



AGENDA

Lake Park Town Commission
 Town of Lake Park, Florida
 Regular Commission Meeting
 Wednesday, January 21, 2009,
 Immediately following the
 Special Call CRA Board Meeting,
 Lake Park Town Hall
 535 Park Avenue

Desca DuBois	—	Mayor
Edward Daly	—	Vice-Mayor
G. Chuck Balius	—	Commissioner
Jeff Carey	—	Commissioner
Patricia Osterman	—	Commissioner
.....		
Maria V. Davis	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian M. Lemley	—	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**
- B. **INVOCATION**
- C. **PLEDGE OF ALLEGIANCE**
- D. **ROLL CALL**
- E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**
- F. **PROCLAMATION:**
 - Honoring Neal Carlin for 12 years of Vendor Participation/Contributions during Town Events
 - Honoring Palm Beach County Sheriff's Officer Deputy William Hess for 22 Years of Service to the Town of Lake Park

G. **PRESENTATION:**
Presentation Regarding Marina Boat Ramps Emergency Repair Requirements by
Cutcher & Associates, Inc.

H. **PUBLIC and OTHER COMMENT**
This time is provided for audience members to address 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.

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

J. **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.

For Approval:

- | | |
|---|-------|
| 1. Regular Commission Meeting Minutes of December 17, 2008 | Tab 1 |
| 2. Regular Commission Meeting Minutes of January 7, 2009 | Tab 2 |
| 3. Set Date for the 2009 Lake Park Fireworks Festival | Tab 3 |
| 4. Renewal of Intergovernmental Consultant (Lobbyist) Agreement | Tab 4 |
| 5. Marina South Breakwater Project Change Order # 2 | Tab 5 |
| 6. Marina South Breakwater Project Change Order # 3 | Tab 6 |

K. **PUBLIC HEARING(S)**

ORDINANCE ON SECOND READING:

7. ORDINANCE NO. 01-2009 Mariner's Key Text Change Amendment Tab 7
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE
PARK, FLORIDA, AMENDING THE TOWN CODE, CHAPTER 76, ARTICLE IV,
SECTION 76-122 ENTITLED "CONSTRUCTION IN LAKE WORTH" TO
ELIMINATE CERTAIN OUTDATED REGULATORY PROVISIONS, AND TO
PROVIDE UPDATED REGULATIONS IN AN ATTEMPT TO FACILITATE
FUTURE ORDERLY DEVELOPMENT WITHIN THE TOWN ALONG THE
LAKE WORTH WATERWAY WHICH IS CONSISTENT WITH THE GOALS
AND OBJECTIVES OF THE TOWN'S COMPREHENSIVE PLAN AND IS ALSO
IN COMPLIANCE WITH STATE AND FEDERAL REGULATIONS GOVERNING
CONSTRUCTION IN NAVIGABLE WATERWAYS, INCLUDING THE LAKE
WORTH WATERWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR
THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION;
AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE ON FIRST READING:

8. ORDINANCE NO. 02-2009 - Charter Amendment Requiring Primary Residency for the Duration of Elected Office and Increasing the Town Manager's Minimum Years of Experience Requirements. Tab8

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IV, SECTION 4, ENTITLED "FILLING A VACANCY ON THE COMMISSION" TO ADDRESS THE FILLING OF VACANCIES ON THE TOWN COMMISSION CREATED WHEN A SITTING MAYOR OR COMMISSIONER CEASES TO REMAIN A LEGAL RESIDENT OF THE TOWN DURING THE TERM OF OFFICE; PROVIDING FOR THE AMENDMENT OF ARTICLE VI, SECTION 1, ENTITLED "QUALIFICATIONS OF TOWN MANAGER" TO INCREASE THE MINIMUM LEVEL OF EXPERIENCE FOR THE OFFICE OF TOWN MANAGER FROM TWO YEARS TO NOT LESS THAN FIVE YEARS IN PUBLIC ADMINISTRATION; PROVIDING FOR THE AMENDMENT OF ARTICLE VI, SECTION 1 TO REMOVE A PROVISION WHICH ALLOWS THE COMMISSION TO DESIGNATE THE MAYOR OR A COMMISSIONER TO EXECUTE THE FUNCTIONS OF TOWN MANAGER DURING THE TOWN MANAGER'S REMOVAL, ABSENCE OR DISABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**L. QUASI-JUDICIAL HEARING:
RESOLUTION(S):**

9. Resolution No. 01-01-09 Ahrens Amendment to Site Plan Tab9
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 54-12-04 WHICH APPROVED A SITE PLAN FOR A MIXED-USE DEVELOPMENT KNOWN AS ONE PARK PLACE, TO ALLOW FOR THE CONSTRUCTION OF THE PROJECT IN TWO PHASES; PROVIDING FOR A PHASING SCHEDULE WITH REVISED SQUARE FOOTAGE ALLOCATIONS BY USE FOR EACH PHASE; AND APPROVING A REVISED LANDSCAPE PLAN FOR THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

10. RESOLUTION NO. 04-01-09 Chick-Fil-A Site Plan Amendment Tab10
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN AMENDMENT TO AN EXISTING SITE PLAN FOR A FAST FOOD RESTAURANT KNOW AS CHICK-FIL-A WHICH WAS PREVIOUSLY APPROVED PURSUANT TO RESOLUTION NO. 44-08-06, TO ALLOW FOR THE CONSTRUCTION OF A 68.4 SQUARE FOOT (10'-3" X 6'-8") ENCLOSED INDOOR STORAGE ROOM AS AN ADDITION TO THE EAST SIDE OF THE EXISTING BUILDING, TOGETHER WITH GATED SCREENED FENCING ADJACENT TO THE EXISTING DUMPSTER ENCLOSURE, ON A 0.555± ACRE PARCEL OF REAL PROPERTY OWNED BY SC LAKE PARK ASSOCIATES, LLLP, AND LOCATED AT 1220 NORTHLAKE BOULEVARD IN

THE C-1/NBOZ ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

M. ADJOURNMENT:

Proclamation

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No.

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input checked="" type="checkbox"/> Other: Proclamation | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Proclamation In Honor of Neal E. Carlin

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager W. Davis Date: 1/15/09

Barbara McKittrick 1/14/09
Name/Title H.R. Director Date of Actual Submittal

Originating Department: Town Manager	Costs: \$ -0- Funding Source: Acct. #	Attachments: Copy of Proclamation
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
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_BMT _____ OR Not applicable in this case Yes _____: Please initial one.

Summary Explanation/Background:

**PROCLAMATION
TOWN OF LAKE PARK
IN HONOR OF NEAL E. CARLIN**

WHEREAS, Neal E. Carlin was a resident of Palm Beach County, Florida, for 70 years; and

WHEREAS, Neal E. Carlin served since 1996 as a food and game concessionaire at many Town of Lake Park events such as the annual Fireworks Festival, Irish fest, Downtown Flea Market, Dr. Martin Luther King, Jr. birthday celebration, and on other special occasions; and

WHEREAS, Neal E. Carlin often unselfishly donated candy apples and cotton candy for the Lake Park Summer Camp program; and

WHEREAS, by his efforts Neal E. Carlin helped to make the Town's recreational events successful; and

WHEREAS, Neal E. Carlin passed away on November 21, 2008; and

WHEREAS, the Town of Lake Park wishes to honor him and celebrate his life;

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, Desca DuBois, Mayor of the Town of Lake Park, do hereby publicly recognize Neal E. Carlin posthumously for his service and contributions to the Town of Lake Park.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 21st day of January, 2009.

BY:

Mayor Desca DuBois

ATTEST:

Vivian Mendez Lemley, Town Clerk

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No.

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input checked="" type="checkbox"/> Other: Proclamation | |

SUBJECT: Proclamation Commending Deputy William R. Hess

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager *W.R. Davis* Date: *1/14/09*

Heather McKibbin-Lucas *1/14/09*
Name/Title *HR Director* Date of Actual Submittal

Originating Department: Town Manager	Costs: \$ -0- Funding Source: Acct. #	Attachments: Copy of Proclamation
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Human Resources <u><i>BMT</i></u> <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
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 <u><i>BMT</i></u> OR Not applicable in this case <u>Yes</u> : Please initial one.

Summary Explanation/Background:

**PROCLAMATION
TOWN OF LAKE PARK, FLORIDA
COMMENDING DEPUTY WILLIAM R. HESS**

WHEREAS; Deputy William R. Hess is a Deputy with the Palm Beach County Sheriff's Office assigned to the Parks Enforcement Division; and

WHEREAS; Deputy William R. Hess also served with distinction for more than 15 years with the Lake Park Police Department, where among his duties he served in the Multi-Agency Narcotics Unit as an undercover agent conducting illegal narcotics investigations throughout Palm Beach County; and

WHEREAS; Deputy William R. Hess is among the many incredible individuals across the nation who serve as law enforcement officers; and

WHEREAS; Deputy William R. Hess has distinguished himself in this role through his commitment to protect and serve the citizens of the Town of Lake Park; and

WHEREAS; Deputy William R. Hess has as a result of his commitment and devotion to duty earned the respect and admiration of his colleagues and the community which he has chosen to serve; and

WHEREAS; the Commission of the Town of Lake Park wishes to publicly recognize Deputy William R. Hess and honor him for his achievements and for his 22 years of service to the Town of Lake Park;

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, Desca DuBois, Mayor of the Town of Lake Park, do hereby publicly recognize Deputy William R. Hess and extend to him the gratitude of a grateful community.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 21st day of January, 2009.

BY:

Mayor Desca DuBois

ATTEST:

Vivian Mendez Lemley, Town Clerk

Presentation

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No.

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input checked="" type="checkbox"/> Other: PRESENTATION | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Presentation Regarding Marina Boat Ramps Emergency Repair Requirements

RECOMMENDED MOTION/ACTION:

Approved by Town Manager *W. Davis* Date: 1/12/09

Name/Title

Date of Actual Submittal

Originating Department: <p style="text-align: center;">Town Manager</p>	Costs: \$ Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: During the course of surveying the locations of construction debris left throughout the marina basin from the marina construction, it was discovered that the boat ramps have been undermined due to improper design of the stabilization base beneath the ramps. It appears that ballast rock was utilized as a base

when in fact the design should have required “rip rap” as a geotechnical stabilizer to preclude wash-out from boat props.

An emergency repair is required to prevent the end of the ramps from “fracturing” and/or breaking away.

Projects over \$25,000 are required to go out to formal bid. Given the condition of the ramps, the formal bid process would take entirely too long. In the interest of time and competition, I requested Cutcher and Associates to obtain three letter quotes for the repair of the ramps.

The engineer’s rough estimate of construction is approximately \$50,000 - \$75,000. Due to the urgency of the matter, the Manager authorized the engineer to proceed with the design to repair the ramps.

An agenda item for award of the repairs will be presented to the Commission upon receipt of the letter quotes.

The Manager requested the engineer to present to the Commission a brief video, which demonstrates the deficiencies discovered.

Consent Agenda

TAB 1

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No. |

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

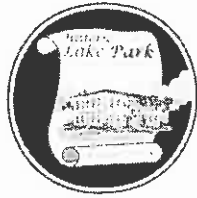
SUBJECT: Regular Commission Meeting Minutes of December 17, 2008.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Regular Commission Meeting of December 17, 2008.

Approved by Town Manager W. Davis Date: 1/10/09
 Deputy Clerk Jessica Shepherd 1/8/09
 Date of Actual Submittal

Originating Department: Town Clerk	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Clerk <u>JMS</u> <input type="checkbox"/> Town Manager
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <input checked="" type="checkbox"/> _____: Please initial one.

Summary Explanation/Background:



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
December 17, 2008 7:48 p.m.

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, December 17, 2008 at 7:48 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Mendez Lemley.

Mayor DuBois led the Invocation.

Mayor DuBois led the Pledge of Allegiance.

Town Clerk Vivian Mendez Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Presentation by Intergovernmental Consultant Fausto Gomez was removed from the agenda.

Motion: A motion was made by Commissioner Osterman to approve the Agenda as modified; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

PROCLAMATIONS

Jhonathan Zaldivar – Outstanding Local Student Recognition

Mayor DuBois read the proclamation to Jhonathan Zaldivar.

Jhonathan accepted his proclamation and thanked the Commission.

Badcock Home Furniture and More

Mayor DuBois read the proclamation to Badcock Home Furniture and More.

There were no representatives of Badcock Home Furniture and More present to accept the proclamation.

Thomas Masters, Mayor of Riviera Beach

Mayor DuBois read the proclamation to Thomas Masters, Mayor of Riviera Beach.

Mr. Masters was not present to accept his proclamation.

Ann Wark, Principle of Howell L. Watkins Middle School – thanked the Commission for recognizing Jhonathan Zaldivar and presenting him with a proclamation.

Commissioner Osterman announced that there would be an essay contest in relation to the Martin Luther King Jr. Festival taking place in the Town. She asked Ms. Wark to speak with Grants Writer Virginia Martin regarding the event.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Balius stated that he received a couple of telephone calls regarding where to send donations to the Atilus Family. He stated that donations are to be sent to the Town's Finance Department at 535 Park Avenue and if there were any questions to call 561-881-3300.

Commissioner Carey wished everyone a Happy Holiday and stated that he looked forward to another prosperous year for the Town.

Vice-Mayor Daly stated that he found another letter on Town Manager letterhead that had been signed by himself and Commissioner Balius as a letter of recommendation to Mariner's Key. He stated that he did not know where the letters were coming from and who was responsible. He recommended that the new letter also be investigated.

Commissioner Osterman stated that she did not understand the purpose of investigating the new letter because the issue of Commissioners signing letterhead on their own behalf had been resolved.

Vice-Mayor Daly stated that he had been the only one accused of signing letters on official letterhead while acting on his own behalf and he wanted to show that there were other letters out there signed by other Commissioners besides himself.

Discussion ensued among the Commissioners regarding the second letter.

Commissioner Osterman wished everyone a Happy Holiday and commended Mayor DuBois and the Town's firefighters for their time and efforts in taking care of the Atilus family.

She asked Attorney Baird if he would clarify the proposed changes to the Town Charter memo.

Attorney Baird stated that he would not discuss the Town Charter changes during his comments but under the item's discussion.

Commissioner Osterman asked for the status of working with the Town's Historical Society.

Town Manager Maria Davis stated she was unsure of the status.

Commissioner Osterman stated that Community Development Director Patrick Sullivan was supposed to be meeting with the President of the Historical Society.

Town Manager Maria Davis stated that Mr. Sullivan met with the President of the Historical Society.

Community Development Director Patrick Sullivan stated that he met with the President of the Historical Society and that there would not be a Holiday Home Tour this year.

Commissioner Osterman stated that she was looking forward to the Historical Society coming to the Commission to give an update. She inquired as to the status of their presentation to the Commission.

Mayor DuBois stated that the Historical Society was supposed to bring back a film to show the Commission and place it on Channel 18 for viewing.

Community Development Director Patrick Sullivan stated that by the Historical Society's choice, things were moving forward slowly. There have not been any issues and the lines of communication are open.

Vice-Mayor Daly stated that at the last Historical Society Meeting, it was decided that they would try to contact the City of Riviera Beach and surrounding cities to meet and bring a presentation back to the Commission. Their attorney Mr. Oyer was scheduled to speak at the meeting but was unable to attend which may have delayed the process.

Commissioner Osterman noted that the Town has received the Tree City USA Award and she asked Town Manager Davis if something could be done about the trees in the swale ordinance.

Town Manager Maria Davis stated that something would be done in that regard.

Mayor DuBois expressed her thanks to everyone in the community, staff, and the Fire Department for their efforts to help the Atilus family. She reminded the community that the Atilus' family would need their ongoing support after the holidays. She wished everyone a safe and Happy Holiday.

Public Comment Open.

Lionel Joseph, 454 Greenbriar Dr. - discussed the issues of not being able to park his taxi at his home. He stated that he has to park on Park Avenue and walk home sometimes in adverse conditions. He asked the Commission to consider allowing residents to park commercial vehicles and work vehicles in their driveways.

Vice-Mayor Daly stated that there had been discussions regarding the ordinance in the past and it was decided to leave the ordinance as is.

Commissioner Osterman stated that Mr. Joseph could park his vehicle at his home if it was

behind an enclosed area. She stated that he could receive direction from the Community Development Department.

Commissioner Balius stated that if the Town allowed taxi cabs to be parked at residents homes, then the next step would be to allow step vans.

Mr. Joseph expressed his concerns about safety for people who drive taxi cabs and have to walk home late at night.

Mayor DuBois expressed her understanding and empathized with Mr. Joseph's situation.

Janice Alfred - also expressed his concerns regarding the parking of taxis and commercial vehicles.

Mayor DuBois stated that Community Development Director Patrick Sullivan could help him and give him guidance for his concerns.

Public Comment Closed.

Attorney Thomas Baird stated that Mr. Joseph Fleming was willing to donate legal services for the Atilus family.

He wished everyone a Merry Christmas.

He stated that he would be happy to address any questions Commissioner Osterman might have regarding the Town Charter.

