

AGENDA

Lake Park Town Commission
 Town of Lake Park, Florida
 Regular Commission Meeting
 Wednesday, November 5, 2008,
 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
<hr style="border-top: 1px dashed black;"/>		
Maria V. Davis	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez 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. **PROCLAMATIONS:**
 - Honoring Deputy William Badala
 - Historical Society Celebrating their 10th Anniversary
- G. **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.

H. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

I. 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 of October 15, 2008 Tab1
2. Resolution No. 61-11-08 Breakwater Project at the Marina - Execute a Grant Agreement with FIND for Phase I - Engineering, Surveying & Permitting Tab2
3. Notice of a Beautification Grant Award in the Amount of \$6,000 for a Roof Replacement Tab3

J. PUBLIC HEARING(S)

ORDINANCE ON FIRST READING:

4. ORDINANCE NO. 17-2008 Sidewalk Repair

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 72, ARTICLE I, ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"; PROVIDING FOR THE CREATION OF NEW CODE SECTION 72-2 REQUIRING PROPERTY OWNERS AND OTHER RESPONSIBLE PARTIES WHOSE PROPERTY ABUTS OR IS ADJACENT TO SIDEWALKS, TO MAINTAIN SIDEWALKS IN A SAFE CONDITION; PROVIDING FOR NEW CODE SECTION 72-3 TO BE ENTITLED "ENFORCEMENT"; PROVIDING FOR THE AMENDMENT ARTICLE II, SECTION 72-31 ENTITLED "PERMIT"; PROVIDING FOR THE AMENDMENT OF SECTION 72-32 ENTITLED "REPLACING SUBGRADE AND PAVEMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Tab4

5. ORDINANCE NO. 19-2008 Final Budget Amendment

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2007-2008 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 24-2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE. Tab5

K. DISCUSSION AND POSSIBLE ACTION:

6. Recreation Facility

Tab6

- 7. Public Fishing at Lake Shore Park
- 8. Marina Fishing Pier Hours

Tab 7
Tab 8

L. ADJOURNMENT:

Proclamation

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

Meeting Date: November 5, 2008

Agenda Item No. *Proclamation*

- | | |
|---|---|
| <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 type="checkbox"/> GENERAL APPROVAL OF ITEM |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input checked="" type="checkbox"/> Other: Proclamation | |

SUBJECT: Proclamation in Honor of Deputy William Badala

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager *W.A. Davis* Date: *10/29/08*

Bambi McElhannon *10/28/08*
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 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 _____: Please initial one.

Summary Explanation/Background:

**PROCLAMATION
IN HONOR OF DEPUTY WILLIAM BADALA**

WHEREAS; William Badala is a Deputy with the Palm Beach County Sheriff's Office assigned to Lake Park District 10; and

WHEREAS; on the morning of October 22, 2008, Deputy William Badala was called to the scene of a shooting at Lake Park Towing where a heavily armed assailant had entered the premises and opened fire wounding two women; and

WHEREAS; in the performance of his duties, Deputy William Badala approached the scene and grabbed the gunman; and

WHEREAS; the gunman, armed with an assault rifle, fired several times at Deputy Badala whereupon Deputy Badala returned fire and seriously wounded the gunman thereby subduing him; and

WHEREAS; as a result of his bravery and quick actions, Deputy Badala saved the lives of the Lake Park Towing employees and ended a terrifying and deadly confrontation; and

WHEREAS; the Commission of the Town of Lake Park wishes to publicly recognize Deputy William Badala for his prompt and courageous action during this traumatic event.

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 Badala 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 5th day of November, 2008.

By: _____
Mayor Desca Dubois

ATTEST:

Vivian Mendez Lemley, Town Clerk

Proclamation

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

Meeting Date: November 5, 2008

Agenda Item No. *Proclamation*

- | | |
|---|---|
| <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 type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input checked="" type="checkbox"/> Other: Proclamation | |

SUBJECT: Proclamation in Honor of the Lake Park Historical Society

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager *[Signature]* Date: *10/29/08*

Name/Title *HR Director* Date of Actual Submittal *10/28/08*

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 _____: Please initial one.

Summary Explanation/Background:

**PROCLAMATION
IN HONOR OF THE 10th ANNIVERSARY OF THE
LAKE PARK HISTORICAL SOCIETY**

WHEREAS; the Lake Park Historical Society was established on August 24, 1998 to promote the restoration, preservation and maintenance of the historical artifacts, buildings and sites of the Town of Lake Park; and

WHEREAS; as an important component of its mission, the Lake Park Historical Society sponsors programs for the purpose of fostering interest in and appreciation for the history and culture of the Town of Lake Park; and

WHEREAS; the Lake Park Historical Society has established and maintains an active archive of the historical records of the Town of Lake Park, which has served as a template for other fledgling historical organizations such as the North Palm Beach Historical Society, Palm Beach Gardens Historical Society, the Riviera Beach Historical Society, and the Greenacres Historical Society; and

WHEREAS; the Lake Park Historical Society maintains a photographic archive of Lake Park homes constructed during the 1920's as well as the old industrial areas of the Town of Lake Park; and

WHEREAS; since 2001 the Lake Park Historical Society has conducted several public tours of historic Lake Park homes which has served to highlight their historical architecture and significance to the community; and

WHEREAS; the Lake Park Historical Society has also conducted several tours of the historic Evergreen House where historic artifacts and photographs from Lake Park's past can be viewed and appreciated; and

WHEREAS; on the occasion of its 10th anniversary, the Commission of the Town of Lake Park wishes to publicly recognize the Lake Park Historical Society for the contributions which it has made to our community.

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, Desca Dubois, Mayor of the Town of Lake Park, Florida, do hereby extend the gratitude of the Town of Lake Park and congratulations to the Lake Park Historical Society upon the occasion of its 10th anniversary.

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 5th day of November, 2008.

By: _____
Mayor Desca Dubois

ATTEST:

Vivian Mendez Lemley, Town Clerk

Consent Agenda

TAB 1

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: November 5, 2008

Agenda Item No. *Tab 1*

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

SUBJECT: Regular Commission Meeting Minutes of October 15, 2008.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Regular Commission Meeting of October 15, 2008.

Approved by Town Manager

W. Davis

Date:

10/29/08

Deputy Clerk

Janeen Hughes

10/29/08

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 <i>JML</i> <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
October 15, 2008 7:57 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 15, 2008 at 7:57 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

Item #4 was pulled from the Agenda and Item # 8 was moved to be discussed after the Consent Agenda.

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

PRESENTATION

County Charter Amendment Question on the November Ballot Presentation by James Titcomb Executive Director of the Palm Beach County League of Cities

Mr. Titcomb introduced himself and gave his presentation. He showed the Commission a DVD titled "Let Us Vote" (see Exhibit "A").

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Carey

None

Vice-Mayor Daly asked for a status update of the changes made to Town employees' days off.

Town Manager Maria Davis stated that staff was currently working with the union and are in the process of finishing the employee handbook. She explained that staff was dovetailing the handbook with union negotiations. Once negotiations are completed, the employees' days off would be retroactive to October 1st.

Commissioner Osterman

None

Commissioner Balias stated that he received complaints regarding the zoning on 10th St. He stated that the buildings on 10th Street near the railroad tracks have been there since the inception of the Town. He noted that some things in the building code disallow some types of businesses and because of it, some of the business owners are financially and physically unable to come into compliance. He gave examples of some of the businesses and their issues with coming into compliance. He suggested that Community Development Director Patrick Sullivan to implement more appropriate zoning plan in that specific area so that the Commission doesn't have to keep making exceptions.

