N, Dolene)~~

~~Metabolites of any substances listed above~~

~~B. Job applicants required to submit to drug testing and employees required to submit to drug and alcohol testing must sign a consent agreement and release of liability prior to testing.~~

C. Because of the potential adverse consequences of positive test results on employees, the Town will employ a very accurate testing program. All samples will be analyzed by a qualified independent laboratory which has been selected by the Town and certified by the Agency for Health Care Administration or the U.S. Department of Health and Human Services.

D. Applicants and employees will be given an opportunity prior to and after testing to provide any information to the Medical Review Officer which they consider relevant to the test including listing all drugs they have taken recently, including prescribed drugs, and to explain the circumstances of the use of those drugs. This medical information is confidential and should be given only to the Medical Review Officer. Applicants and employees will also be provided with a notice of the most common medications by brand name, as well as the chemical name, which may alter or affect a drug test. Finally, applicants will receive a summary of this policy and a list of employee assistance programs and local drug rehabilitation programs.

E. An employee injured at the workplace is required to be drug tested and will be taken if necessary to a medical facility for immediate treatment of injuries. If the injured employee is not at a designated collection site, the employee will be transported to one as soon as it is medically feasible and specimens will be obtained. If it is not medically feasible to move the injured employee, specimens will be obtained at the treating facility and transported to an approved testing laboratory.

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F. No specimens will be taken prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must release to the employer the results of any tests conducted for the purpose of showing the presence of alcohol or drugs in his/her system.

G. Urine will be used for the initial test for all drugs except alcohol and for the confirmation of all drugs except alcohol. Blood will be used as the initial and confirmation test for alcohol.

H. The Town will pay the cost of initial and confirmation drug tests which it requires of employees and job applicants. An employee or job applicant will pay the cost of any additional drug tests not required by the Town.

VIII. PROCEDURE

A. The Human Resources Director will coordinate all testing requests except for the random testing carried out under the DOT regulations. Questions regarding this policy or requests for testing should be directed to Human Resources Director or the Town Manager.

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B. Drug testing shall be conducted in accordance with the following procedures:

1. — Collection, transportation and storage of samples shall be conducted with due regard to the privacy of the individual providing the sample and in a manner reasonably calculated to prevent substitution or contamination of the sample. The Town shall use chain-of-custody procedures as established by state and federal rules and guidelines. Formatted: No bullets or numbering
2. — Each specimen container shall be labeled. Formatted: No bullets or numbering
3. — Employees and applicants shall be given a form on which they may provide any information relevant to the test, including identification of currently or recently used prescription or non-prescription medications or other relevant medical information. The form shall provide notice of the most common medications by brand name, as well as the chemical name, which may alter or affect a drug test. The providing of information shall not preclude the administration of the drug test, but shall be taken into account in interpreting any positive confirmed test results. Formatted: No bullets or numbering
4. — Tests shall be conducted by a laboratory licensed and approved by the Agency for Health Care Administration or certified by the United States Department of Health and Human Services. Formatted: No bullets or numbering
5. — Specimens may be taken or collected by a physician, a physician assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner or certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment or by a qualified person employed by a licensed or certified laboratory. Formatted: No bullets or numbering
6. — A person who collects or takes a specimen for a drug test shall collect an amount sufficient for two (2) drug tests as determined by the Agency for Health Care Administration. Formatted: No bullets or numbering
7. — Specimens yielding a positive confirmed test result shall be preserved by the licensed or certified laboratory that conducted the confirmation test:
 - a. for at least 210 days after the result of the test was mailed or otherwise deliver to the Medical Review Officer; or
 - b. if the employee or job applicant undertakes an administrative or legal challenge to the test result and notifies the laboratory of such, until the case or administrative appeal is settled.
8. — During the 180 day period after written notification of a positive test result, the employee or job applicant may obtain a portion of the sample for retesting at the employee's or job applicant's expense, by another licensed laboratory licensed and approved by the Agency for Health Care Administration. The laboratory which performed the original test and confirmation is responsible for the transfer of the sample and for the integrity of the chain-of-custody during the transfer. Formatted: No bullets or numbering
9. — Within five (5) workdays after receipt of a positive confirmed test result from the Medical Review Officer, the Town shall notify the employee or job applicant in writing of the result, its consequences and the employee's or job applicant's options. Formatted: No bullets or numbering

10. The Town shall provide a copy of the test results to the employee or job applicant upon request.

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11. Within five (5) workdays after receipt of a positive confirmed test result, the employee or job applicant may submit information to the Medical Review Officer explaining or contesting the test results, or to the Town explaining why the results do not constitute a violation of this policy. If the challenge or explanation is unsatisfactory, the employee or job applicant shall be provided with a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with a report of the test results. All such documentation shall be kept confidential and shall be retained by the employer for at least one (1) year.

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C. — Employee Protection

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1. — The drug testing laboratory will not disclose any information concerning the health or mental condition of the tested employee.

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2. — The Town will not request or receive from the testing facility or the Medical Review Officer any information concerning the personal health, habit or condition of the employee including, but not limited to, the presence or absence of HIV antibodies in the body fluids.