Commissioner Osterman stated that she was confused regarding what was required for referendum. She asked him if he had researched language from other municipalities regarding run-off elections.

Attorney Thomas Baird stated that of the communities he sampled he did not find any language. He would research additional communities, but it appears that they either have a run-off election or do not have a run-off election.

Commissioner Osterman asked Attorney Baird if he had contacted the Florida League of Cities.

Attorney Thomas Baird stated that he had contacted the Florida League of Cities but they had not returned his phone call. He stated that the only charter change that would require a referendum is the elimination of a run-off election.

Commissioner Osterman stated that many towns have moved their elections from March to November for greater turnout. She recommended that the Commission consider the change.

Attorney Thomas Baird stated that there was a special legislation enacted to have the elections of Palm Beach County municipalities on the second Tuesday of March. He said that the City of Belle Glade was the only city that he was aware of that held their election in November and he was unsure of how they were able to circumvent the special act.

Town Manager Maria Davis congratulated Kim Alexander and the Public Works employees for their work in bringing to fruition the Tree City USA Award. She stated that she received a request from the Palm Beach County League of Cities to host their annual luncheon at Town Hall. She stated that the Town had hosted the luncheon two years ago. The luncheon was not budgeted for this year and the total cost was approximately \$2,500 to \$3,000.

Commissioner Osterman stated that she would rather pay for the Town's Volunteer Appreciation Dinner.

Commissioner Carey stated that he also would rather pay for the Town's Volunteer Appreciation Dinner or a dinner for the Town's employees.

Commissioner Osterman stated that the Palm Beach County League of Cities was welcome to use Town facilities for their luncheon.

Discussion ensued among the Commissioners regarding whether or not to host and/or pay for a luncheon for the Palm Beach County League of Cities.

Mayor DuBois, Vice-Mayor Daly and Commissioners Carey, and Osterman came to consensus to not host the Palm Beach County League of Cities annual luncheon. Commissioner Balius was not against hosting the Palm Beach County League of Cities annual luncheon.

Town Manager Maria Davis stated that she wanted to acknowledge Mayor DuBois' efforts in helping the Atilus family.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of December 3, 2008
2. November 5, 2008 Special Call Attorney-Client Session Announcement Minutes
3. Town of Lake Park v. Joseph Sorota (Foreclosure Action)
4. Professional Engineering Services for Drainage and Streetscape Improvements for Lake Shore Dr.
5. Marina South Breakwater Project Change Order #1
6. Award of Removal and Replacement of Concrete Sidewalk in Various Locations to American Concrete Enterprise
7. Award of Bid to Lanzo Lining Services, Inc. for RFQ #0813 9th St. Storm Drain Cured-In-Place Pipe Lining, Hawthorne Drive to W. Ilex Drive
8. Resolution No. 66-12-08 Pension Plan Amendment

Commissioner Osterman requested that item #1 Regular Commission Meeting Minutes of December 3, 2008 be pulled from the Consent Agenda.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve items 2 through 8 of the Consent Agenda; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

Commissioner Osterman stated that on page 7 of the December 3, 2008 Regular Commission Meeting Minutes, the consensus needed to state that the Commission came to consensus to require that election qualification requirements be maintained by an elected official for the duration of their term in office.

Motion: A motion was made by Commissioner Carey to approve the December 3, 2008 Commission Meeting Minutes as amended; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC HEARINGS

ORDINANCES ON 2nd READING

ORDINANCE NO. 21-2008 – Tax Incentives Ballot Question

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT TO NEW BUSINESSES OR TO EXEMPT EXISTING BUSINESSES WHICH EXPAND AN EXEMPTION FROM THE PAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN PURSUANT

TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; ESTABLISHING THE DATE OF MARCH 10, 2009 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 21-2008 upon 2nd reading; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 21-2008 by caption-only.

ORDINANCE NO. 22-2008 – New Marina Fishing Pier Hours

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE III, SECTION 76-74, “ENTITLED PERMITTED HOURS OF USE”; TO CHANGE THE HOURS OF PERMITTED USE OF THE LAKE PARK HARBOR MARINA TO PREVENT USE OF, AND VEHICULAR PARKING AT, THE MARINA FROM 11:00 P.M. TO 6:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 22-2008 upon 2nd reading; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 22-2008 by caption-only.

DISCUSSION AND POSSIBLE ACTION

Video Cameras for Lake Shore Park

Town Manager Maria Davis explained that as a result of vandalism, the Commission had asked staff to look into installing video cameras on the condominium buildings on the north and south sides of Lake Shore Park. She stated that she received a quote of \$54,130 for wireless cameras and one time installation fees of \$7,000 for a total of \$61,130 plus recurring annual fees for licensing in the amount of \$16,440. The trenching installation would be \$29,000 with a \$1,440 annual charge for internet. Both companies that provided the quotes stated that if the cameras were placed on the buildings activity in the park could be seen but would not be able to identify anyone.

Commissioner Carey asked if the cameras could be placed on the lamp posts at the park.

Information Technology Director Hoa Hoang stated that the companies which gave the quotes stated that there would not need to be cameras on every lamppost but on most of them. There are a total of approximately 22 lamp posts, which would make it expensive to install a camera on each one.

Mayor DuBois stated that she was uncomfortable with the idea of possibly trenching the ground at Lake Shore Park after all the work that has gone into the park.

Commissioner Osterman stated that vandalism and drug dealing has been an issue at Lake Shore Park and the Town needs to take a proactive step in addressing the issues. She recommended pointing a few of the cameras toward the road and Kelsey Park.

Commissioner Balius stated that there were issues with the electronic gates at the park.

Town Manager Maria Davis stated that there were problems with the gate and has had the company who installed the gate come out to fix it, but they still have not addressed all of the issues. The contractor claimed that the gate was malfunctioning due to user errors. She stated that staff and the contractor were still trying to work out all of the issues.

Discussion ensued among the Commissioners regarding the issues with the electronic gates at Lake Shore Park and issues regarding safety and crime in the Town.

Mayor DuBois asked if someone would be monitoring the cameras at the park.

Town Manager Davis stated that the cameras would be tied into the Sheriff's Department.

Information Technology Director Hoa Hoang explained how the camera system would operate.

Commissioner Osterman asked Captain Douglas Reece if he's had experience with the same type of camera system and what the rate of vandalism is for such an area that is monitored by cameras.

Captain Reece explained that the Sheriff's Department could access the cameras from the web but someone would not be able to monitor the system 24 hours a day. If there was a situation or trend occurring the Sheriff's Department could set up a special surveillance. He stated that there is information available to show statistically how much crime cameras systems deter.

Commissioner Balius asked if the cameras were digital.

Information Technology Director Hoa Hoang stated that the cameras would be digital, day and night cameras.

Commissioner Osterman asked if the cameras would be enclosed or housed.

Information Technology Director Hoa Hoang explained that the cameras would be housed in an aluminum case and mounted up high.

Vice-Mayor Daly stated that he was in favor of the camera system.

Captain Reece stated that he was aware of another camera system that is used in the City of West Palm Beach that detects sound and automatically links to the Deputy who may be working in the area.

Commissioner Carey asked if the camera system would encompass the whole park.

Information Technology Director Hoa Hoang explained that the camera system would encompass Lake Shore Park only and would record everything for later review.

Commissioner Carey asked if there was money already budgeted for the camera system.

Town Manager Davis explained that there was approximately \$50,000 left over from the Lake Shore Park Project.

Mayor DuBois asked if the damage from trenching for the cameras would be repaired and included in the installation price.

Information Technology Director Hoa Hoang explained that the contractor gave him a price for directional boring which would prevent damaging the grass surface, but it is too expensive. He stated that they would trench the cameras by conventional methods and cover the trenching with the existing sod and use new sod in areas where needed.

Commissioner Osterman recommended deferring a decision until the Commission receives additional information from Captain Reece regarding the sound activated system.

Town Manager Davis stated that she needed to double check the balance on the account for Lake Shore Park and to speak with Finance Director Anne Costello on the matter before going forward with the camera system. She discussed other issues with safety within Town Hall and made recommendations for security options.

Discussion ensued among the Commissioners regarding safety options for Town Hall.

Commissioner Osterman asked Captain Reece to bring back recommendations for what can be done to make the Town safer.

Commissioner Balius stated that he received many phone calls from concerned residents.

Town Manager Davis stated that she has had discussions with Captain Reece regarding crime and safety in the Town and will continue to do so.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Carey and seconded by Commissioner Balius, and by unanimous vote, the meeting adjourned at 9:10 p.m.

Mayor DuBois

Deputy Clerk Jessica Shepherd

Town Clerk Vivian Mendez Lemley

Town Seal

Approved on this ____ of _____, 2009.

TAB 2

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No. 2

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

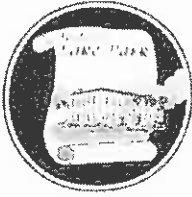
SUBJECT: Regular Commission Meeting Minutes of January 7, 2009.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Regular Commission Meeting of January 7, 2009

Approved by Town Manager *W. Davis* Date: *1/15/09*
 Deputy Clerk *Jessie Shyke* Date of Actual Submittal *1/15/09*

Originating Department: Town Clerk	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <input checked="" type="checkbox"/> _____: Please initial one.

Summary Explanation/Background:



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
January 7, 2009 7:30 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 7, 2009 at 7:30 p.m. Present were Mayor DuBois, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Mendez Lemley. Vice-Mayor Daly was absent

Mayor DuBois led the Invocation.

Mayor DuBois led the Pledge of Allegiance.

Town Clerk Vivian Mendez Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

None

Motion: A motion was made by Commissioner Carey to approve the Agenda; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	Absent		
Mayor DuBois	X		

Motion passed 4-0.

PROCLAMATIONS

Badcock Home Furniture and More

There were no representatives of Badcock Home Furniture and More present to accept the proclamation.

Thomas Masters, Mayor of Riviera Beach

Mayor DuBois read the proclamation to Thomas Masters, Mayor of Riviera Beach.

Mr. Masters accepted his proclamation and thanked the Commission.

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Balius

None

Commissioner Carey

None

Commissioner Osterman wished everyone a Happy New Year.

Vice-Mayor Daly

Absent

Mayor DuBois wished everyone a Happy New Year.

Town Attorney Tom Baird handed a report to the Commission and wished everyone a Happy New Year.

Town Manager Maria Davis wished everyone a Happy New Year. She announced that the Town has the ability to send out flash e-mails regarding issues in the Town and if anyone wishes to be added to the e-mail list to go to the Town's website and click on E-Newsletter to sign up.

She stated that Captain Douglas Reece was present to give a report on the surveillance cameras for Lake Shore Park and to give the Commission an update.

Captain Douglas Reece stated that he provided the surveillance camera information and comparisons of different municipalities to Town Manager Davis.

He reviewed and discussed a detailed report of proactive measures that PBSO is implementing to safeguard the Town (see Exhibit "A")

Commissioner Balius asked if the Palm Beach County Sheriff's Office had a Deputy of the Year award.

Captain Reece stated that there was a Town Deputy of the Year Award and a Town Deputy of the Quarter Award that is posted in their lobby. He stated that Deputy DeMassi is currently Deputy of the Year and Deputy Grey is currently Deputy of the Quarter.

Town Manager Maria Davis recommended giving the deputies certificates of appreciation.

Commissioner Osterman asked Captain Reece what he thought was the most cost effective things the Town could do to address safety concerns. She requested that he bring back a detailed list in order of cost effectiveness.

Commissioner Balius stated that the Town had done a street survey in the past and that he may have a copy of it at home.

Captain Reece stated that he would have one of his deputies do research on ideas to address safety concerns in the Town.

Commissioner Osterman asked Commissioner Balius to bring his copy of the street survey for the Commission's review.

CONSENT AGENDA:

1. Resolution No. 02-01-09 Establishing the General Election
2. Resolution No. 03-01-09 Submitting the 2009-2010 Community Development Block Grant for the Lake Shore Drive Stormwater Improvements Project

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve the Consent Agenda; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	Absent		
Mayor DuBois	X		

Motion passed 4-0.

PUBLIC HEARINGS

ORDINANCES ON 1st READING

ORDINANCE NO. 01-2009 – Mariner's Key Text Change Amendment

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE, CHAPTER 76, ARTICLE IV, SECTION 76-122 ENTITLED "CONSTRUCTION IN LAKE WORTH" TO ELIMINATE CERTAIN OUTDATED REGULATORY PROVISIONS, AND TO PROVIDE UPDATED REGULATIONS IN AN ATTEMPT TO FACILITATE FUTURE ORDERLY DEVELOPMENT WITHIN THE TOWN ALONG THE LAKE WORTH WATERWAY WHICH IS CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE TOWN'S

COMPREHENSIVE PLAN AND IS ALSO IN COMPLIANCE WITH STATE AND FEDERAL REGULATIONS GOVERNING CONSTRUCTION IN NAVIGABLE WATERWAYS, INCLUDING THE LAKE WORTH WATERWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Patrick Sullivan explained the reason for Ordinance 01-2009. He stated that the ordinance needed to be changed to come into compliance with State and Federal requirements.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 01-2009 upon 1st reading; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	Absent		
Mayor DuBois	X		

Motion passed 4-0.

Attorney Thomas Baird read Ordinance No. 1-2009 by caption-only.

ORDINANCE NO. 02-2009 – Submitting a Referendum Charter Amendment Relating to Run-Off Elections

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE XVI, SECTION 17, OF THE TOWN CHARTER ENTITLED “RUN-OFF” TO ELIMINATE RUN-OFF ELECTIONS IN INSTANCES WHERE ANY ONE CANDIDATE FOR A PARTICULAR OFFICE FAILS TO RECEIVE A MAJORITY OF THE VOTES CAST AT A TOWN ELECTION; ESTABLISHING THE DATE OF MARCH 10, 2009 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Osterman stated that the Commission had come to consensus at a previous meeting to not eliminate run-off elections, but that if a candidate had greater than 10% of the vote then a run-off would not be necessary.

Discussion ensued among the Commissioners regarding the requirements for a run-off election.

Public Comment Open.

None

Public Comment Closed.

No action was taken by the Commission on Ordinance No. 02-2009.

QUASI-JUDICIAL HEARING:

RESLUTION NO. 01-01-09 – Ahrens Amendment to Site Plan

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 54-12-04 WHICH APPROVED A SITE PLAN FOR A MIXED-USE DEVELOPMENT KNOWN AS ONE PARK PLACE, TO ALLOW FOR THE CONSTRUCTION OF THE PROJECT IN TWO PHASES; PROVIDING FOR A PHASING SCHEDULE WITH REVISED SQUARE FOOTAGE ALLOCATIONS BY USE FOR EACH PHASE; AND APPROVING A REVISED LANDSCAPE PLAN FOR THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte communication was declared as follows:

- Mayor DuBois – none
- Vice-Mayor Daly –absent
- Commissioner Balius – none
- Commissioner Osterman – none
- Commissioner Carey – none

Town Clerk Vivian Mendez Lemley swore in all witnesses.

Community Development Director Patrick Sullivan explained that the purpose of Resolution No. 01-01-09 was to break the project into two phases and to minimize the landscaping on the project.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to continue Resolution No. 01-01-09 and bring it back to the next Commission Meeting of January 21, 2009; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		

Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	Absent		
Mayor DuBois	X		

Motion passed 4-0.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 8:20 p.m.

Mayor DuBois

Deputy Clerk Jessica Shepherd

Town Clerk Vivian Mendez Lemley

Town Seal

Approved on this ___ of _____, 2009.

TAB 3

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No. **3**

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Set date for 2009 Lake Park Fireworks Festival.

RECOMMENDED MOTION/ACTION: To direct staff to present the Lake Park Fireworks Festival on Saturday June 27th, 2009.

Approved by Town Manager *W. G. Lewis* Date: *1/12/09*
Greg Dowling / Director Parks & Recreation *1-12-09*
 Name/Title Date of Actual Submittal

Originating Department: Parks & Recreation	Costs: \$ 0 Funding Source: Acct. #	Attachments:
Department Review: <input checked="" type="checkbox"/> Parks & Recreation _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
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 _____: Please initial one.

Summary Explanation/Background: For the past thirteen years, the Town Commission has directed staff to have the Town's fireworks festival the weekend before July 4th. Having this event a week early attracts more people and keeps the cost down on entertainment. Staff is recommending that the fireworks Festival be held on June 27, 2009, and is requesting authority to do so.

TAB 4

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2008

Agenda Item No. 4

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Renewal of Intergovernmental Consultant (Lobbyist) Agreement

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager *W. Davis* Date: *1/10/09*

Name/Title _____ Date of Actual Submittal _____

Originating Department: Town Manager	Costs: \$ 15,000 Funding Source: Town Commission Professional Services Acct. #	Attachments: Letter from Fausto Gomez
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The Intergovernmental Consultant Agreement expires on February 6, 2009. Consultant Fausto Gomez has agreed to maintain the same fee

structure for Fiscal Year 2008/09. It is staff's opinion that Mr. Gomez performed admirably, particularly given the economic climate. The total fee for the contract is \$30,000. The Town's CRA shares the expense in the amount of \$15,000, therefore the cost to the general fund is \$15,000, which has been budgeted accordingly.