He commented on what it has been like in the Town over the last 10 years and how things get done much quicker now.

Mayor DuBois stated that she attended the League of Cities School for Elected Officials where she learned many good things that she would like to put to use for the Town.

Town Attorney Thomas Baird stated that he and Mr. Sullivan attended mediation for the Joseph Sarota case. He stated that the mediation was very productive and successful. He requested another Attorney-Client Session with the Commission to discuss the outcome of that mediation and to also discuss and review the Ocampo case. He recommended November 5th for the next Attorney-Client Session.

The Commission came to consensus to have an Attorney-Client Session on November 5, 2008 at 6:30 p.m.

Town Manager Maria Davis announced that the Town's Marina was awarded the Clean Marina Designation. She congratulated Marina Director Mike Pisano and announced that there would be a ceremony on October 22, 2008 at 11 a.m. at the Marina. She invited the public and stated that she was very excited about this recognition.

She announced that the Marina would be starting its Sunset Parties once again. The next party will be held on October 31, 2008 from 5 pm to 8 pm, and will include a costume party.

She stated that there were renovations done to the 6th St. ball field restrooms. The restrooms were cleaned, painted, new fixtures installed and they are now fully operational after 12 years.

She announced that Government Week would be taking place the following week and stated that there would be 7th and 8th graders stopping by for a tour of Town Hall.

She stated that the Town would need to purchase a new recreation trailer since the current one is leaking and full of mold. She received a \$10,000 estimate to clean up the mold. She recommended the purchase of a new trailer. She stated that the Lake Shore Park north end project came in under budget and that there was \$60,000 remaining out of the project which would more than cover the expense of a new trailer. She stated that she has received one estimate of \$20,000 to \$30,000 for a new trailer. She requested authorization to acquire a new trailer on an emergency basis.

Commissioner Balius asked what would happen to the current trailer.

Town Manager Maria Davis stated that the trailer could possibly be auctioned off.

Vice-Mayor Daly asked if there were any other options such as building a recreational facility.

Town Manager Maria Davis stated that the Town could build a recreational facility but she was trying to go the least expensive route.

Mayor DuBois stated that she would love to see a new building but it would be fiscally challenging at the present time. She stated that the trailer was needed immediately and the purchase of a new trailer would be the most feasible way to solve the current issues.

Discussion ensued among the Commission regarding the purchase of a new recreation trailer.

The Commission came to consensus to have Town Manager Maria Davis and Recreation Director Greg Dowling bring back options for a new recreational facility at the next Commission Meeting of November 5, 2008.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of October 1, 2008
2. Purchase a Navistar 10 Cubic Yard Dump Truck Utilizing the Florida Sheriff's Association Bid Award #08-16-0908
3. Purchase One (1) Sanitation Commercial Front Loader Utilizing the Florida Sheriff's Association Bid #08-16-0908

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve the Consent 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.

PUBLIC HEARING: ORDINANCE ON 1st READING

ORDINANCE NO. 18-2008 – Year Water Supply Work Plan

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PROVIDING FOR THE ADOPTION OF A 20-YEAR WATER SUPPLY WORK PLAN PURSUANT TO SUB-SECTION 163.3177(6)(c), *FLORIDA STATUTES*; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE TOWN’S COMPREHENSIVE PLAN TO IMPLEMENT THE WATER SUPPLY PLAN; PROVIDING FOR ADOPTION OF POLICIES WITHIN THE COMPREHENSIVE PLAN CONCERNING INTERGOVERNMENTAL COORDINATION OF THE WATER SUPPLY PLAN WITH ADJACENT LOCAL GOVERNMENTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Patrick Sullivan explained the reason for Ordinance No. 18-2008 and introduced Mr. Alex Davis.

Mr. Davis explained that the State now required a water supply work plan. He stated that he needed approval from the Commission to transmit the new water supply plan and the associative amendments to the Town’s Comprehensive Plan and Future Land Use Map to the State, DCA, Water Management District and other agencies for their review. He explained that the water supply plan was now a state mandated document even though the Town was not a water supplier. He stated that the plan went before the Planning and Zoning Board on October 6th. He reviewed the changes that were made to the plans and the policies which were added to the Town’s Comprehensive Plan.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 18-2008; 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 Comment Open.

None

Public Comment Closed.

Attorney Thomas Baird read Ordinance No. 18-2008 by caption-only.

QUASI-JUDICIAL HEARING

**RESOLUTION NO. 59-10-08 – Special Exception for a Machinery Repair Use
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE
PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR A
MACHINERY REPAIR USE, SUBJECT TO CONDITIONS OF APPROVAL,
ON A 0.034 ACRE PARCEL OF PROPERTY , OWNED BY ENZO
GIORDANO ENTERPRISES WHOSE ADDRESS IS 1365 NORTH KILLIAN
DRIVE, SUITE B; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ex-parte communication was declared as follows:

- Mayor DuBois – none
- Vice-Mayor Daly –none
- Commissioner Balias – none
- Commissioner Osterman – none
- Commissioner Carey – none

Town Clerk Vivian Mendez Lemley swore in all witnesses.

Community Development Director Patrick Sullivan explained that the word “marine” was a typographical error in the Ordinance and needed to be changed to “machinery”. He explained that the Resolution would allow for special exception uses in the C-4 District.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve Resolution No. 59-10-08; Commissioner Balias made the second.

Vote on Motion:

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

Motion passed 5-0.

PUBLIC HEARING: ORDINANCES ON 2ND READING

ORDINANCE NO. 04-2008 – EAR

AN ORDINANCE OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Patrick Sullivan introduced Mr. Jerry Bell.

Mr. Bell explained and reviewed the amendments and changes that were made to the Town’s Evaluation and Appraisal Report. He stated that he received input from the agencies that the report was submitted to upon 1st reading. He reviewed and explained the changes that were requested by state agencies. He said that the changes were made and he requested authorization from the Commission to accept the changes and re-submit the document to the Department of Community Affairs.

Mayor DuBois asked if the EAR would affect the Town’s ability to object to any roadway changes that the County may want to make.

Attorney Thomas Baird explained that the EAR would not affect the Town’s ability to object to changes that the County may make to roads or roadways.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 04-2008 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. 04-2008 by caption-only.

ORDINANCE NO. 10-2008 – Business Tax

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING ORDINANCE 22-2007 AS RECENTLY CODIFIED IN CHAPTER 28 AT SECTION 28-51 OF THE TOWN CODE WHICH INCREASED THE ANNUAL BUSINESS TAX BY 25% FOR THE BUSINESSES LISTED IN ORDINANCE 22-2007; PROVIDING FOR THE REPEAL OF SECTION 28-43 ENTITLED “SELF-CLASSIFICATION OF BUSINESS MERCHANT”; PROVIDING FOR THE AMENDMENT OF SECTION 28-45, ENTITLED “ADDITIONAL TAX BASED ON MERCHANDISE STOCK;” PROVIDING FOR THE AMENDMENT OF SECTION 28-51 ENTITLED “SCHEDULE OF TAXES AND REGULATIONS” TO INCREASE THE ANNUAL BUSINESS TAX CHARGED BY THE TOWN FOR THOSE CLASSIFICATIONS OF BUSINESSES, OCCUPATIONS, AND PROFESSIONS AS THEY EXISTED PRIOR TO THE ADOPTION OF ORDINANCE 22-2007 BY 5% PURSUANT TO SECTION 205.0535, FLA. STAT. (2007); PROVIDING FOR THE AMENDMENT OF THAT PORTION OF SECTION 28-51 REQUIRING CERTAIN BUSINESSES SELLING MERCHANDISE TO PAY AN INVENTORY TAX ON ALL STOCK OF MERCHANDISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Vice-Mayor Daly made a motion to approve Ordinance No. 10-2008 with the deletion of the 5% business tax increase and the inventory taxes.