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3. — The Town will not discharge, discipline, refuse to hire, discriminate against or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a Medical Review Officer.

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4. — The Town shall not discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employ of the employer, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered a drug rehabilitation program. The Town retains the right to select the employee assistance program or drug rehabilitation program if the Town pays the cost of the employee's participation in the program.

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5. — All authorized remedial treatment, care and attendance provided by a health care provider to an injured employee before medical and indemnity benefits are denied must be paid for by the carrier or self-insurer. However, the carrier or self-insurer must have given reasonable notice to all affected health care providers that payment for treatment, care and attendance provided to the employee after a future date certain will be denied. An employee who voluntarily comes forward before being confronted, tested or involved in a drug-related incident may be provided rehabilitative opportunities, leave or an opportunity to resign as determined by management in consultation with a Town coordinating physician.

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6. — The Town shall promptly detail in writing the circumstances which formed the basis of a determination that reasonable suspicion existed to warrant testing and shall provide this documentation to the employee upon request. The original documentation shall be kept confidential and shall be retained by the Town for at least one (1) year.

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IX. DISCIPLINARY ACTION

~~A. In the case of a first-time violation of the Town's policy, including a positive drug or alcohol test result, the employee will be subject to discipline, up to and including termination of employment. Refusal to submit to testing under this policy may result in forfeiture of eligibility for all medical and indemnity benefits and may subject the employee to termination of employment.~~

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~~B. The Town may, at its sole discretion, suspend employees without pay under this policy pending the results of a drug test or investigation.~~

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~~C. Any employee having a second positive drug test during his/her employment with the Town will be terminated from employment.~~

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~~D. Employees who are not immediately terminated for testing positive or for some other violation of the policy shall, at the Town's sole discretion, be required to execute an agreement acknowledging:~~

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~~1. That they tested positive or otherwise violated the policy; and,~~

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~~2. That in exchange for the Town not terminating employment for this instance of testing positive or otherwise violating the policy, they agree to undergo rehabilitation, counseling or other activities prescribed by the Town's coordinating physician in conjunction with management; to undergo periodic unannounced drug testing for a period of two (2) years, and be subject to termination from employment for any future violation of the policy.~~

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~~E. Employees who test positive, admit to drug or alcohol use or related misconduct, or voluntarily seek assistance, and are not terminated from employment, will not be returned to work or continue working until they have been evaluated by the Town's EAP Program Provider in conjunction with administration to determine if they can safely return to work.~~

XIII. INVESTIGATIONS/SEARCHES

A. Where the Town has reasonable suspicion that an employee has violated the substance abuse policy, the Town may inspect vehicles, lockers, work areas, desks, purses, briefcases, tool boxes and other locations or belongings on the Town's premises without prior notice, in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Town may do so for him or her, and compensate the employee for the lock. Any such searches will be coordinated with a representative of management.

B. Individuals may be requested to display personal property for visual inspection upon Town request. Failure to consent to a search or display

personal property for visual inspection will be grounds for discharge or denial of access to Town premises.

- C. Individuals may be required to empty their pockets, but under no circumstances will an employee be required to remove articles of clothing or be physically searched.
- D. Employees will be subject to discipline, up to and including termination of employment, for refusing to cooperate with searches or investigations.

~~XI. ARREST OR CONVICTION FOR DRUG-RELATED CRIME~~

~~A. If an employee is arrested for or convicted of a drug-related crime, the Town will investigate the circumstances and direct the implementation of drug testing procedures if cause is established by the investigator. In most cases, an arrest for a drug-related crime constitutes reasonable suspicion of drug use under this policy. The following procedures will apply:~~

- ~~1. During investigation, an employee may, at the Town's discretion, be placed on leave without pay. After the investigation is completed, the leave may be converted to a suspension without pay or other disciplinary action, or the employee may be reinstated depending upon the facts and circumstances.~~
- ~~2. If convicted of a drug-related crime, an employee will be terminated from employment.~~
- ~~3. If an employee has been suspended and the case has been dismissed or otherwise disposed of, the Town will make a determination as to whether to authorize the employee's return to work based on its investigation. If the employee is authorized to return to work, the employee must agree in writing to unannounced, periodic testing for a period of up to two (2) years.~~
- ~~4. Because of the seriousness of such situations, the Town reserves the right to alter or change its policy or decision on a given situation depending upon its investigation and the totality of the circumstances.~~

~~B. As a condition of continued employment, an employee shall notify the Town of any criminal drug statute arrest or conviction immediately or by the beginning of the next business day.~~

~~XII. CONFIDENTIALITY~~

All information received by the Town as a result of a drug testing program is confidential and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except:

- A. Confidential information may be released pursuant to a written consent form signed voluntarily by the person tested.
- B. Confidential information may be released if such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under Florida law.
- C. Confidential information may be released to a professional or occupational licensing board in a related disciplinary proceeding.
- D. The Town, agents of the Town or laboratories conducting drug tests may have access to and use employee drug test information when consulting with legal counsel in connection with actions brought under or related to Chapter 440 Florida Statutes or when the information is relevant to the Town's defense in a civil or administrative matter.