January 9, 2009

Ms. Maria V. Davis
Town Manager
Town of Lake Park
535 Park Avenue
Lake Park, Florida 33403

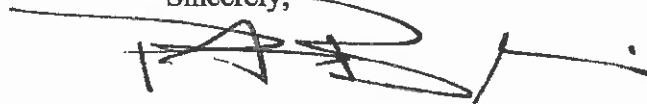
Dear Maria:

I am pleased to represent the Town of Lake Park and to work with the Mayor, Commissioners, and you and your staff in order to obtain benefits from Tallahassee. Notwithstanding the difficult budget circumstances, we secured initial funding during the last session and remain confident of our ability to again be successful. In fact, I just returned from the Special Session of the Florida Legislature where they excised \$2.3 billion from the current budget and am pleased to report that Lake Park's money has evaded the budget ax.

I understand that my Agreement with Lake Park expires on February 6th, and I am prepared to again offer my services at the current rate. Every local government in Florida has been impacted by state policy regarding property taxes as well as the general economic downturn and I want to assure you and the Town's elected officials that I am sensitive to that. My staff and I remain committed to Lake Park and look forward to establishing a long and supportive relationship with it.

Please let me know if you need anything further. I appreciate your again considering me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fausto B. Gomez', with a long horizontal line extending to the left.

Fausto B. Gomez

TAB 5

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No. **5**

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Marina South Breakwater Project Change Order # 2

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager *W. J. Davis* Date: *1/13/09*

Name/Title _____ Date of Actual Submittal _____

Originating Department: Town Manager	Costs: \$ Not to Exceed \$68,500 Funding Source: Loan from General Fund, Construction Deficiency Account Acct. # _____	Attachments: Change Order Request Letter from Engineer
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The marina was designed and constructed with a floating attenuator to serve as a wave break at the very south end of the marina. It has been established that the floating attenuator is totally inadequate to serve as a breakwater with the

voracity of wave action that exists at that location. The Town Commission directed staff to replace the floating attenuator with a fixed breakwater. The design called for the existing floating attenuator to be repaired and relocated seven feet to the west in order to allow for room for the fixed breakwater to be installed.

During the course of removing the existing concrete pilings, it was discovered that nine of the pilings were cut short during the original construction. The pilings were specified to be 50'; however, they were found to be a length of 30'-35'. The manufacturer's engineer has opined that the floating attenuator must be stabilized with 50' pilings for this particular application.

The cost to dispose of the existing piles and provide and install nine concrete pilings at 50' lengths is \$52,000. Due to the amount of rock in the basin, the marine engineer recommended the use of "stinger piles" which are piles with 10' of steel on the one end which is much easier and cost effective to embed in rock.

Palm Beach Marine Construction, Inc. provided a proposal to remove and dispose the existing concrete piles and provide and install "stinger piles" for \$10,500 less than the concrete piles which would reduce the price from \$52,000 to \$41,500. Rock punching is \$500 per hour. The contractor has provided a not to exceed cost of \$3,000 per pile or \$17,000 for rock punching for a grand total of \$68,500. The engineer believes that this estimate is reasonable.

The contract award to Palm Beach Marine Construction, Inc. was \$331,340. Change order #1 for dredging increased the contract by \$52,000 to \$383,340. This change order will increase the contract in an amount not to exceed \$68,500.

PALM BEACH MARINE



CONSTRUCTION INC

WHERE WATERFRONT PROPERTIES COME TO LIFE

Change Order

Date	Estimate #
01/08/09	E1036A

Name / Address
Town of Lake Park 535 Park Avenue Lake Park, FL 33403

Ship To
Town of Lake Park Municipal Marina 105 Lake Shore Drive Lake Park, FL 33403

Customer Phone	Customer Fax	Customer Alt. Contact
881-3350		

Description	Cost	Total
<p>WE PROPOSE TO FURNISH & INSTALL AS DESCRIBED BELOW:</p> <p>> DISPOSE OF (9) EXISTING 18" X 18" X 32' CONCRETE PILE AND PROVIDE AND INSTALL (9) 18" X 18" X 50' PILES AS PER DRAWINGS AND SPECIFICATIONS.</p> <p>OPTIONS: DEDUCT \$10,500 IF PILES W/STINGERS ARE USED IN LIEU OF 18"X18"X50' (RECOMMENDED)</p> <p>NOTE: ROCK PUNCHING IS CHARGED AT \$500/HR.</p> <p>PLEASE NOTE THAT IF 18" X 18" X 50' PILES ARE UTILIZED, COST WILL NOT EXCEED \$88,000.00 (INCLUDING DISPOSAL, PILE COSTS, INSTALLATION AND ROCK PUNCHING).</p> <p>PLEASE NOTE THAT IF ALTERNATE PILES ARE USED, COST WILL NOT EXCEED \$68,500.00 (INCLUDING DISPOSAL, PILE COSTS, INSTALLATION AND ROCK PUNCHING).</p>	52,000.00	52,000.00

Signature (Owner/Agent):	Date:	Total \$52,000.00
Signature (PBMCI):	Date:	

Cutcher & Associates, Inc.

Coastal Engineers

Voice: (561) 748-6746
Fax: (561) 748-6865
Email: depth@gate.net

752 North US Hwy 1.
Tequesta, FL 33469

January 12, 2009

Maria Davis – Town Manager
Town of Lake Park – Lake Park Marina
535 Park Ave.
Lake Park, FL 33403

RE: Replacement of Piles (9) for Floating Dock Section

Maria:

As you are aware, the nine piles that were extracted to facilitate the relocation of the floating dock section (wave attenuator) did not meet the design specifications (we previously provided a report which documents the pile conditions with photos on November 19, 2008).

It is our understanding that Bill Huffman, P.E. of Bellingham Marine has provided a letter which recommends that the extracted piles not be reinstalled for his stated reasons. In consideration of this letter and field observations, we previously recommended that piles meeting the original specifications or an equal alternate be installed.

In consideration of the rock layers encountered during the south breakwater construction, I have prepared an alternate design which incorporates a steel H pile (stinger pile) to achieve the required penetration and bearing capacity while reducing the anticipated driving effort (cost). This alternate design has been provided to PBMC (Palm Beach Marine Construction) for the purpose of obtaining a comparative price quote for the original specified pile and the alternate design (stinger pile). I believe that PBMC has provided you with that comparison price quote.

Based on the price quote from PBMC and the consistency of rock encountered during the breakwater construction, it is my recommendation that the alternate design be selected as the anchor piles for the relocation of the floating dock assembly.

You may remember that prior to the award of the south breakwater construction contract, I prepared an engineers cost estimate for this item (prior to knowing the piles failed to meet spec). I have attached that document for your reference.

Should you have any questions with regards to this letter, please do not hesitate to call me.

Sincerely,

Robert Cutcher

Robert Cutcher, P.E.

Cc: Joe Downes w/ attachments

Cutcher & Associates, Inc.

Coastal Engineers

Voice: (561) 748-6746
Fax: (561) 748-6865
Email: depth@gate.net

752 North US Hwy 1.
Tequesta, FL 33469

July 29, 2008

Maria Davis – Town Manager
Town of Lake Park – Lake Park Marina
535 Park Ave.
Lake Park, FL 33403

RE: Engineer's Cost Estimate for South Breakwater Construction – Revised to include Floating Dock Repair and Relocation.

Maria:

We had previously provided you with a cost estimate for the construction of the south breakwater at the marina. As you are aware, the non-executed contract with Vance Construction was for the breakwater exclusively and did not include the floating dock items (per the proposal from Vance).

This estimate includes those items as listed in the Schedule of Bid found within the Bid Documents. This estimate is provided as a baseline for comparison with submitted bids. This estimate is based on values obtained from similar projects. The increase in value for item 2 is a result of the increase in price of construction materials since the original estimate.

No	Description	Quantity	Unit	Price
1	Mobilization	Job	Lump Sum	\$ <u>5,000</u>
2	Construction of South Breakwater	Job	Lump Sum	\$ <u>305,000</u>
3	Extraction of nine (9) concrete piles and three (3) timber piles Reinstallation of all piles	Job	Lump Sum	\$ <u>65,000</u>
4.	Temporary relocation; repair of floating dock; reinstall dock at designated location.	Job	Lump Sum	\$ <u>30,000</u>
5.	Install two (2) timber piles and four (4) No Wake signs at ICWW channel edge; remove piles and signs at project completion	Job	Lump Sum	\$ <u>1,500</u>
6.	Demobilization, Site Cleanup	Job	Lump Sum	\$ <u>5,000</u>
TOTAL ESTIMATED PRICE				\$ <u>411,500</u>

The total breakwater length is 209'. This total length includes the main segment of 193' plus the 16' return wall at the marina entrance. Based on the cross section design, which is shown in the construction plans, the estimated unit price is \$1,460 per foot of wall. The unit price takes into consideration the material type and quantity, anticipated construction methodology and the estimated construction schedule.

This estimate also includes the temporary relocation of the floating dock, repair and shortening of the dock and reattachment of the dock once the breakwater is completed. The estimate also includes installation and removal of the temporary no wake zone signage to facilitate the construction.

This estimate does not include subcontractor fees for disconnect or reconnect of the water and electrical utilities for the dock repairs and reconfiguration. These values have been provided and P.O. s have been issued by the Town previously.

Should you have any questions with regards to this letter, please do not hesitate to call me.

Sincerely,

Robert Cutcher, P.E.

Cc: John Downs, P.E. – Calvin & Giordano, Assoc. Inc.

TAB 6

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No. 6

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input checked="" type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Marina South Breakwater Project Change Order # 3

RECOMMENDED MOTION/ACTION: Approve

Approved by Town Manager *W. Davis* Date: *4/15/09*

Name/Title _____ Date of Actual Submittal

Originating Department: <p style="text-align: center;">Town Manager</p>	Costs: \$13,830 Funding Source: Acct. # _____	Attachments: Email from Engineer Quotes from Contractors
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Part of the scope of work for this project is to relocate the floating dock. Upon disassembling this dock the engineers found that the steel plates which hold the dock together were significantly corroded and structurally unsound.

In order to reinstall the floating dock to its proposed location it is necessary to replace the corroded plates. The original plates were made of galvanized steel and severely corroded after only five years, therefore, staff is recommending that the replacement plates be made of stainless steel.

The engineer obtained letter quotes from Bellingham Marine and Gwatkins Fabricators. Bellingham Marine was the low quote @ \$13,830. Staff recommends award to Bellingham Marine.

Maria Davis

From: Robert Cutcher [depth@gate.net]
Sent: Wednesday, January 14, 2009 9:21 AM
To: Maria Davis
Subject: FW: Estimate from Gwatkin Fabricators, Inc.
Attachments: Est_664_from_Gwatkin_Fabric.pdf

Maria,

This is the second quote from Gwatkins fabricators. I forwarded the other quote a moment ago. The quotes from Gwatkins are higher than from Bellingham (I did not expect it to be however). Therefore I recommend that the Town proceed with the stainless steel option from Bellingham @\$13,830.

This recommendation is conditional upon Bellingham producing and shipping the parts in an acceptable time frame. This will require that the Town receive the required items within 14 days to allow for installation by February 12th (contract end time). This recommendation is based on the greatly extended service life of the stainless steel as compared with the galvanized option that was originally installed. Please understand that re-use of the corroded steel components is strongly discouraged due to substantial loss of the web and flange thickness.

As you know, the galvanized steel plates have been corroded to the point of being structurally deficient in less than five years. The selection of galvanized steel for the structural connections in an exposed environment was another example of poor judgment on the part of the design engineer.

Please do not hesitate to call me if you have any questions.

Robert Cutcher, P.E.

From: Bob Berry [mailto:r.berry@cutcherassociates.com]
Sent: Wednesday, January 14, 2009 8:47 AM
To: 'Robert Cutcher'
Subject: FW: Estimate from Gwatkin Fabricators, Inc.

Bob Berry - Marine Engineer



Cutcher & Associates, Inc.

Coastal Engineers

752 US Hwy. 1
Tequesta, FL 33469
Voice: 561-748-6745
Fax: 561-748-6865
Email: r.berry@cutcherassociates.com

1/14/2009



The World's Most Comprehensive Marina Builder



January 12, 2009

Mr. Robert Cutcher, P.E.
Cutcher & Associates - Coastal Engineers
900 East Indiantown Road
Jupiter, FL 33477

Reference: City of Lake Park Marina – Attenuator Dock Steel Frames

Dear Robert:

Thank you for the opportunity to present our quotation for the manufacture and delivery of replacement materials for the Lake Park Marina wave attenuator. The purpose of this written proposal is to present our offer to perform the work identified in this proposal.

Our quoted price is:

Unifloat® Steel Frames - HDG \$ 7,920.00

****OPTION: Stainless Steel Frames = \$ 13,830.00**

F.O.B.: Lake Park, Florida

The following items in Section 1 are included in our proposal:

- 1.1 GALVANIZED STEEL HARDWARE – includes the following frames per the Lake Park Attenuator Repair Shop Drawings:
 - Walkway Frames BB-1, BB-2, BB-3, BB-4, BB-5
 - Walkway Tri-frame K-3
 - Finger Tri-frames T-8, T-2A
- 1.2 LOADING AND SECURING ON OUR TRUCKS WITH FREIGHT PREPAID TO LAKE PARK, FLORIDA.
- 1.3 SHOP DRAWINGS.

4002_123003

2. All items and quantities not specifically included in Section 1 above are specifically excluded from this proposal. Excluded items include, but are not limited to, the following:

2.1 SALES TAX.

2.2 MATERIAL INSTALLATION.

2.3 SIGNED OR SEALED SHOP DRAWINGS OR CALCULATIONS.

3. Other provisions:

3.1 DESIGN CRITERIA: Per the original project structural design.

3.2 SHIPMENT: Will occur within 4 weeks after receipt of approved shop drawings, based on our current production schedule. Production of materials cannot commence prior to receipt of approved shop drawings.

3.3 PRICE VALIDITY: Prices are valid for firm orders placed within a period of thirty (30) days after quotation and are subject to reconfirmation thereafter.

3.4 PAYMENT TERMS: Payment due net ten (10) days from receipt of invoice. Method of payment to be approved by BMI's credit department prior to start of production. Interest will be charged on past due accounts at 12% per annum, or at the highest non-usurious commercial rate allowable by state law or provided by state statute, whichever is less. If BMI is required to employ an attorney to collect any amount due as a result of the default of Buyer, the Buyer shall pay all costs of collection, including reasonable attorney's fees and court costs.

Payment is not subject to retention.

Prior to commencement of project, Buyer shall provide evidence of financing satisfactory to BMI.

3.5 ENGINEERING/CODES/RESPONSIBILITY: BMI does not warrant any components to meet specific local planning, environmental or architectural ordinances or codes. It is the responsibility of the Buyer to secure necessary governmental approvals of the engineering or design incorporated into the Unifloat® system.

3.6 BACKCHARGES: Backcharges for corrective work performed by Buyer or its representative will not be honored without BMI's prior

written acceptance. BMI at all times retains the right to perform corrective work on its own behalf.

- 3.7 **WARRANTY:** BMI warrants that the weldments, filler slabs and hardware will be free of defects in materials and workmanship for a period of one (1) year from the date of shipment. If within the warranty period the materials are found to be defective, the Buyer must provide written notice of such defects within ten (10) days from the date the defects are discovered. Buyer's sole and exclusive remedy for defective materials and workmanship is limited to the repair or replacement of the defective item by BMI. BMI is not liable for consequential or incidental damages resulting from such defects. BMI hereby disclaims any and all implied warranties, including but not limited to warranties of merchantability or fitness for a particular purpose.
- 3.8 **INDEMNIFICATION:** The Buyer shall assume all liability, including but not limited to liability for injury to person or property, economic loss, and business interruption, for claims arising from the actual use of any equipment, products, or materials furnished by BMI, and agrees to indemnify and hold harmless BMI from any and all claims, demands, actions, or suits arising from the use of such products, materials, or equipment, including reasonable attorney's fees and costs.

Notwithstanding anything herein to the contrary, BMI's cumulative liability to Buyer will under no circumstances exceed the total amount paid to BMI. In any case BMI WILL NOT BE RESPONSIBLE FOR ANY SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF ANY KIND, OR FOR LOSS, DAMAGES, OR EXPENSE DIRECTLY, OR INDIRECTLY, ARISING FROM THE USE OF ANY PRODUCTS OR ANY INABILITY TO USE THEM, EITHER SEPARATELY OR IN COMBINATION WITH ANY OTHER EQUIPMENT OR MATERIAL OR FROM ANY OTHER CAUSE.