Attorney Thomas Baird explained that the 5% business tax increase requires a 4-1 vote by the Commission in order to be passed.

Mayor DuBois stated that Vice-Mayor Daly’s motion failed from lack of a second.

Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 10-2008 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 failed 3-2.

Attorney Thomas Baird explained that the 5% increase portion of the Ordinance would need to be passed by a 4-1 vote.

A motion was made by Commissioner Carey to approve Ordinance No. 10-2008 with the deletion of the inventory tax to auto dealerships only; Commissioner Osterman made the second.

Town Manager Maria Davis asked Attorney Baird if the Town would be liable for excluding businesses other than auto dealerships from no inventory tax. She requested that he state his opinion on the record regarding the matter.

Attorney Baird explained that he could not guarantee that the Town would not be liable on any decision that it makes. He stated that he had explained previously that all businesses within a single classification would have to be treated equally, not treated equally across classifications.

Town Manager Maria Davis stated that the classification argument was the position of opposing counsel. She stated that she was concerned that Mr. Baird went on the record in writing to her that there was an equal protection issue. She stated that as long as Mr. Baird does not believe it is an equal protection issue, she was uncomfortable listening to opposing counsel's opinions and rendering regulations or procedures about how the Town handles business tax based on opposing counsel's recommendations.

Commissioner Osterman retracted her 2nd on the previous motion made by Commissioner Carey.

Mayor DuBois stated that the previous motion failed for lack of a second.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 10-2008 as written 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 failed 3-2.

Discussion ensued between the Commissioners and Attorney Baird regarding liability issues with Ordinance No. 10-2008.

Discussion ensued among the Commissioners regarding taxation and issues with the economy.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 10-2008 deleting the auto dealership inventory tax and keeping the 5% business tax increase; 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 4-1.

Town Manager Maria Davis stated that the deletion of the auto dealership inventory tax would be a fiscal impact of \$65,000 to the Town.

Attorney Thomas Baird read Ordinance No. 10-2008 by caption-only.

DISCUSSION AND POSSIBLE ACTION

Presentation by Mr. Wayne Creber Regarding the Potential Development of Land Owned by Mr. Creber and South Florida Yachts that Abut the Marina

Mr. Creber introduced himself and explained the purpose of his presentation. He explained that potential land development would give more public access and visibility to the Town's Marina.

Town Manager Maria Davis explained the purpose of Mr. Creber's presentation and stated that she was advised by Palm Beach County Commissioner Karen Marcus to bring the recommendation to the Commission.

Motion: A motion was made by Commissioner Balius to approve the land development of the Marina which would include restaurants and public access from the water and additional parking; 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	X		
Mayor DuBois	X		

Motion passed 5-0.

Bert Bostrum Park Ball Field Fence

Town Manager Maria Davis explained that in a past Commission meeting the Commission discussed and requested a proposal on a fence for the Bert Bostrum Park. She stated that she provided an estimate and design for the fence. The design would close up all of the openings at the park and would protect the ball field portion of the park. The General Fund Contingency or Reserves would not be used to fund the fencing. She stated that the funding would be used from another Town fund.

Mayor DuBois stated that she liked the idea of the fencing protecting the ball field and allowing access to the basketball court and tot playground.

Commissioner Osterman recommended leaving the existing fence around the basketball courts and tot lots for safety reasons but leave it unlocked for public access.

Town Manager Maria Davis recommended keeping the proposed fencing configuration and placing an extra piece to enclose the basketball court and tot lot and to install a baffle gate that would allow access but close off the ball fields.

Motion: A motion was made by Commissioner Balius to authorize Town Manager Maria Davis to move forward with the proposed fencing project; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other

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

Motion passed 5-0.

Commissioner Carey asked if the funding for the fence would come from the Community Beautification Fund.

Town Manager Maria Davis confirmed that the funding would come from the Community Beautification Fund.

Commissioner Carey asked if grants were available from the Beautification Fund.

Town Manager Maria Davis stated that residents with code compliance fines have been informed of the availability of the grant money but very few have taken advantage of the opportunity.

Commissioner Carey asked Town Manager Davis if she would be presenting a Resolution to change the designation of code compliance fine money from the Beautification Fund to the General Fund.

Town Manager Maria Davis stated that she would generate such a Resolution and bring it back to the Commission for approval.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Commissioner Balias, and by unanimous vote, the meeting adjourned at 9:45 p.m.

Mayor DuBois

Deputy Clerk Jessica Shepherd

Town Clerk Vivian Mendez Lemley

Town Seal

Approved on this ___ of _____, 2008.

TAB 2

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

Meeting Date: November 5, 2008

Agenda Item No. Tab 2

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Breakwater Project at the Marina

RECOMMENDED MOTION/ACTION: Authorize Mayor and Town Manager to execute a grant agreement with FIND grant for Phase I – Engineering, Surveying & Permitting of Breakwater and dock elements at the Marina.

Approved by Town Manager W. Davis **Date:** 10/23/08

Virginia Martin, Grants Writer
Name/Title

October 21, 2008
Date of Actual Submittal

Originating Department: Grants	Costs: \$ 124,508 Funding Source: \$62,254.00 FIND Grant and \$62,254.00 Marina Enterprise Fund Acct. #	Attachments: Graphic, Estimates, Resolution
Department Review: <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance <u>AMC 10/21/08</u>	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <u>GW</u> <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input checked="" type="checkbox"/> Marina <u>MD</u>	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" 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 <u>GM</u> : Please initial one.

Summary Explanation/Background: This grant will help fund the engineering, permitting & surveys to restructure and install new breakwater sections (per design) that will help calm the wave action in the entry of the basin, and in the marina proper, add new slips with utilities, and change angle of the fuel dock..

RESOLUTION NO. 61-11-08

**A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF LAKE PARK, FLORIDA
AUTHORIZING THE MAYOR AND THE TOWN
MANAGER TO EXECUTE A GRANT AGREEMENT
FOR THE LAKE PARK HARBOR MARINA
BREAKWATER PROJECT FUNDING PROVIDED
BY THE FLORIDA INLAND NAVIGATION
DISTRICT WATERWAYS ASSISTANCE PROGRAM**

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

WHEREAS, the Town is interested in carrying out the following described project for the enjoyment of the citizens of Lake Park and the State of Florida:

Project Title: Lake Park Harbor Marina Breakwater Project – Phase I

Total Estimated Cost: \$124,508

Brief Description of Project: Phase I consists of Engineering, Surveys, and Permitting of the project which will restructure and install new breakwater sections that will help calm the wave action in the entry to the basin, and in the marina proper.

AND, Florida Inland Navigation District financial assistance is required for the program described above.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida that the grant agreement for the project described above be executed;

AND, be it further resolved by the Town of Lake Park that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND rule 66B-2 F.A.C. and which is a part of the Project Agreement for assistance awarded under the attached Agreement.
2. That it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.
3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town of Lake Park for public use.
4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this Agreement, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, BI 88.352 (1964) design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Town of Lake Park at a legal meeting held on this 5th day of November, 2008.