- 3.9 **CAUTION:** Float systems are unstable when placed in water prior to assembly in their final intended configuration. Modules or subassemblies should be handled with care during installation and should never be stood or walked upon prior to finished assembly.
- 3.10 **DISPUTES:** Buyer hereby agrees that BMI, at its sole discretion, may refer any or all controversies, disputes, or claims of whatever nature arising out of, in connection with, or in relation to the interpretation, from performance or breach of this Proposal, including any claim based on contract, tort, or statute to final and binding arbitration administered by and in accordance with the then existing Construction Industry Arbitration Rules of the American Arbitration Association, and

judgment upon any award rendered by the Arbitrator(s) may be entered by any state or federal court having jurisdiction thereof. Any dispute not referred to arbitration by BMI shall be resolved in a court of competent jurisdiction in the venue agreed to herein. The presiding judge or arbitrator shall determine which is the prevailing party and shall include in the award that party's reasonable attorneys' fees and costs.

- 3.11 VENUE AND CHOICE OF LAWS: For all disputes arising from this Proposal, whether decided by the court or through arbitration, venue shall be in the state and county where BMI's goods were intended to be delivered and installed. The laws of the forum state, including that state's choice of law rules, shall apply to all proceedings.
- 3.12 ENTIRE CONTRACT: When accepted by Buyer, this Proposal shall constitute the entire agreement between the parties. Its terms shall be controlling in the event same are inconsistent with any plans, specifications, bid invitation, purchase order, subcontract, or other instrument furnished by Buyer.

Acceptance of any offer made by BMI is expressly limited to the exact terms contained in this proposal and any attempt to alter or omit any of such terms shall be deemed an acceptance of the offer, except that any altered or omitted terms shall not be binding on BMI unless BMI has specifically agreed to such altered terms in writing.

We hope this proposal contains sufficient detail to permit your fullest evaluation. Please feel free to contact us at any time for further information.

Sincerely,

Steve Ryder

Steve Ryder, Manager of Project Development
Bellingham Marine

SR:sr:Lake Park Attenuator Frame Replacement Supply.doc

Approved: _____

A signed copy of this quotation will serve as acceptance and agreement by the Buyer to purchase the materials and/or services described herein.

Dated: _____ By: _____

Gwatkin Fabricators, Inc.

210 Juno Street
 Jupiter, FL 33458
 561-744-3046
 Fax # 561-741-0360

Estimate

Date	Estimate #
1/14/2009	663

Name / Address
Cutcher & Associates, Inc 752 US Highway 1 Tequesta, FL 33469
Phone: 748-6745 Fax: 748-6865

Project	
P.O. No.	Lake Park Attenuator Repa
Terms	50%down balance upon completion

Item	Description	Qty	Cost	Total
	Fabricated in 304 grade Stainless Steel BB-1, Page 2: \$2,250.00 BB-2, Page 2: \$2,556.00 BB-3, Page 3: \$2,249.25 BB-4, page 3: \$2,292.00 Page 4: \$4,418.00 Page 5 & 6: \$2,340.00 Total: \$16,105.25 plus tax			
Stainless Steel Fa...	Labor and Materials (1st \$5,000 subject to .5% PBC surtax)	1	5,000.00	5,000.00T
	PBC Discretionary Sales Surtax		0.50%	25.00
Stainless Steel Fa...	Labor and Materials	1	11,105.25	11,105.25T

This proposal may be withdrawn by us if not accepted within 72 hours due to varying market conditions beyond our control.

Any alteration or deviation from the above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. In any action to enforce or to interpret the right of a party arising out of or related to this agreement, the prevailing party shall be entitled to recover all costs and expenses incurred by it, including reasonable attorney's fees and costs, whether recovered as a taxable court cost or not, in addition to any other relief to which he may be entitled. Owner to carry fire, tornado and necessary insurance upon above work. We will under no circumstances add the customer to our insurance policy as additionally insured. Workman's Compensation and Public Liability Insurance to be provided by L.A. Gwatkin Fabricators, Inc.

Subtotal	\$16,130.25
Sales Tax (6.0%)	\$966.32
Total	\$17,096.57

ACCEPTANCE OF ESTIMATE

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____ Date: _____

TAB 7

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No. 7

- | | |
|--|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING
<input checked="" type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input checked="" type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: A text amendment to Section 76-122 Construction in Lake Worth that will update the existing language that has been in place since 1966 and is now obsolete

RECOMMENDED MOTION/ACTION: Approval

Approved by Town Manager *Leslie Swann* Date: 1/9/09
Agenda Approved by TM Martin Jones

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Staff report Ordinance
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development <i>[Signature]</i>	<input type="checkbox"/> Finance _____ <input checked="" type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Clerk <u><i>YML</i></u> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ <i>[Signature]</i> or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The existing Section 76-122 was originally written in 1966 prior to many of today's water construction regulations. The Section is outdated and needs to be rewritten to conform to today's requirements and regulations. Since any construction request is required to go through a multi-layer rigorous review at the county, region, state and federal level it seems redundant to have Town regulations that duplicate or are at odds with the other authorities. By requiring the appropriate county, region, state and federal permits the Town can be assured that any permit request will be properly reviewed.

**Town of Lake Park
Community Development Department**



Meeting Date: January 7, 2009

Patrick Sullivan, AICP, Director

PS
12/23/08

To: Town Commission

Re: Code Text Amendment

Applicant: Cottler & Hearing, Inc.
Owner: Lake Park Owner LLC

Re: Application for text amendment to Section 76-122 (Construction in Lake Worth)

SUMMARY

Town Staff was approached by Lake Park Owner LLC, owner of Mariner's Key at 901 Lakeshore Drive about the need to update Section 76-122 that provides for the regulation of construction in Lake Worth. The original code Section was adopted in 1966 prior too many of today's state and federal regulations. In order for Applicants to construct within Lake Worth, and abide by state and federal environmental regulations, Code Section 76-122 should be amended to allow more flexibility and facilitate the approval process with other governing agencies. Construction in Lake Worth must receive permits from state and federal regulating agencies. Requests for such construction will go through a long and vigorous permitting process regardless of any regulations required by the Town. In addition, such state and federal review will supersede any Town regulations. It therefore seems reasonable and more efficient to have the Town depend on the state and federal permit process to determine the conditions and placement of any construction in the lake.

The purpose of this amendment is to help the Town make certain that our waterfront is developed in a manner consistent with all state and federal regulations and to provide for a consistent, timely and efficient review. The amendment will:

1. Remove reference to specific outdated regulations such as location and dimension requirements for piers and similar waterway structures which are inconsistent with state and federal environmental regulations, and consequently permit piers, T-heads, L-heads, finger piers, wave breaks, boat lifts, and dolphin and mooring piles thereby not discriminating against parcels that are not as wide as other parcels;
2. Mandate waterway construction review and approval by the state and other required agencies; and
3. Require the appropriate state agencies AND the U.S. Army Corps of Engineers to review and approve waterway construction in Lake Worth.

(See exact Text Amendment on Page 2 and Page 3)

The amendment is consistent with the Comprehensive Plan. High-density residential uses are encouraged along the shoreline parcels of Lake Worth. These parcels, under Element Seven of the Coastal Management Chapter of the Comprehensive Plan, encourage multifamily uses to engage in recreation with the waterfront, and recognizes that private docks extend waterward into the Lake along this shoreline. The Coastal Management element states that there are no natural resources endangered within the northern part of the Lake Worth coast line.

After reviewing this request, staff feels that this Code Text Amendment allowing more flexibility with the construction of pier type structures in Lake Worth, will render the process consistent with state and federal

procedures and regulations. This change is also consistent with the Comprehensive Plan's long term goals for this area. Staff is recommending APPROVAL.

Sec. 76-122. Construction in the Lake Worth waterway.

All piers, docks or other approved structures to be constructed lakeward of the bulkhead line of the ~~town~~ in Lake Worth waterway, as recorded in Plat Book 27, page 1, public records of Palm Beach County, Florida, shall meet the following regulations and requirements:

(1) The design of any pier to be constructed under the provisions of this section shall be performed by an engineer licensed registered in the state, and detailed construction drawings shall be submitted bearing the certification and seal of such engineer. Any building, covering or superstructure located on or over any pier, dock or other approved structure to be constructed lakeward of the bulkhead line, as set forth above, shall comply with all building code provisions in force at the time of construction, including requirements for permits, inspections and construction detail.

(2) No permit for any pier shall be issued by the town until the proposed installation has been granted a ~~Department of the Army~~ permit from the United States Army Corps. of Engineers for construction in navigable waters, together with a current and unexpired written and approval for the proposed installation issued by the Trustees of the Internal Improvement Fund, and a current and unexpired written approval for the proposed installation from either the Florida Department of Environmental Protection and/or the South Florida Water Management District, and a copy of all such current and unexpired permits and approvals has been received by the town. Nothing contained in this section shall be construed to affect the rights or obligations connected with spoil areas located in the Lake Worth waterway, within 100 feet lakeward of the bulkhead line referred to above and the granting of a permit by the town does not release the applicant from personally determining what, if any, effects such spoil areas may have upon any construction done in accordance with this section.

(3) ~~No pier shall extend beyond a line 100 feet lakeward from and parallel to the bulkhead line of the town, as recorded in Plat Book 27, page 1, of the public records of Palm Beach County, Florida. T-heads, L-heads, finger piers, wave breaks, boat lifts, and dolphin and mooring piles may be installed provided that the proposed structure to be constructed and installed in the Lake Worth waterway complies with the design and permitting criteria set forth herein above.~~

(4) ~~The centerline of all piers shall be on a uniform alignment approximately perpendicular to the centerline of the main reach of Lake Shore Drive.~~

(5) ~~Piers may be constructed with "L" heads of 25 feet or "T" heads of 50 feet. A finger pier shall not exceed 25 feet in length and a maximum of six feet and a minimum of three feet in width. It shall not extend channelward beyond the main pier.~~

(6) ~~No point on any pier shall be closer than 50 feet to either side property line projected along a line parallel to the pier centerline or closer than 100 feet to any part of another pier.~~

(7) ~~All piers shall be constructed with all major components including piling, beams, decks, etc., constructed of reinforced concrete. Piers shall have a maximum width of ten feet and a minimum width of six feet.~~

(8) ~~Dolphin or mooring posts may be installed adjacent to piers, provided they are not located more than 35 feet from any point on the pier.~~



SEC. 76-122 CONSTRUCTION IN LAKE WORTH TEXT AMENDMENT TO CODE OF ORDINANCES JUSTIFICATION STATEMENT

INTRODUCTION

On behalf of the applicant, Lake Park Owner LLC, we are requesting a text amendment to modify the code of ordinances of the Town of Lake Park. The specific section of the code to be amended is Section 76-122 Construction in Lake Worth within Article IV Lakeward Construction of Chapter 76 Waterways. The purpose of the amendment is to help the Town make certain that their waterfront is developed in a fashion consistent with all state and federal regulations, allowing the town to benefit from this additional over site. The proposed text will add language that will require one of two state agencies to review and approve waterway construction in Lake Worth. The amendment would mandate waterway construction review and approval by the state and other required agencies. The amendment will also remove reference to inconsistent location and dimension requirements for piers and similar waterway structures

PROJECT CONTACT

Cotleur & Hearing, Inc.
Donaldson Hearing / Alessandria Kalfin
1934 Commerce Lane, Suite 1
Jupiter, FL 33458
Phone: (561) 747-6336 x 128
Fax: (561) 747-1377
E-mail: akalfin@cotleur-hearing.com

REQUEST

The applicant is proposing to remove text in section 76-122 that defines the specific location and dimensions of piers. The elimination of this text will let the Town better abide by State regulations and will authorize state and federal agencies to be responsible for waterway construction review and approval. The new text will permit piers, T-heads, L-heads, finger piers, wave breaks, boat lifts, and dolphin and mooring piles in Lake Worth for additional parcels along the waterfront. This is important because currently many parcels along Lake Worth cannot have these types of uses along their lake property line due to outdated setback and dimension regulations. The current regulations discriminate against parcels that are not as wide as other parcels. The subject waterfront parcels meet the zoning lot dimension requirement but are not permitted to have docks.

EXISTING AND PROPOSED TEXT

Chapter 76 Waterways

Article IV Lakeward Construction

Section 76-122. Construction in Lake Worth

All piers, docks or other approved structures to be constructed lakeward of the bulkhead line of the town in Lake Worth, as recorded in Plat Book 27, page 1, public records of Palm Beach County, Florida, shall meet the following regulations and requirements:

- (1) The design of any pier to be constructed under the provisions of this section shall be performed by an engineer licensed ~~registered~~ in the state, and detailed construction drawings shall be submitted bearing the certification and seal of such engineer. Any building, covering or superstructure located on or over any pier, dock or other approved structure to be constructed lakeward of the bulkhead line, as set forth above, shall comply with all building code provisions in force at the time of construction, including requirements for permits, inspections and construction detail.
- (2) No permit for any pier shall be issued until the proposed installation has been granted a Department of the Army permit for construction in navigable waters and approval by the Trustees of the Internal Improvement Fund and either the Florida Department of Environmental Protection or South Florida Water Management District has been received. Nothing contained in this section shall be construed to affect the rights or obligations connected with spoil areas located in Lake Worth ~~within 100 feet lakeward of the bulkhead line referred to above~~ and the granting of a permit by the town does not release the applicant from personally determining what, if any, effects such spoil areas may have upon any construction done in accordance with this section.
- (3) ~~No pier shall extend beyond a line 100 feet lakeward from and parallel to the bulkhead line of the town, as recorded in Plat Book 27, page 1, of the public records of Palm Beach County, Florida.~~ T-heads, L-heads, finger piers, wave breaks, boat lifts, and dolphin and mooring piles may be installed provided they comply with the design and permitting criteria above.
- (4) ~~The centerline of all piers shall be on a uniform alignment approximately perpendicular to the centerline of the main reach of Lake Shore Drive.~~
- (5) ~~Piers may be constructed with "L" heads of 25 feet or "T" heads of 50 feet. A finger pier shall not exceed 25 feet in length and a maximum of six feet and a minimum of three feet in width. It shall not extend channelward beyond the main pier.~~
- (6) ~~No point on any pier shall be closer than 50 feet to either side property line projected along a line parallel to the pier centerline or closer than 100 feet to any part of another pier.~~
- (7) ~~All piers shall be constructed with all major components including piling, beams, decks, etc., constructed of reinforced concrete. Piers shall have a maximum width of ten feet and a minimum width of six feet.~~
- (8) ~~Dolphin or mooring posts may be installed adjacent to piers, provided they are not located more than 35 feet from any point on the pier.~~

PROPOSED TEXT

Chapter 76 Waterways

Article IV Lakeward Construction

Section 76-122. Construction in Lake Worth

All piers, docks or other approved structures to be constructed lakeward of the bulkhead line of the town in Lake Worth, as recorded in Plat Book 27, page 1, public records of Palm Beach County, Florida, shall meet the following regulations and requirements:

(1) The design of any pier to be constructed under the provisions of this section shall be performed by an engineer licensed in the state, and detailed construction drawings shall be submitted bearing the certification and seal of such engineer. Any building, covering or superstructure located on or over any pier, dock or other approved structure to be constructed lakeward of the bulkhead line, as set forth above, shall comply with all building code provisions in force at the time of construction, including requirements for permits, inspections and construction detail.

(2) No permit for any pier shall be issued until the proposed installation has been granted a Department of the Army permit for construction in navigable waters and approval by the Trustees of the Internal Improvement Trust Fund and either the Florida Department of Environmental Protection or South Florida Water Management District has been received. Nothing contained in this section shall be construed to affect the rights or obligations connected with spoil areas located in Lake Worth and the granting of a permit by the town does not release the applicant from personally determining what, if any, effects such spoil areas may have upon any construction done in accordance with this section.

(3) T-heads, L-heads, finger piers, wave breaks, boat lifts, and dolphin and mooring piles may be installed, provided they comply with the design and permitting criteria above.

CONSISTENCY WITH COMPREHENSIVE PLAN

Element Seven, Coastal Management, of the Comprehensive Plan outlines goals, objectives, and policies that are to restrict activities that would damage or destroy coastal resources. On page 7.7, the plan recognizes the high density residential uses located along the 3,500 linear feet of shoreline on Lake Worth. The plan also recognizes that private docks extend waterward into the Lake along this shoreline. The plan discusses, at the time, an 11.5-acre vacant high density tract located at the northern end of the coastal area, immediately south of the Town limits and acknowledges the 200-multifamily units were expected to be developed. The plan then goes on to encourage these multifamily uses to engage in recreation with the waterfront. Furthermore, the Coastal Management element states that there are no natural resources endangered within the northern part of the Lake Worth coast line.

CONCLUSION

The applicant would like to modify section 76-122 of the Lake Park Code of Ordinances. The proposed amendment will help the Town make certain that their waterfront is developed in a fashion consistent with all state and federal regulations, allowing the town to benefit from this additional over site, and to permit all parcels along the waterfront of Lake Worth to construct a pier type structure. The request is consistent with the Comprehensive Plan as well as the long term goals and objectives of the Town. The applicant looks forward to working with staff on this text amendment to ensure the code is consistent with the goals and intent of the town.

ORDINANCE NO. 01-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE, CHAPTER 76, ARTICLE IV, SECTION 76-122 ENTITLED "CONSTRUCTION IN LAKE WORTH" TO ELIMINATE CERTAIN OUTDATED REGULATORY PROVISIONS, AND TO PROVIDE UPDATED REGULATIONS IN AN ATTEMPT TO FACILITATE FUTURE ORDERLY DEVELOPMENT WITHIN THE TOWN ALONG THE LAKE WORTH WATERWAY WHICH IS CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE TOWN'S COMPREHENSIVE PLAN AND IS ALSO IN COMPLIANCE WITH STATE AND FEDERAL REGULATIONS GOVERNING CONSTRUCTION IN NAVIGABLE WATERWAYS, INCLUDING THE LAKE WORTH WATERWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town has previously adopted provisions in Chapter 76 of the Town Code pertaining to waterways in general, which include Article IV pertaining to lakeward construction, and Section 76-122 entitled "Construction in Lake Worth" which contains provisions governing the regulation of certain construction activities within the navigable waterway commonly known as "Lake Worth"; and

WHEREAS, at the request of Lake Park Owner LLC, which is the entity that is the owner of the Mariner's Key residential development located at 901 Lakeshore Drive in the Town, Town staff reviewed the provisions of Town Code Section 76-122; and

WHEREAS, Town staff has determined that Code Section 76-122 was adopted in 1966, which was prior to the enactment of many of the current state and federal regulations

governing construction in navigable waterways, including but not limited to the Lake Worth waterway, which is partially located within the Town's boundaries; and

WHEREAS, applicants wishing to conduct construction within the Lake Worth waterway must not only comply with the provisions of chapter 76 of the Town Code, but also must abide by more stringent state and federal environmental protection rules and regulations and apply for and obtain applicable permits from state and federal regulatory authorities; and

WHEREAS, Town staff has concluded that based on the current regulations set forth in Town Code Section 76-122, this Section should be amended to allow for more flexibility in development along and in the Lake Worth waterway, and to streamline the local approval process at the Town level, with improved coordination with other permitting entities whose regulatory jurisdiction within the Lake Worth waterway generally supercedes the regulatory authority of the Town; and

WHEREAS, to accomplish these objectives, Town staff has recommended that certain amendments to Town Code Section 76-122 be adopted which will assist the Town in protecting the development of the Town's Lake Worth waterfront in a manner that is consistent with applicable state and federal regulations, as well as to provide for a consistent, timely, and efficient review process at the local Town level; and

WHEREAS, specifically Town staff has recommended to the Town Commission that Section 76-122 be amended to delete all references to certain outdated regulations, such as location and dimension requirements for piers and similar waterway structures which are inconsistent with state and federal environmental regulations; and

WHEREAS, as a result of the proposed amendments to Section 76-122, piers, T-heads, L-heads, finger piers, wave breaks, boat lifts, and dolphin and mooring piles may be permitted by the Town without discriminating against certain parcels that are not as wide as other parcels; and

WHEREAS, in addition Town staff has recommended that Section 76-122 be amended to require mandatory waterway construction review and approval by state and federal agencies and entities with regulatory jurisdiction, and to also require that the applicable regulatory state and federal agencies, including but not limited to, the United States Army Corps of Engineers, review and approve all proposed waterway construction to be located within the Lake Worth waterway which is within the corporate limits of the Town; and

WHEREAS, Town staff has further determined that the proposed text amendments to Town Code Section 76-122 will be consistent with the Town's adopted Comprehensive Plan in that the development of high-density residential uses are encouraged along the shoreline parcels of the Lake Worth waterway, and in addition, Element Seven of the Coastal Management Chapter of the Comprehensive Plan encourages multifamily uses to engage in recreation along the Town's waterfront; and

WHEREAS, the Coastal Management Chapter of the Town's adopted Comprehensive Plan also recognizes that private docks extend water ward into the Lake Worth waterway along the Lake Worth shoreline within the Town, but notes that there are no

natural resources which are endangered within the Town's portion of the northern area of the Lake Worth coastline; and

WHEREAS, the Town Commission has reviewed the recommendations of the Town staff, and has determined that amending Chapter 76, Article IV, Section 76-122 of the Town Code will provide a more efficient and effective review process which is consistent with current state and federal law, and also that the proposed amendments to Code Section 76-122 are necessary to further the public health, safety, and general welfare.

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

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

Section 2. Chapter 76, Article IV, Section 76-122 entitled "Construction in Lake Worth" is hereby amended to read as follows:

Sec. 76-122. Construction in the Lake Worth waterway.

All piers, docks or other approved structures to be constructed lakeward of the bulkhead line of the ~~town in~~ Lake Worth waterway, as recorded in Plat Book 27, page 1, public records of Palm Beach County, Florida, shall meet the following regulations and requirements:

(1) The design of any pier to be constructed under the provisions of this section shall be performed by an engineer licensed and registered in the state, and detailed construction drawings shall be submitted bearing the certification and seal of such engineer. Any building, covering or superstructure located on or over any pier, dock or other approved structure to be constructed lakeward of the bulkhead line, as set forth above, shall comply with all building code provisions in force at the time of construction, including requirements for permits, inspections and construction detail.

(2) No permit for any pier shall be issued by the town until the proposed installation has been granted a ~~Department of the Army~~ permit from the United States Army Corps. of Engineers for construction in navigable waters, together with a current and unexpired written and approval for the proposed installation issued by the Trustees of the Internal Improvement

Ffund, and a current and unexpired written approval for the proposed installation from either the Florida Department of Environmental Protection and/or the South Florida Water Management District, and a copy of all such current and unexpired permits and approvals has been received by the town. Nothing contained in this section shall be construed to affect the rights or obligations connected with spoil areas located in the Lake Worth waterway, within 100 feet lakeward of the bulkhead line referred to above and the granting of a permit by the town does not release the applicant from personally determining what, if any, effects such spoil areas may have upon any construction done in accordance with this section.

~~(3) No pier shall extend beyond a line 100 feet lakeward from and parallel to the bulkhead line of the town, as recorded in Plat Book 27, page 1, of the public records of Palm Beach County, Florida. T-heads, L-heads, finger piers, wave breaks, boat lifts, and dolphin and mooring piles may be installed provided that the proposed structure to be constructed and installed in the Lake Worth waterway complies with the design and permitting criteria set forth herein above.~~

~~(4) The centerline of all piers shall be on a uniform alignment approximately perpendicular to the centerline of the main reach of Lake Shore Drive.~~

~~(5) Piers may be constructed with "L" heads of 25 feet or "T" heads of 50 feet. A finger pier shall not exceed 25 feet in length and a maximum of six feet and a minimum of three feet in width. It shall not extend channelward beyond the main pier.~~

~~(6) No point on any pier shall be closer than 50 feet to either side property line projected along a line parallel to the pier centerline or closer than 100 feet to any part of another pier.~~

~~(7) All piers shall be constructed with all major components including piling, beams, decks, etc., constructed of reinforced concrete. Piers shall have a maximum width of ten feet and a minimum width of six feet.~~

~~(8) Dolphin or mooring posts may be installed adjacent to piers, provided they are not located more than 35 feet from any point on the pier.~~

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

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

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish

Ord. # 01-2009

Page 6 of 6

such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

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

TAB 8

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No. 8

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input checked="" type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Charter Amendment Requiring Primary Residency for the Duration of Elected Office and Increasing the Town Manager's Minimum Years of Experience Requirements.

RECOMMENDED MOTION/ACTION: Approval

Approved by Town Manager *Neil Davis* Date: 1/15/09

Name/Title

Date of Actual Submittal

Originating Department: <p style="text-align: center;">Town Manager</p>	Costs: \$ N/A Funding Source: Acct. # _____	Attachments: Ordinance
Department Review: <input checked="" type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: Staff is recommending an amendment to Article IV, Section 4 of the Town Charter which would provide that a vacancy in an elective office occurs in instances where the Mayor, or a Commissioner does not maintain his or her

primary residence in the Town of Lake Park. Currently, this section of the Charter only provides for a vacancy in an elective office in the case of the death, disability, resignation, or removal of the Mayor or a Commissioner.

Additionally Article VI, Section 1 of the Charter provides for the Town Manager to have two years experience as a full-time employee in Public Administration. Staff recommends that this provision be amended to require five years of Public Administration experience at the Administrative level. Lastly Staff recommends that language allowing the Town Commission to designate the Mayor or a commissioner to act in the capacity of Interim Town Manager be stricken.

ORDINANCE NO. 02-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IV, SECTION 4, ENTITLED "FILLING A VACANCY ON THE COMMISSION" TO ADDRESS THE FILLING OF VACANCIES ON THE TOWN COMMISSION CREATED WHEN A SITTING MAYOR OR COMMISSIONER CEASES TO REMAIN A LEGAL RESIDENT OF THE TOWN DURING THE TERM OF OFFICE; PROVIDING FOR THE AMENDMENT OF ARTICLE VI, SECTION 1, ENTITLED "QUALIFICATIONS OF TOWN MANAGER" TO INCREASE THE MINIMUM LEVEL OF EXPERIENCE FOR THE OFFICE OF TOWN MANAGER FROM TWO YEARS TO NOT LESS THAN FIVE YEARS IN PUBLIC ADMINISTRATION AT THE ADMINISTRATIVE LEVEL; PROVIDING FOR THE AMENDMENT OF ARTICLE VI, SECTION 1 TO REMOVE A PROVISION WHICH ALLOWS THE COMMISSION TO DESIGNATE THE MAYOR OR A COMMISSIONER TO EXECUTE THE FUNCTIONS OF TOWN MANAGER DURING THE TOWN MANAGER'S REMOVAL, ABSENCE OR DISABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, prior to July 1, 1973 the Town Commission adopted a municipal Charter, which contains among other matters, provisions pertaining to the operation of the Town under a Town Commission-Town Manager form of government, and qualification pre-requisites for the position of Town Manager, which have been codified in the Town Charter in Article IV, Section 4, and also Article VI, Section 1; and

WHEREAS, both Section 166.021(4) and Section 166.031, Fla. Stat. (2007), set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, and which

charters have not been subsequently readopted; and

WHEREAS, pursuant to the provisions of Section 166.021(4), Fla. Stat. (2007), amendments to municipal charter provisions which were adopted prior to July 1, 1973, such as the Town's Charter, may be made by ordinance if the proposed changes do not affect the basic organizational and administrative structure of the municipal government, and if the proposed changes do not fall within any of the statutorily excluded areas which expressly require a referendum in order to adopt the proposed charter amendment; and

WHEREAS, the Town Manager has recommended to the Town Commission that Article IV, Section 4 of the Town Charter be amended to expressly provide for the filling of vacancies in the Town Commission which may be created if a sitting Mayor or Commissioner ceases to remain a bona fide resident of the Town of Lake Park, Florida during the remainder of his or her term of office as a Mayor or Commissioner for the Town; and

WHEREAS, the Town Manager has recommended to the Town Commission that Article VI, Section 1 of the Town Charter be amended to increase the minimum number of years of experience necessary to qualify for the position of Town Manager from the current two (2) years as currently provided in Article VI, Section 1 of the Charter, to not less than five (5) years of experience; and

WHEREAS, the Town Manager has recommended to the Town Commission that Article VI, Section 1 be amended to remove a provision which allows the Commission to designate the Mayor or a member of the Commission to execute the functions of Town Manager during the Town Manager's removal, absence or disability; and

WHEREAS, these proposed Charter amendments may be effectuated through the adoption

of an Ordinance amending these Sections of the Charter, and without the need for a referendum pursuant to Section 166.021(4), Fla. Stat. (2007); and

WHEREAS, the Town Commission has reviewed the recommendations of the Town Manager, and has determined that adopting an Ordinance amending Article IV, Section 4 and Article VI, Section 1 of the Town Charter, is necessary to further the public health, safety, and general welfare.

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

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

Section 2. The municipal Charter for the Town of Lake Park, Article IV, Section 4 entitled "Filling a vacancy on the Commission" is hereby amended to read as follows:

Section 4. Filling of vacancy on commission.

In the case of death, disability, resignation or removal of the Mayor or any member of the Town Commission, or in the event that a Commissioner or the Mayor ceases to remain a bona fide legal resident of the Town, a vacancy shall on the Town Commission shall exist, and such vacancy shall be filled by the appointment of a new temporary Commissioner by the remaining members of the Town Commission, until an election can be held to fill such vacancy. The ~~Such~~ election to fill the vacancy on the Commission shall be held within sixty (60) calendar days after the date of the death, disability, resignation, or removal of the ~~said~~ Mayor or Commissioner, or the change of legal residency of a Commissioner or the Mayor to a location outside the corporate limits of the Town, unless a general election of the Town of Lake Park is to be ~~shall be~~ held within ninety (90) calendar days thereafter, whereupon such election may be combined with the ~~said~~ general election. No person specially appointed to fill the ~~such~~ vacancy may be a candidate for the office to which he is appointed in the next following election to fill that office.

Section 3. The Municipal Charter of the Town of Lake Park Article VI, Section 1 entitled "Qualifications of Town Manager" is hereby amended to read as follows:

Section 1. Qualifications of town manager.

The Town Commission shall appoint a Town Manager who shall be the administrative head of the municipal government under the laws of the Town as enacted by the Town Commission and under the general supervision of the Town Commission. The Town Manager shall be properly qualified, or the minimum qualifications being that he is a college graduate or his experience, training, and education equivalent to that of a college graduate as determined by the members of the Town Commission and that he has ~~had at least two (2) years~~² five (5) years experience as a full-time employee in Public Administration at the Administrative level. Before the appointment of a new Town Manager or during the absence or disability of the Town Manager, the Town Commission may designate as an acting or interim Town Manager, any competent person, including the Mayor-Commissioner or any other member of the Commission any person which the Commission deems sufficiently qualified and competent to temporarily execute the functions of the office of Town Manager, however such person need not possess the afore-stated minimum qualifications for the full time position of Town Manager.

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

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

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

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

TAB 9

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: January 21, 2008

Agenda Item No. 9

- | | |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING
<input checked="" type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Quasi Judicial Hearing
<input type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> DISCUSSION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Amendment to approved Site Plan of 12/01/04 under Resolution 54-12-04, for the addition of a phasing schedule and modifications to the approved landscaping.

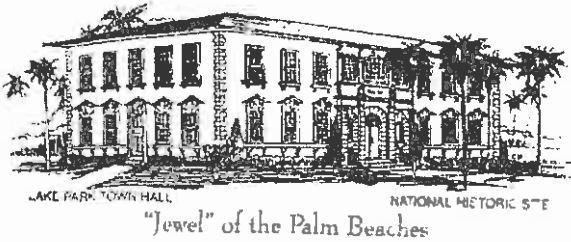
RECOMMENDED MOTION/ACTION: Approval.

Approved by Town Manager W. Davis

Date: 1/15/09

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Site Plans Resolution
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk <u>YML 1/13/09</u> <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one. <u>W. Davis 1/15/09</u>

Summary Explanation/Background: A request by Mr. Gregory Celentano of Ahrens Companies ("Applicant") acting as agent for the property owner, Park Avenue L.L.C. ("Owner"), for the inclusion of a Phasing schedule to the originally approved Site Plan and the modification of the approved landscaping, all of which was approved on 12/01/04 under Resolution 54-12-04, for a mixed-use development ("Project"), located on a 1.694 acre parcel on the northwest corner of Park Avenue and 8th Street ("Site" or "Property"), within the Town's PADD zoning district. Please see staff report for further information.



**TOWN LAKE OF PARK
TOWN COMMISSION**
Meeting Date: December 17, 2008
Date Prepared: December 2, 2008

PLAN DESCRIPTION: Modification to approved Site Plan of 12/01/04 under Resolution 54-12-04, for the addition of a phasing schedule and modifications to the approved landscaping.

APPLICANTS REQUEST: A request by Mr. Gregory Celentano of Ahrens Companies ("Applicant") acting as agent for the property owner, Park Avenue L.L.C. ("Owner"), for the inclusion of a Phasing schedule to the originally approved Site Plan and the modification of the approved landscaping, all of which was approved on 12/01/04 under Resolution 54-12-04, for a mixed-use development ("Project"), located on a 1.694 acre parcel on the northwest corner of Park Avenue and 8th Street ("Site" or "Property"), within the Town's PADD zoning district.

STAFF RECOMMENDATION: APPROVAL of the Phasing Site Plan and landscape modifications subject to the conditions of approval as stated herein.

P&Z RECOMMENDATION: APPROVAL of the Phasing Site Plan and landscape modifications subject to conditions of approval 1 thru 21 with modifications to conditions (5) and (8), and (21) to include the following language:

(5) "(...) Rear landscaping must be continued to the western portion of the property to allow privacy to the homeowners in the rear, hedging along the rear must be maintained at a minimum of 60"; parking area maintenance height must be maintained at a height of 48"; all additional hedging on the property must be maintained at a height of 42"-46" (...)"

(8) "(...)There shall be a total of TWO dumpster locations on-site upon the completion of Phase 2. (...)"

(21) Phase 1 landscaping is required to include a combination of trees (minimum 8' in height) and hedges (minimum 30" at planting) just west of the Phase 1 western building wall, to break up the façade of the newly constructed building.