FLORIDA INLAND NAVIGATION DISTRICT

RECEIVED

October 7, 2008

OCT 14 2008

Mr. Maria Davis
Town Manager
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

*Town Of Lake Park
Office Of Town Manager*

COMMISSIONERS

CHARLES A. PADERA
CHAIR
ST. JOHNS COUNTY

MICHAEL D. MESIANO
VICE-CHAIR
DUVAL COUNTY

BRUCE D. BARKETT
SECRETARY
INDIAN RIVER COUNTY

S. NORMAN BRAY
TREASURER
NASSAU COUNTY

GRAYCE K. BARCK
VOLUSIA COUNTY

GAIL A. BYRD
MARTIN COUNTY

DONN R. COLEE, JR.
PALM BEACH COUNTY

T. SPENCER CROWLEY, III
MIAMI-DADE COUNTY

SUSAN M. ENGLE
BROWARD COUNTY

GAIL KAVANAGH
ST. LUCIE COUNTY

JONATHAN S. NETTS
FLAGLER COUNTY

JERRY H. SANSOM
BREVARD COUNTY

DAVID K. ROACH
EXECUTIVE DIRECTOR

MARK T. CROSLEY
ASSISTANT EXECUTIVE DIRECTOR

RE: Lake Park Harbor Marina Breakwater - Phase I
Project # PB-LP-08-130

Dear Mr. Davis:

Enclosed, for signature, are two original project agreements for your approved Waterways Assistance Program project for fiscal year 2008-2009. Once they have been executed, please return **both** originals to me for execution by the District. When returning the agreements, also include an executed Exhibit C, Matching Funds Form. DO NOT SEPARATE THE ATTACHMENTS FROM THE AGREEMENT. Incomplete agreements will not be executed.

I will return one fully executed complete original agreement to you for your files. Please be sure to refer to the listed project number in all future correspondence and communication regarding this project. Should you have any questions please contact me.

Sincerely,

Mark Crosley
Assistant Executive Director

**FLORIDA INLAND NAVIGATION DISTRICT
PROJECT AGREEMENT**

PROJECT NO. PB-LP-08-130

This PROJECT AGREEMENT made and entered into this _____ day of _____, 20__ by and between the Florida Inland Navigation District (hereinafter the "DISTRICT"), and the Town of Lake Park, (hereinafter the "PROJECT SPONSOR").

In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. **PROJECT** - Subject to the provisions of this Agreement and Rule 66B-2 of the Florida Administrative Code (Exhibit "A"), the DISTRICT has determined to provide assistance funding to the PROJECT SPONSOR in furtherance of an approved project ("PROJECT") consisting of the Lake Park Harbor Marina Breakwater - Phase I. Said project is more specifically described in the PROJECT SPONSOR'S Waterways Assistance Application, which is on file at DISTRICT headquarters.

Any modifications to the PROJECT shall require advance notice to and the prior written approval of the DISTRICT.

2. **TERM** - The PROJECT SPONSOR shall not commence work on the PROJECT prior to the execution of this Agreement unless specifically authorized by the DISTRICT Board and **shall complete the PROJECT and submit all required payment reimbursement information on or before September 1, 2010**, unless the PROJECT period has been extended with the prior written approval of the DISTRICT. In no event, however, shall the PROJECT period extend beyond three (3) years from October 1, 2008. The PROJECT SPONSOR acknowledges there are no provisions to carry over the DISTRICT assistance funding under this Agreement beyond September 30, 2010, and that any extension of funding beyond this date shall be at the sole discretion of the DISTRICT.

Any request for extension of funding beyond the date set forth in the preceding paragraph shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT

no later than July 1, 2010. This request will then be considered by the DISTRICT Board, whose decision shall be final.

3. **ASSISTANCE AMOUNT** - The DISTRICT shall contribute no more than fifty percent (50%) of the PROJECT SPONSOR'S out-of-pocket costs for completion of this PROJECT ("PROJECT AMOUNT"). Payment of funds by the DISTRICT to the PROJECT SPONSOR (the "ASSISTANCE AMOUNT") will be on a reimbursement basis only, and only for those authorized PROJECT COSTS as shown in Exhibit B and meeting the requirements of Paragraph 5 below and shall not, in any event, exceed \$62,254.00.

4. **MATCHING FUNDS** - The PROJECT SPONSOR warrants and represents that it has the PROJECT SPONSOR Match Amount (the PROJECT AMOUNT less the ASSISTANCE AMOUNT) available for the completion of the PROJECT and shall, prior to the execution of this Agreement, have provided the DISTRICT with suitable evidence of the availability of such funds using DISTRICT Form #95-01 (Exhibit C), and including upon request, providing the DISTRICT with access to applicable books and records, financial statements, and bank statements.

5. **PROJECT COSTS** - To be eligible for reimbursement under the Project Agreement, PROJECT COSTS must be necessary and reasonable for the effective and efficient accomplishment of the PROJECT and must be directly allocable thereto. PROJECT COSTS are generally described in Exhibit B. PROJECT COSTS must be incurred and work performed within the PROJECT period, with the exception of pre-agreement costs, if any specifically identified in Paragraph 6 below, which are also eligible for reimbursement by the DISTRICT.

6. **PRE-AGREEMENT COSTS** - The DISTRICT and the PROJECT SPONSOR fully understand and agree that there shall be no reimbursement of funds by the DISTRICT for any obligation or expenditure made prior to the execution of this Project Agreement.

7. **REIMBURSEMENT PROCEDURES** - PROJECT COSTS shall be reported to the DISTRICT and summarized on the Payment Reimbursement Request Form (Form #90-14) attached as Exhibit D. Supporting documentation including bills and canceled payment vouchers for expenditures shall be provided to the DISTRICT by the PROJECT SPONSOR or LIAISON AGENT with any payment request. All records in support of the PROJECT COSTS included in payment requests shall be subject to review and approval by the DISTRICT or by an auditor selected by the DISTRICT. Audit expenses shall be borne by the PROJECT SPONSOR.

Project funds may be released in installments, at the discretion of the DISTRICT, upon submittal of a payment request by the PROJECT SPONSOR or LIAISON AGENT. The DISTRICT shall retain ten percent (10%) of each installment payment until the completion of the PROJECT.

The following costs, if authorized in the attached Exhibit B shall be reimbursed only upon completion of the PROJECT to the reasonable satisfaction of the DISTRICT and in accordance with Exhibit A: personnel, equipment, project management, administration, inspection, and design, permitting, planning, engineering, and/or surveying costs.

The DISTRICT shall have the right to withhold any payment hereunder, either in whole or part, for non-compliance with the terms of this Agreement.

8. **FINAL REIMBURSEMENT** - The PROJECT SPONSOR, upon completion of the PROJECT, shall submit to the DISTRICT a request for final reimbursement of the PROJECT AMOUNT less any prior installment payments. The Payment amounts previously retained by the DISTRICT shall be paid upon (1) receipt of the Final Audit report of expenses incurred on the PROJECT by the DISTRICT, (2) full completion of the PROJECT to the reasonable satisfaction of the DISTRICT, (3) submission of Project Completion Certification Form No. 90-13 (Exhibit E), and (4) submission of a photograph of the PROJECT showing the sign required by Paragraph 17. Unless otherwise determined by the DISTRICT, the final reimbursement check shall be presented by a DISTRICT representative to the PROJECT SPONSOR during a public commission meeting or public dedication ceremony for the PROJECT facility.

9. **RECORDS RETENTION** - The PROJECT SPONSOR shall retain all records supporting the PROJECT COSTS for three (3) years after the end of the fiscal year in which the Final Payment is released by the DISTRICT, except that such records shall be retained by the PROJECT SPONSOR until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

10. **NONCOMPLIANCE** - The DISTRICT shall have the right to reimbursement, either in whole or part as it may determine, of the funds provided hereunder for noncompliance by the PROJECT SPONSOR with any of the terms of this Project Agreement. Upon notification from the DISTRICT, the PROJECT SPONSOR shall reimburse such funds directly to the DISTRICT. The provisions of this paragraph shall survive completion of the PROJECT.

11. **DISTRICT PROJECT MANAGER** - The Executive Director, or his designee, is hereby designated as the DISTRICT's Project Manager for the purpose of this Project Agreement and shall be responsible for monitoring performance of its terms and conditions and for approving all reimbursement requests prior to payment.

12. **SPONSOR'S LIAISON AGENT** - The PROJECT SPONSOR shall appoint a LIAISON AGENT, whose name and title shall be submitted to the DISTRICT upon execution of the Project Agreement, to act on behalf of the PROJECT SPONSOR relative to the provisions of the Project Agreement.

13. **STATUS REPORTS** - The PROJECT SPONSOR'S LIAISON AGENT shall submit to the DISTRICT project status reports during the PROJECT term. These Quarterly Reports are to be on Form #95-02 (Exhibit F). Project design drawings, engineering drawings, and a copy of the Project bid award construction item cost list will be submitted as available. Photographs shall be submitted when appropriate to reflect the work accomplished. NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this Agreement.

14. **LAWS** - The PROJECT SPONSOR agrees to obtain and to abide by all federal, state and local permits and all applicable laws and regulations in the development of the PROJECT. The PROJECT SPONSOR agrees that all PROJECT facilities shall be designed and constructed in compliance with state and federal statutory requirements for accessibility by handicapped persons as well as all other federal, state and local laws, rules and requirements.

15. **NON-DISCRIMINATION** - The PROJECT SPONSOR agrees that when completed, the PROJECT shall be readily accessible, on a non-exclusive basis, to the general public without regard to age, sex, race, physical handicap, or other condition, and without regard to residency of the user in another political subdivision. When such is required, adequate parking shall be made available by the PROJECT SPONSOR to accommodate vehicles for the number of persons for which the PROJECT is being developed.

16. **SITE DEDICATION** - The PROJECT SPONSOR also agrees that the PROJECT site shall be dedicated for the public use for a minimum period of twenty-five (25) years after completion of the PROJECT, such dedication to be in the form of a deed, lease, management agreement or other legally binding document. Any change in such dedication shall

require the prior approval of the DISTRICT. The PROJECT SPONSOR shall record evidence of such dedication within the Public Records of the County in which the PROJECT is located.

17. **ACKNOWLEDGMENT** – For construction projects, the PROJECT SPONSOR shall erect a permanent sign, approved by the DISTRICT, in a prominent location at the completed project which shall indicate that the DISTRICT contributed funds for the PROJECT. The wording of the sign required by this paragraph shall be approved by the DISTRICT's staff before construction and installation of said sign. This sign shall contain the DISTRICT logo (Exhibit H) unless otherwise stipulated by the DISTRICT. In the event that the PROJECT SPONSOR erects a temporary construction sign, it shall also indicate the DISTRICT's participation. For all other type projects, the PROJECT SPONSOR shall acknowledge the DISTRICT where feasible, in concurrence with the DISTRICT staff's recommendations.

18. **PROJECT MAINTENANCE** - When and where applicable, the PROJECT SPONSOR agrees to operate, maintain, and manage the PROJECT for the life of the PROJECT improvements and will pay all expenses required for such purposes. The PROJECT improvements shall be maintained in accordance with the standards of maintenance for other local facilities and in accordance with applicable health standards. PROJECT facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The PROJECT SPONSOR warrants and represents that it has full legal authority and financial ability to operate and maintain said PROJECT facilities and improvements.

19. **SOVEREIGN IMMUNITY** - Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees, contractors and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity under Section 768.28, Florida Statutes. The PROJECT SPONSOR acknowledges that the DISTRICT, its employees, commissioners and agents are solely providing funding assistance for the PROJECT and are not involved in the design, construction, operation or maintenance of the PROJECT.

20. **INSPECTIONS** - The DISTRICT reserves the right, upon reasonable request, to inspect said PROJECT and any and all records related thereto at any time.

21. **RIGHTS AND DUTIES** - The rights and duties arising under this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, and shall, unless the context clearly requires otherwise, survive completion of the

PROJECT. The PROJECT SPONSOR may not assign this Agreement nor any interest hereunder without the express prior written consent of the DISTRICT.

22. **WAIVERS** - Waiver of a breach of any provision of this Agreement shall not be deemed a waiver of any other breach of the same or different provision.

23. **NOTICE** - Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing, postage paid, and shall be sent by certified mail, return receipt requested, to the DISTRICT or PROJECT SPONSOR at the addresses below. The notice shall be effective on the date indicated on the return receipt.

To the DISTRICT at:

Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477-9498

To the PROJECT SPONSOR at:

Town of Lake Park
Attention: Town Manager,
535 Park Avenue
Lake Park, FL 33403

24. **NO JOINT VENTURE** - The DISTRICT's role with respect to the PROJECT is that of a funding assistance authority only and the DISTRICT is not, and shall not be considered to be, an agent, partner, or joint venturer with the PROJECT SPONSOR.

25. **GOVERNING LAW** - The validity, interpretation and performance of this Agreement shall be controlled and construed according to the laws of the State of Florida.

26. **TRANSFERENCE** - It is the intent of the DISTRICT to issue this funding assistance to the PROJECT SPONSOR who has made application for this assistance. In the event the PROJECT SPONSOR transfers ownership or management of the PROJECT to a party or parties not now a part of this document, other than another governmental entity that agrees to assume, in writing, PROJECTS SPONSOR'S obligation hereunder, the DISTRICT retains the right to full reimbursement from the PROJECT SPONSOR to the full extent of the funding assistance provided by the DISTRICT, including but not limited to any costs and reasonable

attorney's fees (regardless of whether litigation ensues) incurred by the DISTRICT in collecting said reimbursement.

27. **ENTIRE UNDERSTANDING** - This Agreement, including any exhibits made a part hereof, embodies the entire Agreement and understanding of the parties and supersedes all prior oral and written communications between them. The terms hereof may be modified only by a written amendment signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day, month and year aforesaid.

WITNESSES:

FLORIDA INLAND NAVIGATION DISTRICT

By: _____
Director

DATE: _____

WITNESSES:

PROJECT SPONSOR

By: _____

Title: _____

DATE: _____

PHASE I PROJECT AGREEMENT ADDENDUM

* The PROJECT has been designated as a Phase I Project, which involves planning, designing, engineering and/or permitting activities. Pursuant to the District's Rules, reimbursement will be made, assuming the PROJECT SPONSOR has otherwise fully complied with the requirements of the Agreement, only upon commencement of construction of the project for which the Phase I planning, designing, engineering and/or permitting were directed, which may not involve further District funding. Procedures set forth below with respect to reimbursement by the District are subject to this requirement of commencement of construction.