BACKGROUND INFORMATION:

Applicant(s): Mr. Gregory Celentano of Ahrens Companies
Owner: Park Avenue L.L.C.
Address of Location: Northwest corner of Park Avenue and 8th Street
Lot Size: 1.694 acres
Zoning and Land Use: PADD/Downtown

Adjacent Zoning

North: R1-A
South: PADD
East: PADD
West: PADD

Adjacent Land Uses

North: Residential Single-Family
South: Office/Retail
East: Office/Residential
West: Office/Retail

CONSISTENCY OF SITE PLAN WITH THE COMPREHENSIVE PLAN

The proposed changes do not affect the overall intent of the goals, objectives and policies of the Town’s Comprehensive Plan. The proposed use, parking allocations, and public facility capacity is not being modified. The proposed changes keep the Project consistent with the Comprehensive Plan, with the exception of:

4.0 Traffic Circulation

Policy 2.2: The Town shall review all the proposed development and coordinate and cooperate with the responsible agencies for these improvements to bring them into compliance with the level of service (“LOS”) standards.

The Applicant received documentation from Palm Beach County confirming that the proposed 7,616 SF General Retail, 7,616 SF General Office, 5,000 SF High Turn-over Restaurant, and 40 Multi-Family residential units satisfied Traffic Performance Standards (TPS) and met traffic concurrency requirements when the project was originally approved. Given the new phasing schedule AND revised square footage allocations, Phase 1 is vested under this approval (having 9,806 sf retail/office; 1,250 restaurant; 20 residential units at 23,226 sf), prior to the first building permit being issued, an updated traffic letter from Palm Beach County confirming the aforementioned will be required for all new construction permits for Phase 2.

PROJECT DETAILS:

Building Site: The Site is located in the PADD Zoning District with a Downtown land use which is suitable for a Mixed-Use development as was originally approved and is being modified to include the following square footages for each phase:

⚡ Phase 1:

- 9,806 sf (retail/office)
- 1,250 sf (restaurant)
- 23,226 sf (20 multi-family residential units)
- 1,318 sf (storage/elevator/trash)
- TOTAL of 51 parking spaces (inclusive of two handicap spaces)

⚡ Phase 2:

- 9,806 sf (retail/office)
- 1,250 sf (restaurant)
- 20,998 sf (20 multi-family residential units)
- 1,317 sf (storage/elevator/trash)
- 44 NEW parking spaces (inclusive of two handicap spaces for a total of 95 spaces for both phases combined)

Site Access: The Mixed-Use development is located on a 1.694 acre parcel on the northwest corner of 8th Street and Park Avenue. The site has two access points, one off of 8th Street for the proposed Phase 1 (as seen on the site plan), and another off of 9th Street for the proposed Phase 2.

Traffic: The Applicant received documentation from Palm Beach County confirming that the proposed 7,616 SF General Retail, 7,616 SF General Office, 5,000 SF High Turn-over Restaurant, and 40 Multi-Family residential units satisfied Traffic Performance Standards (TPS) and met traffic concurrency requirements **when the project was originally approved**. Given the new phasing schedule AND revised square footage allocations, Phase 1 is vested under this approval (having 9,806 sf retail/office; 1,250 restaurant; 20 residential units at 23,226 sf), **prior to the first building permit being issued, an updated traffic letter from Palm Beach County confirming the aforementioned will be required for all new construction permits for Phase2.**

Landscaping: The new landscape architect of record is Mr. William Flint III. The Applicant is proposing to minimize the overall height and quantity of plantings, while still meeting the minimum code requirements for landscaping. The following modifications to the approved plans outline some of the changes (*Applicant will further elaborate on any additional changes not specified below*):

- Phase 1 will include all landscaping for the eastern portion of the property, with three (3) Washingtonians on each side of the eastern entry in lieu of two (2) plus the Phoenix Palms;
- Until Phase 2 is built, the vacant western portion of the site will be Hydro seeded and include a 30” cocoplum hedge at planting, around the southern and western perimeters. Existing perimeter trees are to remain as is shown on sheet 203;
- Overall landscaping along Park Avenue is minimized in size and quantity, but still provides adequate buffering and will compliment the recent landscape modifications along Park Avenue that have just been completed by the Town;
- The temporary location of the dumpster at the center-point of the site, behind the courtyard on the north side, is proposed to be screened with a 30” cocoplum hedge at planting. This is NOT adequate. **All outdoor storage and trash collection sites require a minimum three-foot (36”) high hedge AND a structural barrier. The two dumpsters must be surrounded by a minimum three-foot (36”) hedge at planting AND a structural barrier;**
- Courtyard landscaping is minimized and some changes include → 8 heads of Paurotis Palm Clusters instead of 15; 48 Wax Jasmines instead of 48 with four 16’ royal palms around each landscape bed; 14 Ilex Cornuta instead of 20 at the front;
- Detention area landscaping is minimized and some changes include → 5 Hibiscus Florida Sunset instead of 12 Florida Sunset and 12 Single Yellow and 12 June Carol; three 10’ Cabbage Palm trees instead of White Orchid, Slash Pine, Sunshine Mimosa, and Geiger trees just to name a few;

All perimeter buffering is provided as required by the Code. Any remaining minimum maintenance height of landscaping is to be recommended by the Board. Applicant will elaborate on all other changes.

Drainage: The Applicant is not proposing any changes to the drainage. **Prior to the issuance of all future construction building permits for Phase 2, the Applicant must provide up-to-date copies of all required agency permits, including, but not limited to, permits from the South Florida Water Management District.** The Town’s civil engineer for this Project previously reviewed and approved all engineering plans and all code and Florida Building Code requirements.

Parking: The Applicant is not modifying the approved parking spaces. Fifty-one (51) spaces will remain in Phase 1 (inclusive of two handicap spaces), and forty-nine (49) spaces will be part of the proposed Phase 2 (inclusive of two handicap spaces).

Signage: Additional freestanding and/or monument signage will be reviewed at the time of building permit review.

Zoning: The zoning for the Site is PADD and it is consistent with the Comprehensive Plan.

Water/Sewer: No changes affecting water/sewer are being proposed. The Town's civil engineer for this Project previously reviewed and ascertained that there is sufficient available capacity to sustain the levels of service for potable water and for wastewater treatment set forth in the Town's comprehensive plan.

Design: No modifications are being proposed to the overall building design with the exception of the central courtyard facing Park Avenue, which has been built using an alternate design than what was approved. The as-built design is reflected on proposed sheet 204 of this submittal. **A revision page, as well as final as-builts reflecting the changes will need to be submitted to the Community Development Department.** Finally, the Applicant has also added pavers around the entire building, including steps and handicap ramps, and changed the 6' green chainlink to a 6' black chainlink fence along the back side of the property facing Greenbriar Drive. **Appropriate permits and revision pages are also required for these changes.**

STAFF COMMENTS:

Staff recommends **APPROVAL** of the Phasing Site Plans and Landscape Plans as revised, subject to the following conditions:

P&Z RECOMMENDATION: **APPROVAL** of the Site Plan and Landscape Plans as revised, subject to the following conditions:

1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday only, unless otherwise approved by the Community Development Director.
2. Any disturbance of the public right of way along Park Avenue, 8th Street, 7th Street, or Greenbriar Drive shall require review and written approval from both the Public Works and Community Development Departments prior to any construction.
3. Any disruption to any of the nearby entrance/exit and parking areas along Park Avenue, 8th Street, 7th Street, or Greenbriar Drive shall require prior written approval from the Community Development Director.
4. Any disruption beyond the boundaries of the Site shall require the contractor to employ commonly accepted practices that ensures the safety and well being of the general public.
5. All approved landscaping shall be properly maintained. Plant height at the time of plant installation and plant maintenance height is reflected in the approved landscape plans. **Rear landscaping must be continued to the western portion of the property to allow privacy to the homeowners in the rear, hedging along the rear must be maintained at a minimum of 60"; parking area maintenance height must be maintained at a height of 48"; all additional hedging on the property must be maintained at a height of 42"-46".** The

Owner shall provide a minimum three-month replacement warranty for all new landscape material, with the warranty to commence on the date of the issuance of the final Certificate of Occupancy. The Owner is responsible for replacing any and all dead or dying landscape material on the Property and otherwise comply with the requirements of the Town Code pertaining to landscaping and property maintenance, failing which the owner and/or any tenant(s) of the Property shall be subject to code enforcement action by the Town to ensure compliance with these conditions of approval and the requirements of the Town Code.

6. Safe and adequate pedestrian passage in front of the construction site along Park Avenue, 8th Street, 7th Street, or Greenbriar Drive shall be maintained at all times.
7. The Owner shall ensure that any and all contractor(s) and their agents and employees working on the Property use commonly accepted practices to reduce airborne dust and particulates during all construction phases.
8. All dumpsters shall be enclosed as noted on the Site Plan and the dumpster enclosure doors shall be kept shut at all times. **There shall be a total of TWO dumpster locations on-site upon the completion of Phase 2. The dumpsters must be surrounded by a minimum three-foot (36") hedge at planting AND a structural barrier;**
9. Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on Site are in accordance with the plans approved by the Town Commission.
10. Prior to the issuance of any building permit, copies of all other required, **unexpired** permits from 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 must be provided to the Town. As of January 1, 2009 the new Florida Prevention Code for Palm Beach County Fire, will apply to all building permits that are submitted for review.
11. The Applicant received documentation from Palm Beach County confirming that the proposed 7,616 SF General Retail, 7,616 SF General Office, 5,000 SF High Turn-over Restaurant, and 40 Multi-Family residential units satisfied Traffic Performance Standards (TPS) and met traffic concurrency requirements **when the project was originally approved**. Given the new phasing schedule AND revised square footage allocations, Phase 1 is vested under this approval (having 9,806 sf retail/office; 1,250 restaurant; 20 residential units at 23,226 sf), although **all new construction permits for Phase 2, will require an updated traffic letter from Palm Beach County confirming the aforementioned**.
12. The central courtyard facing Park Avenue has been built using an alternate design than what was originally approved. The as-built design is reflected on sheet 204 of this submittal. The 6' green chainlink fence is now being proposed as a 6' black chainlink on sheet 101. **Appropriate building permits, revision pages, as well as final as-builts reflecting these changes will need to be submitted to the Community Development Department to properly account for this change.**

13. All outdoor storage and trash collection sites require a minimum three-foot (36") high hedge AND a structural barrier.

14. All new construction permits for Phase 2, will require an updated traffic letter from Palm Beach County confirming the aforementioned.

15. The Phasing schedule reflects the following square footage allocations:

⬇ Phase 1:

- 9,806 sf (retail/office)
- 1,250 sf (restaurant)
- 23,226 sf (20 multi-family residential units)
- 1,318 sf (storage/elevator/trash)
- TOTAL of 51 parking spaces (inclusive of two handicap spaces)

⬇ Phase 2:

- 9,806 sf (retail/office)
- 1,250 sf (restaurant)
- 20,998 sf (20 multi-family residential units)
- 1,317 sf (storage/elevator/trash)
- 44 NEW parking spaces (inclusive of two handicap spaces for a total of 95 spaces for both phases combined)

16. The Mixed-Use development shall be constructed in compliance with the original, approved Architectural Elevations, Engineering plans and Irrigation plan on file with the Community Development Department, and shall include the following revised site plans and landscape plans as noted below:

- a. Site Plan referenced as sheet 101 and 102 respectively, dated 12-08-08 prepared by Mr. Don Boitnott, who is the Architect of record, received and dated by the Department of Community Development on 12-08-08.
- b. Landscape plans referenced as sheets 201 through 209 and prepared by Mr. William A. Flint II who is the landscape architect of record 11-14-08, received and dated by the Department of Community Development on 12-08-08.

17. Any revisions to the site plan, landscape plan, architectural elevations, signs, statement of use, 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 Community Development Department and shall be subject to its review and

approval, unless the Town Code or a condition of approval requires Town Commission approval.

18. The Owner or authorized agent shall initiate the bona fide and continuous development of **PHASE 2** of the property within 18 months from the effective date of development approval. Such development shall be completed within 18 months from the effective date of initiation of development as defined herein; unless there is a grant of extension as otherwise provided for in the Town of Lake Park Code Section 67-42 *Expiration of development approvals*.
19. Cost Recovery. All fees and costs incurred by the Town in reviewing the Project and billed to the Applicant shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Applicant to reimburse the Town within 10 days may result in the revocation of all previously issued development orders for the project and/or the cessation of the review of the Application until the Town is fully reimbursed.
20. Within ninety (90) days of the effective date of the Resolution, the Applicant or Owner shall submit revised Development Plans to include the items as conditions. The Development Plans may be approved administratively by staff provided that: (1) all conditions are included on the Development Plans to the satisfaction of the Community Development Director, and (2) any exterior building modification(s) are architecturally consistent with the approved buildings. Should any of the aforesaid not be adequately satisfied, the revised Development Plans shall be reviewed and approved by the Town Commission as an amendment to the Site Plan. No building or land clearing permits shall be issued until the revised plans have been approved.
21. **Phase 1 landscaping is required to include a combination of trees (minimum 8' in height) and hedges (minimum 30" at planting) just west of the Phase 1 western building wall, to break up the façade of the newly constructed building.**

November 14, 2008
Revised December 8, 2008

Mr. Patrick Sullivan , AICP
Community Development Director
535 Park Avenue
Lake Park, FL 33403

Hand Delivered

Re: ONE PARK PLACE - SITE PLAN RE-SUBMITTAL
Phasing and Landscaping Revisions
Park Avenue, Lake Park, FL

Dear Patrick:

We hereby submit application, as discussed, to separate this project into two phases, with Phase 1 relating to mainly the east side of the project and Phase 2 completing the west end to generally conform to the intent of the original approval.

As previously discussed, the present state of the economy has forced the owners to postpone the construction of the western building and the associated site work. The Phase 1 Site Plan (sheet 101) depicts all improvements proposed/constructed at this time. The Phase 2 Site Plan (sheet 102) shows the completion of the west building and parking lot, which finalizes the intent of the original approval.

The Phase 1 scope of work conforms to all Town of Lake Park requirements; including parking, loading, coverage, setbacks and minimum pervious ratios. This portion is constructed based on the originally approved plans. There are no changes to design in terms of paving, grading, drainage, water, sewer, gas or irrigation for this project. We have modified the fencing scope of work to encompass the eastern half only for security, with a relocated gate and dumpster enclosure on the west end of the new fence limit. The dumpster enclosure will be relocated to the original position in Phase 2. The fencing, including ornamental gates and fence, also will be relocated to the original position.

We feel it is also important to mention that we have enhanced the project by adding pavers around the entire building, including steps and handicap ramps. This will also apply to Phase 2.

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Mr. Patrick Sullivan
November 14, 2008
Revised December 8, 2008

Regarding landscaping, we have introduced new plans prepared by William Flint, Landscape Architect (he has designed several projects for us in the Town of Lake Park). We have discussed our revisions with Mr. Jeff Blakely. The new plans closely follow the original design intent in terms of materials used and we maintained almost all of the plantings in the same locations. The plans now reflect our Phasing changes, with an overall view and enlarged plans for the east and west portions as well as the core area, for both phases. In the rear parking areas, we feel we meet the intent of the code, basically keeping with Jeff's theme, but scaling down some material to code minimum. The Pigeon Plums and Sea Grapes remain the same. The east entry contains three (3) Washingtonians on each side in lieu of two (2) plus the Phoenix Palms.

In addition to the phasing changes, the owners are forced to scale back on some of the material types and sizes due to the difficult state of the economy. We feel the changes introduced do not sacrifice/detract from the intent of the original plans and we believe our proposed revisions meet or exceed the intent of the code (including P.A.D.D. enhancements).

As discussed and requested in the conditions from the Planning and Zoning Board Meeting held on December 1, the following changes have been made to the plans:

1. We now show the designated residential dumpster locations for both Phase 1 and 2.
2. For Phase 2, the Phase 1 dumpster enclosure shall remain as shown and a second permanent dumpster enclosure will be added in the original location.
3. We added a Cocoplum hedge and two Solitaire Palms along the west side of the core paver area to separate the seeded vacant area.
4. We continued the Seagrape hedge and Pigeon Plum trees along the entire northern buffer from 8th to 9th Street.
5. We fixed the type-O on the Solitaire Palms, now showing the proper designation of "PE".


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Revised December 8, 2008

6. We added the hedge height maintenance notes.
7. We now show the dumpster enclosure hedge planting height at 36".
8. We changed the Begonias in the core area to Pinwheel Jasmine since the shade was eliminated.

Thank you for your cooperation and please call if you have any questions.