Pursuant to Rule 66B-2.008(4), if your project is a public marina project, please complete and execute this form (Form #03-01) and return to the District office.

FIND FORM NO. 03-01

CERTIFICATION OF REVENUE USE FOR PUBLIC MARINA

This will certify that the revenues generated by _____
[name of marina], owned by _____ [name of Project
Sponsor] are exclusively allocated to the operation, maintenance and improvement of the public
marina facility.

Date: _____, 200__

Name: _____

Title: _____

**[This form must be signed by the Chair of the County Commission or the County
Administrator, if County owned, or by the Mayor or City Administrator, if owned by a
municipality.]**

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false
statement in writing with the intent to mislead a public servant in the performance of his or her
official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s.
775.082 or s. 775.083 F.S.

EXHIBIT A

CHAPTER 66B-2 — WATERWAYS ASSISTANCE PROGRAM (2008)

66B-2.001	Purpose.
66B-2.002	Forms.
66B-2.003	Definitions.
66B-2.004	Policy.
66B-2.005	Funds Allocation.
66B-2.006	Application Process.
66B-2.0061	Disaster Relief Applications.
66B-2.007	Application Form. (Repealed)
66B-2.008	Project Eligibility.
66B-2.009	Project Administration.
66B-2.010	Project Agreement. (Repealed)
66B-2.011	Reimbursement.
66B-2.012	Accountability.
66B-2.013	Acknowledgement.
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects.
66B-2.015	Small-Scale Derelict Vessel Removal Projects.

66B-2.001 Purpose.

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created s. 374.976, Florida Statutes. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under s. 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 12-17-90, Formerly 16T-2.001.

66B-2.002 — Forms.

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 12-17-90, Formerly 16T-2.002.

66B-2.003 — Definitions.

The basic terms utilized in this rule are defined as follows:

- (1) "APPLICANT" means an eligible governmental agency submitting an application through this program.
- (2) "APPLICATION" means a project proposal with the required documentation.

EXHIBIT A

(3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.

(4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.

(5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.

(6) "DISTRICT" means the Florida Inland Navigation District (FIND).

(7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(13) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(14) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(15) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(16) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(17) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(18) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(19) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(20) PROJECT MAINTENANCE – means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceably or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

EXHIBIT A

(21) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(22) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(23) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(24) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(25) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(26) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(27) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(28) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(29) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 3-25-08.

66B-2.004 — Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

EXHIBIT A

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, public recreation, inlet management, environmental education, law enforcement and boating safety projects directly related to the waterways. Member counties may also be provided financial assistance, support, and cooperation in planning and carrying out beach renourishment and inlet management projects.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, public recreation, inlet management, environmental education, law enforcement and boating safety projects directly related to the waterways. Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out beach renourishment and inlet management projects.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for environmental mitigation projects associated with waterway improvement related activities and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include public boat ramps and launching facilities, land acquisition for additional trailer parking at an existing boat ramp, and public boat docking and mooring facilities in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

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(5) **Waterway Impacts:** All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) **Project Maintenance:** The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) **Public Information Availability:** Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(8) **Third-Party Project Operators:** Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(9) **Non-compliance:** The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1), (2) FS.

History — New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05.

66B-2.005 — Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (a thru f) Waterways Assistance Program Application Evaluation and Rating Worksheet (effective date 4-24-06); and 93-25 and 93-25 (a, b and c) Waterways Assistance Program Navigation Districts Application Evaluation and Rating Worksheet (effective date 4-24-06), hereby incorporated by reference and available from the District office.

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(1) **Funding Assistance Availability:** In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

2) **Project Funding Ratio:** All financial assistance and support to eligible governmental agencies shall require, at minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(6 3) and Rule 66B-2.008, and small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-2.007 8(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty (50) percent of the state share of the cost of an inlet project. The District shall not contribute funding to both the state and local shares of an inlet management project.

(3) **Pre-agreement Expenses:** The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board may waive the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Rule 66B-2.

(4) **Multi-Year Funding:** The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process.

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(5) **Seaport Funding Eligibility:** Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

(6) **Inlet Management and Beach Renourishment:** Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) **Inlet Management:** Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) **Beach Renourishment:** All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(7) **Public Navigation:** Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must provide public access to public launching, mooring or docking facilities. In addition, the following shall apply:

(a) **Navigation channel dredging:** The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) **Navigation channel lighting and markers** must be located on primary or secondary public navigation channels.

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All other public navigation projects or project elements will only qualify for up to fifty percent (50%) program funding.

(8) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1), (3) FS.

History — New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 3-25-08.

66B-2.006 — Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Project and eligible Small-Scale Derelict Vessel Applications, all applications for assistance through this program will be submitted during the authorized submission period which shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and 93-22a, Project Information - Navigation Related Districts (effective date 4-24-06) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program from navigation related districts shall be made on FIND Form Number 93-22 (effective date 4-24-06), hereby incorporated by reference and available from the District office, and shall include a detailed cost estimate submitted on FIND Form No. 90-25. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 04-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Application Review: Applications will be reviewed by the local FIND Commissioner before being submitted to the District office. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02) and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will

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immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(6) **Interlocal Agreements:** Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(7) **Application Presentations:** Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(8) **Application Evaluation and Rating Score:** Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application Evaluation and Rating Worksheets No. 91-25(a thru f) for Waterways Assistance Program applications, and 93-25 (a, b and c) Waterways Assistance Program Navigation Related Districts applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061 "Disaster Relief", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06).

(9) **Funding Determination:** The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

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History — New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06.

66B-2.0061 — Disaster Relief Applications.

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.

66B-2.008 — Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, acquisition and development of spoil sites publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, and inlet management, environmental mitigation and beach renourishment directly related to the waterways

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, improvement, operation or maintenance of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition and development of public boat ramps and launching facilities;
8. Acquisition and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground

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equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels;
10. Operational items such as fuel, oil, etc.;
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and
12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
 - a. Project management, administration and inspection;
 - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
 - c. Restoration of sites disturbed during the construction of an approved project;
 - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal environmental permits will demonstrate that all required environmental permitting and proprietary authorizations will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application that has construction elements that require state or federal environmental permits not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the

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funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) **Property Control:** The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) **Permits:** The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development of the project.

(4) **Public Marina Qualifications:** All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility.

(5) **Final Decisions:** The Board will make all final decisions on the eligibility of a Project or specific project costs.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) — (3) FS.

History — New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04.

66B-2.009 — Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in

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carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) **Project Agreement:** For each funded project, the District and the project sponsor will enter into a project agreement, prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) **Matching Funds:** The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) **Agreement Modification:** All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category nor result in a reallocation of more than 35% of the approved funding of the project among project elements. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) **Project Reporting:** The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report," dated 7-30-02, hereby incorporated by reference and available at the District office.

(5) **Reimbursement Requests:** The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) **Project Inspection:** Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) **Project Completion:** The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and

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the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02.

66B-2.011 — Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02), hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of (a) the percentage total of project funding that the Board has agreed to fund, or (b) the maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

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(4) **Retainage:** The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) **Check Presentations:** A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02.

66B-2.012 — Accountability.

The following procedures shall govern the accountability of program funds:

(1) **Accounting:** Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) **Quarterly Reports:** The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) **Completion Certification:** All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) **Auditing:** All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) **Project Records:** The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) **Repayment:** If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.

66B-2.013 — Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, in a prominent location at the completed project which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

EXHIBIT A

History — New 12-17-90, Formerly 16T-2.013.

66B-2.014 — Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure — A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals — Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding.

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 7-30-02, Amended 4-24-06.

66B-2.015 — Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

EXHIBIT A

(1) Application Procedure — Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$20,000 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with Rule 66B-2.005(3).

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed ~~50%~~ 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in section 66B-2.003.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS.

Law Implemented 374.976(1) FS.

History — New 4-24-06. Amended 4-15-07, 3-25-08.

FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM

PROJECT COST ESTIMATE
(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

PROJECT TITLE: Lake Park Harbor Marina Breakwater Project – Phase I

APPLICANT: Town of Lake Park

Project Elements <i>(Please list the MAJOR project elements and provide a general cost break out for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity Estimated Cost (Number and/or Footage)	Applicant's Cost	FIND Cost
<u>PHASE I – Engineering, Surveying, Permitting</u>			
• Element 1 – Detached Breakwater	37,897	18,949	18,948
• Element 2 – NS Breakwater Addition	44,616	22,308	22,308
• Element 3 – Additional Finger Piers/100 Amp Service	<u>41,995</u>	<u>20,997</u>	<u>20,998</u>
PHASE I TOTAL	124,508	62,254	62,254
<u>PHASE II – Construction</u>			
• Element 1 – Detached Breakwater	194,350		
• Element 2 --NS Breakwater Addition --Dredging	228,880 60,000		
• Element 3 – Additional Finger Piers/100 Amp Service	<u>215,355</u>		
PHASE II TOTAL	698,585		
PROJECT TOTAL	\$ 823,093		

Proposed
FUTURE

EXHIBIT C

FLORIDA INLAND NAVIGATION DISTRICT

ASSISTANCE PROGRAM

Matching Funds Certification

Sponsor: _____

Project Title: _____ Project #: _____

I hereby certify that the above referenced project Sponsor, as of October 01, 20__, has the required matching funds for the accomplishment of the referenced project in accordance with the Waterways Assistance Program Project Agreement between the Florida Inland Navigation District and the Sponsor, dated October 2008.*

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT D

FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM
PAYMENT REIMBURSEMENT REQUEST FORM

PROJECT NAME: _____ PROJECT NO.: _____

PROJECT SPONSOR: _____ BILLING NO.: _____

Amount of Assistance		_____
All Funds Previously Requested	✂	_____
Balance Available	=	_____
Funds Requested		_____
Less Retainage (-10% unless final)	✂	_____
Check Amount	=	_____
Balance Available		_____
Less Check Amount	✂	_____
Balance Remaining	=	_____

SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "B")	Check No. Vendor Name and Date	Total Cost	Applicant Cost	FIND Cost
---	-----------------------------------	---------------	-------------------	--------------

EXHIBIT D (CONTINUED)

SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "B")	Vendor Name	Check No. and Date	Total Cost	Applicant Cost	FIND Cost
---	--------------------	-------------------------------	-----------------------	---------------------------	----------------------

Certification for Reimbursement: I certify that the above expenses were necessary and reasonable for the accomplishment of the approved project and that these expenses are in accordance with Exhibit "B" of the Project Agreement. *

Project Liaison

Date

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT E

**FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM**

Project Completion Certification

Sponsor: _____

Project Title: _____ Project #: _____

I hereby certify that the above referenced project was completed in accordance with the Assistance Program Project Agreement between the Florida Inland Navigation District and _____, dated _____, 20____, and that all funds were expended in accordance with Exhibit "B" and Paragraph 1 of the Project Agreement. *

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT F

**ASSISTANCE PROGRAM PROJECT
QUARTERLY STATUS REPORT**

<http://www.aicw.org/wap/wap.htm>

PROJECT NO. _____

PROJECT TITLE: _____

PROJECT SPONSOR: _____

REPORT PERIOD

Oct 1-DEC 15____; Dec 15-Mar 1____; Mar 1-June 15____; June 15-Sep 1____
Report Due: (Dec 30) (March 15) (June 30) (Sep 15)

WORK ACCOMPLISHED:

PROBLEMS ENCOUNTERED:

PERCENTAGE COMPLETION:

OTHER NOTABLE ITEMS:

EXHIBIT G

WATERWAYS ASSISTANCE PROJECT SCHEDULE

OCTOBER 2008 - Project Agreement Executed, Project Initiates.

DECEMBER 30, 2008 - First Quarterly Report Due.

MARCH 15, 2009 - Second Quarterly Report Due.

JUNE 30, 2009 - Third Quarterly Report Due.

SEPTEMBER 15, 2009 - Fourth Quarterly Report Due.

DECEMBER 30, 2009 - Fifth Quarterly Report Due.

MARCH 15, 2010 - Sixth Quarterly Report Due.

JUNE 30, 2010 - Seventh Quarterly Report Due.

NOTE: If project will not be completed and all close out paperwork submitted by September 1st, a request for an extension of the completion date of the project should be submitted with the quarterly report.

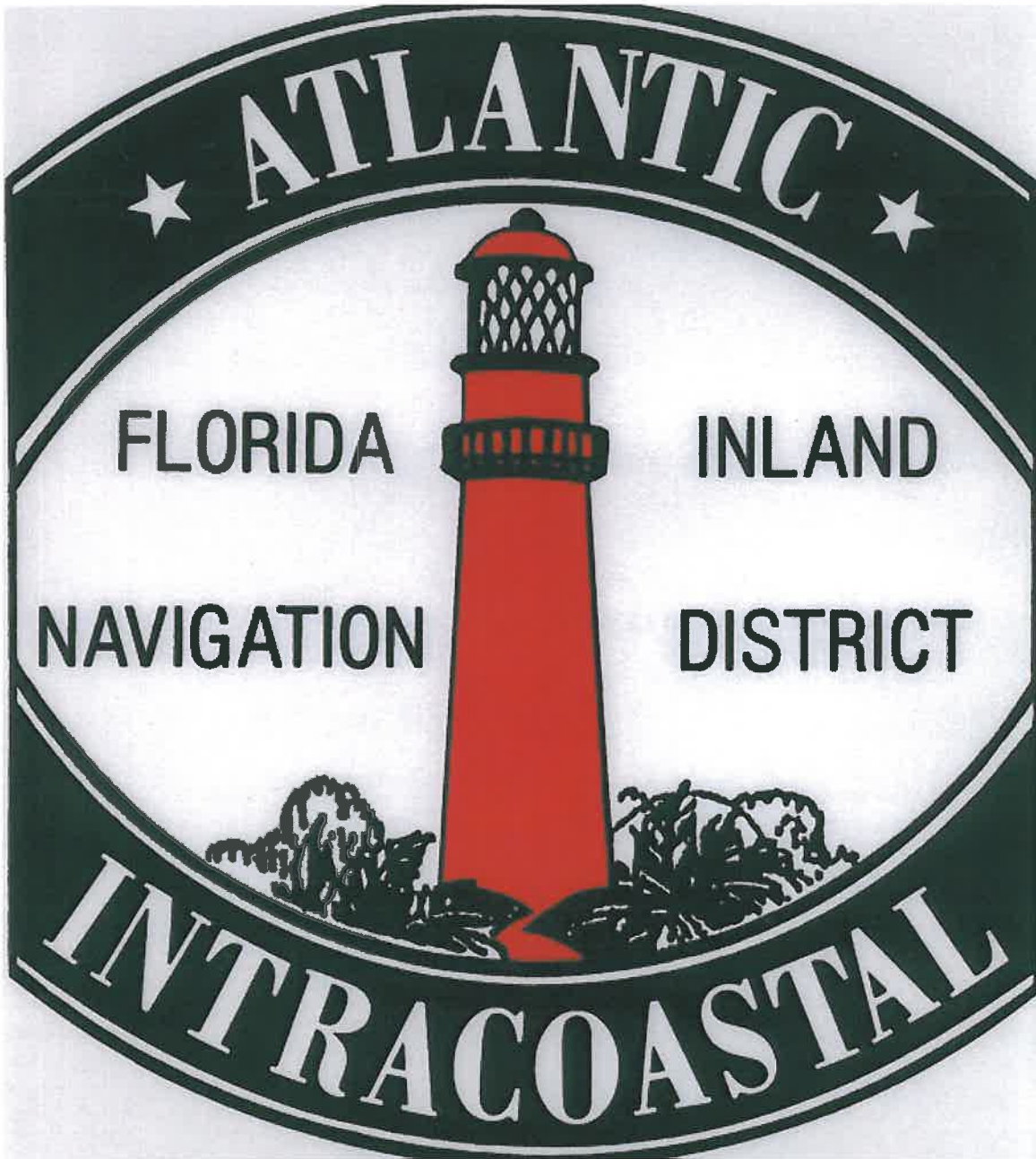
SEPTEMBER 01, 2010 - Closeout paperwork due.