Sincerely,

AHRENS COMPANIES


Gregory L. Celentano
Vice President

CC: Barbara Ahrens

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RESOLUTION NO. 01-01-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 54-12-04 WHICH APPROVED A SITE PLAN FOR A MIXED-USE DEVELOPMENT KNOWN AS ONE PARK PLACE, TO ALLOW FOR THE CONSTRUCTION OF THE PROJECT IN TWO PHASES; PROVIDING FOR A PHASING SCHEDULE WITH REVISED SQUARE FOOTAGE ALLOCATIONS BY USE FOR EACH PHASE; AND APPROVING A REVISED LANDSCAPE PLAN FOR THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

14 **WHEREAS**, Park Avenue, LLC, a Florida limited liability company is the fee
15 simple owner (the "Owner") of a 1.694± acre parcel of real property, the legal description
16 of which is attached hereto, and incorporated herein as **Exhibit "A"** (the "subject
17 property"); and

18 **WHEREAS**, the subject property is generally located at the northwest corner of
19 Park Avenue and 8th Street in the Town of Lake Park, Florida ("Town"); and

20 **WHEREAS**, the Ahrens Companies, by and through, Gregory Celantano as the
21 authorized agent for the Owner (the "Applicant"), has submitted an application to the
22 Town requesting approval of an amendment to the original site plan ("Site Plan") for the
23 subject property; and

24 **WHEREAS**, Resolution 54-12-04 authorized the construction of a mixed-use
25 development project, known as One Park Place, subject to conditions of approval as set
26 forth in the Resolution; and

27 **WHEREAS**, the Applicant has requested that the Site Plan be amended to
28 authorize a Phasing Schedule for construction of the approved mixed-use development
29 project and to modify the previously approved Landscape Plan (the Application); and

30 **WHEREAS**, Town Staff and the Town of Lake Park's Planning and Zoning
31 Board have reviewed the Application, and have presented their respective
32 recommendations to the Town Commission; and

33 **WHEREAS**, the Town Commission conducted a quasi-judicial public hearing to
34 consider the Application, and has evaluated the evidence presented by Town Staff, the
35 Applicant, the Owner, and other interested parties and members of the public, as to

1 whether the proposed amendments the Application is consistent with the Town's
2 Comprehensive Plan; and

3 **WHEREAS**, in addition, the Town Commission also considered the evidence
4 presented by Town Staff, the Applicant, the Owner, and other interested parties and
5 members of the public, as to whether the proposed amendments to the Site Plan comply
6 with the Town's Land Development Regulations; and

7 **WHEREAS**, the Town Commission has determined that the conditions
8 incorporated herein, are necessary in order for the Application to be consistent with the
9 Town's Comprehensive Plan and to comply with the Town's Land Development
10 Regulations; and

11 **WHEREAS**, the conditions as set forth below shall be binding on, and apply to
12 the Applicant, the Owner, and their successors and/or assigns.

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

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

17 **Section 2.** The Town Commission hereby approves the Application amending
18 the Site Plan for the mixed-use development project to authorize a Phasing Schedule;
19 provide revised square footage allocations by use for each Phase; and to amend the
20 previously approved Landscape Plan subject to the following conditions:

21 1) The Owner shall install all improvements on the subject property in compliance
22 with the original approved architectural and building elevations and floor plans,
23 engineering plans, irrigations plans, statement of use, traffic study on file with the
24 Town's Community Development Department, and which shall also include the
25 following revised Site Plan and Landscape Plans and Drawings:

26 a) Site Plan, referenced as sheets "Sheet SP-101 of SP-102", dated 12-08-08,
27 prepared by Don Boitnott, the Project architect of record, received and
28 dated by the Town's Community Development Department
29 ("Department") on 12-08-08.

30 b) Landscape Plan, references as sheets "Sheet LP 201 through LP-209"
31 dated 11-14-08, prepared by William A. Flint II, the Project landscape

1 architect of record, received and dated by the Town's Community
2 Development Department on 12-08-08.

3 2) Any revisions to the Site Plan, Landscape Plan, Elevations, Signage, Statement of
4 Use, or other details submitted as part of this Application, including but not
5 limited to, the location of the proposed improvements, and/or additional, revised,
6 or deleted colors, materials, or structures, shall be submitted to the Department for
7 its review and approval.

8 3) Any condition which requires the re-submittal of final plans shall be subject to the
9 Department's review and approval.

10 4) Upon submittal of final plans and prior to the issuance of any development
11 permits, the Owner shall:

12 a) Revise the Landscape Plan to show that the rear landscaping shall be
13 continued through to the western portion of the subject property to provide
14 a buffer to the residents and owners of property located to the rear of the
15 subject property; provide continuous hedging along the rear property line
16 which shall be maintained at a minimum height of 60 inches; provide
17 continuous hedging along the parking area which shall be maintained at a
18 minimum height of 48 inches ; and provide a notation that all other and/or
19 additional hedging to be located on the subject property shall be
20 maintained at a minimum height of 42-46 inches.

21 b) Revise the Landscape Plan of the Site Plan to reflect that the Phase 1
22 landscaping must include a combination of trees (minimum 8' in height)
23 and hedges (minimum 30" at planting) which are to be located just west of
24 the Phase 1 western building wall, to break up the façade of the newly
25 constructed building.

26 c) Provide certification from the landscape architect of record that all plant
27 installations on the subject property are in compliance with the final
28 Landscape Plans approved by the Town Commission.

29 5) All approved landscaping shall be properly maintained. Plant height at the time
30 of plant installation and plant maintenance height is reflected in the approved
31 landscape plans. The Owner shall provide a minimum three-month replacement

1 warranty for all new landscape material, with the warranty to commence on the
2 date of the issuance of the final Certificate of Occupancy. The Owner is
3 responsible for replacing any and all dead or dying landscape material on the
4 subject property and otherwise comply with the requirements of the Town Code
5 pertaining to landscaping and property maintenance, failing which the owner
6 and/or any tenant(s) of the subject property shall be subject to code enforcement
7 action by the Town to ensure compliance with these conditions of approval and
8 the requirements of the Town Code.

9 6) Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide
10 certification from the Landscape Architect of record that the plant installations on
11 Site are in accordance with the plans approved by the Town Commission.

12 7) The Project may be developed in two Phases with the following square footage
13 allocations by use:

14 **Phase 1:**

- 15 ▪ 9,806 sf (retail/office)
- 16 ▪ 1,250 sf (restaurant)
- 17 ▪ 23,226 sf (20 multi-family residential units)
- 18 ▪ 1,318 sf (storage/elevator/trash)
- 19 ▪ TOTAL of 51 parking spaces (inclusive of two
20 handicap spaces)

21 **Phase 2:**

- 22 ▪ 9,806 sf (retail/office)
- 23 ▪ 1,250 sf (restaurant)
- 24 ▪ 20,998 sf (20 multi-family residential units)
- 25 ▪ 1,317 sf (storage/elevator/trash)
- 26 ▪ 44 NEW parking spaces (inclusive of two handicap
27 spaces for a total of 95 spaces for both phases
28 combined)

29 8) Any disturbance of the public right of way along Park Avenue, 8th Street, 7th
30 Street, or Greenbriar Drive shall require review and written approval from both

- 1 the Public Works and Community Development Departments prior to the
2 commencement of any construction, excavation, demolition, or clearing.
- 3 9) Any disruption to any of the nearby entrance/exit and parking areas along Park
4 Avenue, 8th Street, 7th Street, or Greenbriar Drive shall require prior written
5 approval from the Community Development Director.
- 6 10) Safe and adequate pedestrian passage in front of the construction site along Park
7 Avenue, 8th Street, 7th Street, or Greenbriar Drive shall be maintained at all times.
- 8 11) Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m.,
9 Monday through Saturday only, unless otherwise approved in writing by the
10 Community Development Director.
- 11 12) Any disruption beyond the boundaries of the subject property shall require the
12 construction contractor(s) to employ commonly accepted practices that ensure the
13 safety and well being of the general public.
- 14 13) The Owner shall ensure that any and all contractor(s) and their agents and
15 employees working on the subject property use commonly accepted practices to
16 reduce airborne dust and particulates during all construction phases.
- 17 14) At the time the original Site Plan was approved by the Town, the Owner and
18 Applicant had previously received documentation from Palm Beach County
19 which confirmed that the following proposed Project uses and corresponding
20 square footages ("sf"):
- 21 (a) 7,616 sf of general retail;
22 (b) 7,616 sf of general office;
23 (c) 5,000 sf of high turn-over restaurant; and
24 (d) 40 multi-family residential units,
- 25 satisfied the County's Traffic Performance Standards ("TPS"), and also met the
26 County's traffic concurrency requirements when the original Site Plan for the
27 Project was approved by the Town. Because this Site Plan amendment includes
28 the approval of the Phasing Schedule and revised square footage allocations by
29 use, Phase 1 is now vested with 9,806 sf of retail/office; 1,250 sf of restaurant;
30 and 20 residential units totaling 23,226 sf. Prior to the issuance of any building or
31 development permit by the Town for any portion of Phase 2 of the Project, the

- 1 Owner and/or the Applicant must provide the Town with an updated traffic
2 concurrency letter from Palm Beach County, confirming that the revised square
3 footage allocations for the Project under the Phasing Schedule and revised square
4 footage allocations by use as set forth herein, meet the then-current TPS, as well
5 as the then-current traffic concurrency requirements of Palm Beach County.
- 6 15) The Project's central courtyard, which faces Park Avenue, was built with a
7 architectural design that did not comply with design that was originally approved
8 by the Town, and the as-built design is reflected on Landscape Plan, Sheet 204.
9 Instead of constructing the originally approved six-foot green chain-link fence,
10 the Owner has proposed to construct a six foot black chain-link, as depicted on
11 Landscape Plan, Sheet 101. The Owner shall obtain from the Town all required
12 building permits, final passing inspections, submit all necessary Site Plan revision
13 sheets, and all final as-builts plans and drawings, which reflect these changes to
14 the Department before any certificate of occupancy shall be issued by the Town.
- 15 16) All dumpsters shall be enclosed as noted on the Site Plan and the dumpster
16 enclosure doors shall be kept shut at all times. There shall be a total of two
17 dumpster locations on-site upon the completion of Phase 2. The dumpsters must
18 be surrounded by a minimum three foot hedge at planting and a structural barrier.
19 In addition, all other outdoor storage and trash collection sites shall have a
20 minimum three foot high hedge and a structural barrier.
- 21 17) Upon submittal of the final plans and prior to the issuance of any building or
22 development permit by the Town, the Owner and/or Applicant must provide the
23 Town with copies of all other required and unexpired permits from other
24 agencies, including but not limited to, the Palm Beach County Health Department,
25 Palm Beach County Land Development Division, South Florida Water
26 Management Division, and the State of Florida Department of Environmental
27 Protection. As of January 1, 2009 the new Florida Prevention Code for Palm
28 Beach County Fire, shall apply to all building permits for the Project that are
29 submitted to the Town for review.
- 30 18) The Owner or the Owner's authorized agent shall initiate the bona fide and
31 continuous development of PHASE 2 of the Project on the subject property

1 within 18 months from the effective date of this Resolution. All required
2 development shall be completed within 18 from the effective date of the initiation
3 of development as defined in the Town of Lake Park Code, Section 67-42
4 (*Expiration of development approvals*), unless an extension of time is granted in
5 accordance with the requirements of Code Section 67-42.

6 19) All fees and costs incurred by the Town in reviewing this Project, which are billed
7 to the Owner and/or Applicant, shall be paid in full to the Town within 10
8 calendar days of receipt of an invoice from the Town. The failure of an Owner to
9 fully reimburse the Town within 10 calendar days may result in the revocation by
10 the Town, of all previously issued development orders for the Project, including
11 but not limited to the Site Plan and any building permits issued by the Town, until
12 the Town is fully reimbursed.

13 20) Within 90 days of the effective date of this Resolution, the Owner and/or
14 Applicant shall submit revised fully revised development plans for the Project,
15 which shall include all of the afore-stated requirements as conditions of approval
16 of the amended Site Plan. The revised development plans may be approved
17 administratively by staff provided that: (1) all conditions are included on the
18 development plans to the satisfaction of the Community Development Director,
19 and (2) any exterior building modification(s) are architecturally consistent with
20 the approved buildings. In the event that the revised development plans fail to
21 meet or completely satisfy either or both conditions (1) or (2) set forth above in
22 this paragraph, the revised development plans shall be submitted for review and
23 consideration for approval by the Town Commission as a further amendment to
24 the Site Plan. No building or development permit of any kind, including but not
25 limited to, excavation, demolition, or land clearing permits, shall be issued by the
26 Town for the Project until the revised development plans have been received and
27 approved by the Town.

28 **Section 3.** This Resolution shall take effect upon adoption.

29 **Exhibit "A" - Legal Description of the subject property.**

30

Exhibit "A"

LEGAL DESCRIPTION

Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46, Block 7, Kelsey City, now known as Lake Park, according to the map of plat thereof as recorded in Plat Book 8, page 34, Public Records of Palm Beach County, Florida.

Together with:

Lot 23, Block 7, Kelsey City, now known as Lake Park, according to the map of plat thereof as recorded in Plat Book 8, page 34, Public Records of Palm Beach County, Florida, for Detention Area.

TAB 10

**Town of Lake Park Town Commission
 Agenda Request Form**

Meeting Date: January 21, 2009

Agenda Item No. **10**

- | | |
|--|--|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input checked="" type="checkbox"/> Public Hearing | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

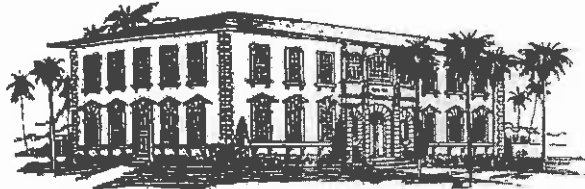
SUBJECT: A resolution to approve an amendment to the Chick Fil A site plan to construct a new enclosed storage room with gated screened fencing adjacent to the existing dumpster enclosure, located along the east building wall

RECOMMENDED MOTION/ACTION: Approval

Approved by Town Manager *W. Davis* Date: *1/15/09*

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review <input checked="" type="checkbox"/> Town Attorney <i>[Signature]</i> <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development <i>[Signature]</i>	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ <i>[Signature]</i> OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background: an amendment to the Site Plan for Chick-Fil-A to construct a 10'-3" x 6-8" addition, consisting of a 68.4 square foot ("SF") indoor storage room on the east side of the existing fast food restaurant as an accessory use to the fast food restaurant, together with gated, screened fencing adjacent to the existing dumpster enclosure to be located along the east building wall and connecting with a sidewalk adjacent to the building on the subject property. This is being done for security reasons.



LAKE PARK TOWN HALL

NATIONAL HISTORIC SITE

"Jewel" of the Palm Beaches

**TOWN LAKE OF PARK
TOWN COMMISSION**

January 21, 2009

Date Prepared: January 6, 2009

PLAN DESCRIPTION: Application to request approval for the addition of a 10'-3" X 6'-8" new enclosed storage room with gated screened fencing adjacent to the existing dumpster enclosure, located along the south building wall. The new gate will also be connected with a sidewalk adjacent to the building.

APPLICANTS REQUEST: A request by Corporate Property Services, Inc. ("Applicant") acting as agent for the property owner, SC Lake Park Associates, LLLP ("Owner"), to request approval for the addition of a 10'-3" X 6'-8" (68.4 SF) new enclosed storage room with gated screened fencing adjacent to the existing dumpster enclosure, located along the east building wall. The new gate will also be connected with a sidewalk adjacent to the building. ("Project"), currently located on a 0.555 +/- acre parcel at 1220 Northlake Boulevard ("Site" or "Property"), within the Northlake Boulevard Overlay Zone (NBOZ) and the Town's underlying C-1 zoning district.

STAFF RECOMMENDATION: APPROVAL of the Site Plan Amendment application, previously approved under Resolution 44-08-06 on August 2, 2006, for the addition of a 10'-3" X 6'-8" (68.4 SF) new enclosed storage room with gated screened fencing adjacent to the existing dumpster enclosure, located along the east building wall. The new gate will also be connected with a sidewalk adjacent to the building. All the standard conditions of approval under Resolution 44-08-06 apply, plus the additional conditions of approval found herein.

PLANNING & ZONING BOARD RECOMMENDATION (01/05/09): APPROVAL subject to conditions of approval 1 thru 14.

BACKGROUND INFORMATION:

Applicant(s): Corporate Property Services, Inc.
Owner: SC Lake Park Associates, LLLP
Address of Location: 1220 Northlake Boulevard, Lake Park, FL 33403
Lot Size: 0.555 +/- acres
Zoning and Land Use: NBOZ/C-1

Adjacent Zoning

North: Village of North Palm Beach (C-1)
 South: C-4
 East: NBOZ/C-1
 West: NBOZ/C-1

Adjacent Land Uses

North: Retail / Car Rental / Auto Repair, etc..
 South: Retail (C-1) Office/Warehouse, Industrial (C-4)
 East: Gas Station
 West: Target

CONSISTENCY OF SITE PLAN WITH THE COMPREHENSIVE PLAN

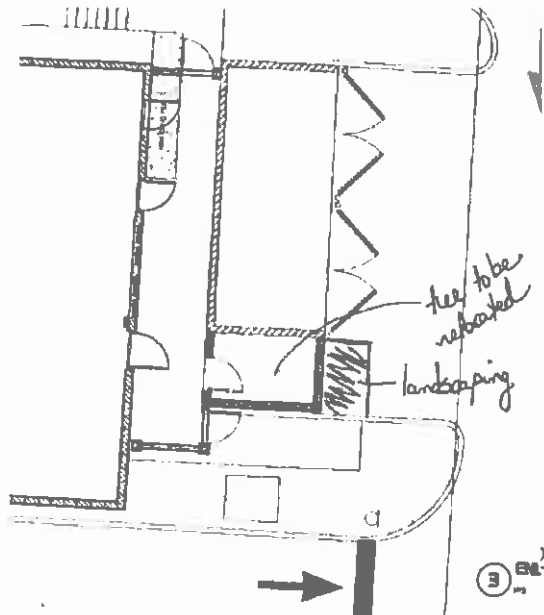
The proposed changes do not affect the overall intent of the goals, objectives and policies of the Town’s Comprehensive Plan. The proposed enclosure in addition to an existing, permitted use, and requires structural and architectural review. The additional 68.4 SF storage room will not generate any additional traffic as it will be utilized as an indoor storage room to provide added safety and accessibility to the employees of the restaurant.

PROJECT DETAILS:

Building Site: The Site is located in the C-1/NBOZ zoning district with a Commercial land use and is already established as a retail strip center suitable for restaurant uses. The proposed 68.4 SF storage room will create an accessory use to the existing Chick-Fil-A fast-food establishment.

Site Access: The proposed storage room will not affect site access. The two access points off of Northlake Boulevard, as well as one access point on the east side, off of Old Dixie Highway, still remain.

Traffic: The proposed storage room will only be utilized by the employees of the restaurant and will not generate any additional traffic.



Landscaping: The proposed storage room will enclose an area that currently includes some hedging and a palm tree, as is evident on the color visuals. **Staff is recommending that as part of this enclosure, the palm tree be relocated elsewhere on-site, and the area in front of the exterior wall between the door and the gate, include a landscape island which must be incorporated in the site plan, as is shown to the left.**

Drainage/Water/Sewer: It is not anticipated that there will be any impacts on the existing water and sewer system.

Parking: Parking will not be affected on-site.

Signage: No additional signage is being proposed.

Zoning: The zoning for the existing fast-food restaurant is C-1/NBOZ. The zoning for the proposed indoor storage site is integral to the main use. Adding an additional 68.4 SF of indoor storage space on the east side of the restaurant, will not affect the zoning consistency with the Comprehensive Plan.

STAFF COMMENTS:

Staff recommends **APPROVAL** of the Site Plan Amendment application as submitted, subject to the initial conditions of approval under Resolution 44-08-06 and the following conditions:

PLANNING & ZONING BOARD RECOMMENDATION (01/05/09) APPROVAL
subject to conditions of approval 1 thru 14:

1. Construction/Demolition shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday only, unless otherwise approved by the Community Development Director.
2. Any disruption beyond the boundaries of the Site shall require the contractor to employ commonly accepted practices that ensures the safety and well being of the general public and must receive prior written approval from the Community Development Director.
3. The proposed storage room will enclose an area that currently includes some hedging and a palm tree, as is evident on the color visuals. Staff is recommending that as part of this enclosure, the palm tree be relocated elsewhere on-site, and the area in front of the exterior wall between the door and the gate, include a landscape island, as is shown on the site plan.
4. All *additional* landscaping located on the exterior wall between the door and the gate shall be properly maintained. Plant height at the time of plant installation is 30" for a hedge and 8' for palm trees. Plant maintenance height for hedging shall be 54"-60". The Owner shall provide a minimum three-month replacement warranty for all new landscape material, with the warranty to commence on the date of the issuance of the final inspection on the Building Permit. The Owner is responsible for replacing any and all dead or dying landscape material on the Property and otherwise comply with the requirements of the Town Code pertaining to landscaping and property maintenance, failing which the owner and/or any tenant(s) of the Property shall be subject to code enforcement action

- by the Town to ensure compliance with these conditions of approval and the requirements of the Town Code.
5. The Owner shall ensure that any and all contractor(s) and their agents and employees working on the Property use commonly accepted practices to reduce airborne dust and particulates during all construction phases.
 6. Prior to the close-out of the building permit for the enclosure, the Applicant shall provide certification from the Architect of record that the plant installations on Site are in accordance with the plans approved by the Town Commission.
 7. Prior to the issuance of any building permit, copies of all other required permits, if applicable, from 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 must be provided to the Town. As of January 1, 2009 the new Florida Prevention Code for Palm Beach County Fire, will apply to all building permits that are submitted for review.
 8. Any enclosure within the subject site shall be constructed in compliance with the following plans on file with the Town's Community Development Department or authorized revisions as noted below:
 - a. Survey, Site Plan, and Architectural Elevations referenced as sheets 07-036, ASI, and SK-I, respectively, dated 01-07-08, 11-24-08 and 11-24-08, respectively, prepared by Jupiter Surveying, Inc. who is the Surveyor of record for the Project; and Interplan LLC, who is the Architect of record for the Project, received and dated by the Department of Community Development on 01-13-09.
 9. Any revisions to the site plan, architectural elevations, statement of use, or other details 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 Community Development Department and shall be subject to its review and approval, unless the Town Code or a condition of approval requires Town Commission approval.
 10. The Owner or authorized agent shall initiate the bona fide and continuous development of the property within 18 months from the effective date of development approval. Such development shall be completed within 18 months from the effective date of initiation of development as defined herein; unless there is a grant of extension as otherwise provided for in the Town of Lake Park Code Section 67-42 *Expiration of development approvals*.
 11. Cost Recovery. All fees and costs incurred by the Town in reviewing the Project and billed to the Owner of Record shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Applicant to reimburse the Town within 10 days may result in the revocation of all previously issued development orders for the project and/or the cessation of the review of the Application until the Town is fully reimbursed.

12. Within ninety (90) days of the effective date of the Resolution, the Applicant or Owner shall submit revised Development Plans to include the items as conditions. The Development Plans may be approved administratively by staff provided that: (1) all conditions are included on the Development Plans to the satisfaction of the Community Development Director, and (2) any exterior modification(s) are consistent with the approved plans. Should any of the aforesaid not be adequately satisfied, the revised Development Plans shall be reviewed and approved by the Town Commission as an amendment to the Site Plan. No building or land clearing permits shall be issued until the revised plans have been approved.
13. Firelanes and customer parking areas shall be kept open and available for their respective purposes at all times.
14. External lighting has not changed and remains the same as approved under Resolution 44-08-06.

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RESOLUTION NO. 04-01-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN AMENDMENT TO AN EXISTING SITE PLAN FOR A FAST FOOD RESTAURANT KNOW AS CHICK-FIL-A WHICH WAS PREVIOUSLY APPROVED PURSUANT TO RESOLUTION NO. 44-08-06, TO ALLOW FOR THE CONSTRUCTION OF A 68.4 SQUARE FOOT (10'-3" X 6'-8") ENCLOSED INDOOR STORAGE ROOM AS AN ADDITION TO THE EAST SIDE OF THE EXISTING BUILDING, TOGETHER WITH GATED SCREENED FENCING ADJACENT TO THE EXISTING DUMPSTER ENCLOSURE, ON A 0.555± ACRE PARCEL OF REAL PROPERTY OWNED BY SC LAKE PARK ASSOCIATES, LLLP, AND LOCATED AT 1220 NORTHLAKE BOULEVARD IN THE C-1/NBOZ ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, SC Lake Park Associates, LLLP, a Florida limited liability partnership is the fee simple owner (the "Owner") of a 0.555± acre parcel of real property, the legal description of which is attached hereto, and incorporated herein as **Exhibit "A"** (the "subject property"); and

WHEREAS, the subject property is located at 1220 Northlake Boulevard in the C-1/NBOZ Zoning District in the Town of Lake Park, Florida ("Town"); and

WHEREAS, Corporate Property Services, Inc., as the authorized agent for the Owner (the "Applicant"), has submitted an application to the Town requesting approval of an amendment to the original site plan ("Site Plan") for the subject property which authorized a retail strip shopping center use with a (Chick-Fil-A) fast food establishment, subject to conditions of approval as set forth in Resolution No. 44-08-06; and

WHEREAS, pursuant to their application the Owner and the Applicant propose to amend the Site Plan to authorize the construction a 10'-3" x 6'-8"

1 addition, consisting of a 68.4 square foot ("SF") indoor storage room on the east
2 side of the subject property as an accessory use to the fast food restaurant,
3 together with gated, screened fencing adjacent to the existing dumpster
4 enclosure to be located along the east building wall and connecting with a
5 sidewalk adjacent to the building (the Application); and

6 **WHEREAS**, Town Staff and the Town of Lake Park's Planning and Zoning
7 Board have reviewed the Application, and have presented their respective
8 recommendations to the Town Commission; and

9 **WHEREAS**, the Town Commission conducted a quasi-judicial public
10 hearing to consider the Application, and has evaluated the evidence presented
11 by Town Staff, the Applicant, the Owner, and other interested parties and
12 members of the public, as to whether the Application is consistent with the
13 Town's Comprehensive Plan; and

14 **WHEREAS**, in addition, the Town Commission also considered the
15 evidence presented by Town Staff, the Applicant, the Owner, and other
16 interested parties and members of the public, as to whether the Application
17 complies with the Town's Land Development Regulations; and

18 **WHEREAS**, the Town Commission has determined that the conditions
19 incorporated herein, are necessary in order for the Application to be consistent
20 with the Town's Comprehensive Plan and to comply with the Town's Land
21 Development Regulations; and

22 **WHEREAS**, the conditions as set forth below shall be binding on, and
23 apply to the Owner, and its successors and/or assigns.

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

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

28 **Section 2.** The Town Commission hereby approves an amendment to the
29 Site Plan for the subject property, to authorize the construction a 10'-3" x 6-8"
30 addition, consisting of a 68.4 square foot ("SF") indoor storage room on the east
31 side of the existing fast food restaurant as an accessory use to the fast food

1 restaurant, together with gated, screened fencing adjacent to the existing
2 dumpster enclosure to be located along the east building wall and connecting
3 with a sidewalk adjacent to the building on the subject property, subject to the
4 following conditions:

5 1) The Owner shall install all improvements on the subject property in
6 compliance with the original approved architectural and building elevations and
7 floor plans, engineering plans, irrigations plans, statement of use, traffic study on
8 file with the Town's Community Development Department, and which shall also
9 include the following Site Plan, Survey, and Architectural Elevations and
10 Drawings ("Development Plans"):

11 Any enclosure within the subject site shall be constructed in compliance
12 with the following plans on file with the Town's Community Development
13 Department or authorized revisions as noted below:

14 a) Survey, Site Plan, and Architectural Elevations referenced as
15 sheets 07-036, ASI, and SK-I, respectively, dated 01-07-08, 11-24-
16 08 and 11-24-08, respectively, prepared by Jupiter Surveying, Inc.
17 who is the Surveyor of record for the Project; and Interplan LLC,
18 who is the Architect of record for the Project, received and dated by
19 the Department of Community Development on 01-13-09.

20 2) Any revisions to the Development Plans, Landscape Plans, Elevations,
21 Signage, Statement of Use, or other details submitted as part of the
22 Application, including but not limited to, the location of the proposed
23 improvements, and/or additional, revised, or deleted colors, materials, or
24 structures, shall be subject to the Department's review and final approval,
25 unless the Town Code requires Town Commission approval.

26 3) Any condition which requires the re-submittal of final Development Plans
27 shall be subject to the Department's review and approval, unless the Town
28 Code requires Town Commission approval.

29 4) Upon submittal of final Development Plans and prior to the issuance of
30 any development permits, the Owner shall:

- 1 (a) Revise the Development Plans to provide for the re-
2 location of the hedging and palm tree, which are
3 currently located in the area where the proposed
4 addition is to be constructed, to another suitable
5 location on the subject property, and to also include a
6 landscape island in the area in front of exterior wall
7 between the door and the gate. (The fire lanes and
8 customer parking areas shall be kept open and
9 available for their respective purposes at all times.
10 The approved external lighting for the subject property
11 has not changed and remains the same as approved
12 pursuant to Resolution 44-08-06.) The Owner and/or
13 Applicant shall obtain from the Town all required
14 building permits, final passing inspections, and shall
15 submit all necessary Development Plan revision
16 sheets, together with all final as-built plans and
17 drawings, which reflect the Site Plan amendments to
18 the Department before a Certificate of Occupancy for
19 the storage room addition shall be issued by the
20 Town.
- 21 5) Prior to the close-out of the building permit for the enclosure, the Applicant
22 shall provide certification from the Architect of record that the plant
23 installations on Site are in accordance with the plans approved by the
24 Town Commission.
- 25 6) All approved landscaping, including but not limited to any *additional*
26 landscaping located (or to be located) on the exterior wall between the
27 door and the gate, shall be properly maintained. Plant height at the time of
28 plant installation is 24" for the hedges and 8' for all palm trees. The plant
29 maintenance height for all hedging is 36". The Owner shall provide a
30 minimum three month replacement warranty for all new landscape
31 material, with the warranty to commence after a passing final inspection

1 based on the building permit and on the date of the issuance of the
2 Certificate of Occupancy. The Owner is responsible for replacing any and
3 all dead or dying landscape material on the subject property and otherwise
4 comply with the requirements of the Town Code pertaining to landscaping
5 and property maintenance, failing which the Owner and/or any tenant(s) of
6 the subject property shall be subject to code enforcement action by the
7 Town to ensure compliance with these conditions and the requirements of
8 the Town Code.

9 7) Construction shall be permitted only between the hours of 7:00 a.m. and
10 7:00 p.m., Monday through Saturday only, unless otherwise approved in
11 writing by the Community Development Director.

12 8) Any disruption beyond the boundaries of the subject property shall require
13 the construction contractor(s) to employ commonly accepted practices that
14 ensure the safety and well being of the general public, and must receive
15 the prior written approval of the Community Development Director.

16 9) The Owner shall ensure that any and all contractor(s) and their agents and
17 employees working on the subject property use commonly accepted
18 practices to reduce airborne dust and particulates during all construction
19 phases.

20 10) Prior to the issuance of any building permit, the Owner and/or Applicant
21 shall provide the Department with copies of all other required and
22 unexpired permits, if applicable, from other permitting entities, including
23 but not limited to, the Palm Beach County Health Department, Palm
24 Beach County (Land Development Division), the South Florida Water
25 Management District, and the State of Florida Department of
26 Environmental Protection. Effective January 1, 2009, the updated Florida
27 Fire Prevention Code adopted by Palm Beach County shall apply to all
28 building permits that are issued by the Town.

29 11) Within 90 days of the effective date of this Resolution, the Applicant and/or
30 Owner shall submit revised Development Plans (which shall include all of
31 the revised conditions of this Site Plan amendment approval) to the

1 Department. The revised Development Plans may be approved
2 administratively by the Department provided that: (1) all conditions are
3 included on the Development Plans meet the approval of the Community
4 Development Director, and (2) any exterior modification(s) are
5 architecturally and otherwise consistent with the approved Development
6 Plans. Should any of the aforesaid conditions not be adequately satisfied,
7 the revised Development Plans shall be submitted as a proposed
8 amendment to the Site Plan to the Town Commission for its review. No
9 building or development permit of any kind, including but not limited to,
10 excavation, demolition, or land clearing permits, shall be issued by the
11 Town for the subject property unless and until the revised Development
12 Plans have been received and approved by the Town.

13 12) The Owner or the Owner's authorized agent shall initiate the bona fide
14 and continuous development of the construction authorized by this Site
15 Plan amendment on the subject property within 18 months from the
16 effective date of this Resolution. All required development shall be
17 completed within 18 from the effective date of the initiation of development
18 as defined in the Town of Lake Park Code, Section 67-42 (*Expiration of*
19 *development approvals*), unless an extension of time is granted in
20 accordance with the requirements of Code Section 67-42.

21 13) All fees and costs incurred by the Town in reviewing this request for a Site
22 Plan amendment, which are billed to the Owner and/or Applicant, shall be
23 paid in full to the Town within 10 calendar days of receipt of an invoice
24 from the Town. The failure of the Owner to fully reimburse the Town
25 within 10 calendar days may result in the revocation by the Town, of all
26 previously issued development orders for the Project, including but not
27 limited to the Site Plan amendment, and any building permits issued by
28 the Town, until the Town is fully reimbursed.

29 **Section 3.** This Resolution shall take effect upon adoption.
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Exhibit "A" - Legal Description of the subject property.

LEGAL DESCRIPTION:

A PORTION OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4; THENCE SOUTH 01°19'35" WEST ALONG THE WEST LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 60.00 FEET; THENCE SOUTH 88°29'40" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE PARK ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2280, PAGE 1011 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID RIGHT-OF-WAY LINE BEING 80.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 20 A DISTANCE OF 322.76 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°29'40" EAST ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 159.00 FEET; THENCE SOUTH 01°30'0" WEST A DISTANCE OF 152.00 FEET; THENCE NORTH 88°20'0" WEST A DISTANCE OF 188.00 FEET; THENCE NORTH 01°30'20" EAST A DISTANCE OF 102.00 FEET TO THE POINT OF BEGINNING.

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