SEPTEMBER 30, 2010 - District finishes processing closeout paperwork, performs project inspection and submits final reimbursement check to sponsor.

***NOTE:** Any modifications to the PROJECT shall require advance notice and prior written approval of the District. The appropriate timing for modifications to the project cost estimate, Exhibit B, would be after receipt of bids.*

***NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit B may result in revocation of this agreement pursuant to Paragraph 13 of the project agreement.**

EXHIBIT H



TAB 3

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

Meeting Date: November 5, 2008

Agenda Item No. *Tab 3*

- PUBLIC HEARING
- Ordinance on Second Reading
- Public Hearing

- RESOLUTION
- DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: notice of a beautification grant award in the amount of \$6,000 for a roof replacement

RECOMMENDED MOTION/ACTION: Affirmation of the Town Managers decision to approve the grant through an affirmative vote as part of the consent agenda.

Approved by Town Manager *W. Davis* Date: *10/28/08*

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments:
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<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 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 grant applicant received a code violation for a substandard roof. The applicant is financially unable to fix the roof and cure the code violation. The cost of the roof repair is \$8,600. The applicant is able to pay \$2,600 and is requesting \$6,000 from the beautification fund. A completed application has been presented to the Community Development Department along with three quotes to replace the roof. The grant money will not be paid out until such time as the roof has been completed. The applicant's name has been intentionally left off the paperwork in order to maintain the applicant's privacy. This is presented as an informational piece by the Town Manager. The amount paid out is less than the authorized \$10,000 limit and is within the TM's authority to authorize. The grant program was previously approved by the Town Commission and there is a separate fund with enough money to cover this expense.

Town of Lake Park Community Development Department



Memo Date: October 24, 2008

Patrick Sullivan, AICP, Director

To: Town Commission

Re: Beautification Grant

AS 10/24/08

An applicant has submitted a request for a grant to help replace a roof.

The Beautification Grant Fund, as approved by the Town Commission, is available to those community members that have received a Notice of Code Violation and are unable to fix the violation due to a lack of available funds. In this applicant's case there was a citation issued on August 13, 2008 for being in violation of Chapter 54 Section 54-71 Property Maintenance. The roof was found to be in need of pressure cleaning to get rid of the mold and then painted. Further investigation revealed that washing and painting would not be sufficient and major repairs were in order. The underlayment was rotted and the shingles were not salvageable. The approximate cost to replace the roof is about \$8,600. The applicant informed me that being on a fixed income (Social Security only) it was not financially feasible to fix the roof and therefore could not comply with an order to fix the violation. I suggested that the applicant apply for the Beautification Grant to help pay for a new roof.

The applicant has since applied for assistance. The applicant has provided us with 3 quotes the lowest being \$8,600 and has agreed to pay \$2,600 (30% match) of the \$8,600. The request is for a grant of \$6,000. I have reviewed the application and recommend the award of a grant in the amount of \$6,000 to have the roof replaced.

This is presented as an informational piece by the Town Manager (TM). The amount paid out is less than the TM's authorized \$10,000 limit and is therefore within the TM's authority to authorize. The grant program was previously approved by the Town Commission and there is a separate fund with enough money to cover this expense.

In an effort to be discreet and protect the applicant's privacy the applicant's name has been left out of the paperwork and redacted where appropriate.

I have attached the application and a copy of the resolution.

Patrick Sullivan, AICP Director
Community Development Department
881-3319 fax 881-3323
psullivan@lakeparkflorida.gov

TOWN OF LAKE PARK

Community Beautification Improvement Fund

The Town of Lake Park has a property improvement grant program called the Community Beautification Improvement Fund, *that returns 20% of all collected code violation fees back to the community.* It is available for both residential and commercial properties.

- ★ **Residential** properties must have received a code violation, and the applicant must prove they are unable to come into compliance due to financial hardship.
- ★ **Commercial** properties are eligible if they exist within the Town's PADD (Park Avenue Downtown District). A code violation is not necessary to make a commercial property eligible, but the grant application must show how the proposed work would contribute to the Town's overall goals and vision for an improved downtown.

Program Overview

Town staff will review the application for completeness and for eligibility for assistance.

Grant money may be used for exterior painting, landscaping, sod replacement, and other improvements necessary for a homeowner to correct a code violation. In the case of commercial properties, grant money may also be used for things such as new/replacement signage, awnings, or facade improvements.

Applicants are encouraged to try and match 50% of the grant request, using actual dollars or in-kind contributions. In-kind contributions include labor, materials, or services that are donated to the property owner. **The higher the total match made by the property owner, the higher the application is likely to rank.**

Upon the approval of an application, Town staff will work with the owner concerning paint colors, surfacing materials, plant selections, etc. However, it will be the **responsibility of the property owner to obtain all job cost estimates** to be included in the application.

Commission approval is required for individual projects costing over \$3000. **All projects must be completed within six months.**

It is not the intent of the program to provide for continuing or ongoing maintenance.

GRANT FOR RESIDENTIAL PROPERTIES

Note. Residential properties must have received a code violation, and applicant must demonstrate financial hardship in order to be eligible for this grant. The applicant must be the property owner, and the property must be Homestead. Applicant must make some financial match for the amount requested.

APPLICANT INFORMATION

Name: [REDACTED]

Address: [REDACTED] L.P. 33403

Telephone: \$ [REDACTED]

Homestead Exemption No. [REDACTED] 20 02 087 [REDACTED]

Code Compliance Case No. 08080027 [REDACTED]

Number in Household 1 Number of Dependents

Applicant Signature: [REDACTED]

PROJECT DESCRIPTION:

Replace roof at [REDACTED]

LIST PROJECT(S) AND COST:

1.	Replace roof	8600.00
2.		/\$ 5,920.00
3.		/\$
4.		/\$
5.		/\$
Total cost Estimate		\$ 8600.00

FUNDING SOURCES:

- ▶ Town of Lake Park grant:
(Enter amount you would like from the grant) \$ _____
- ▶ Applicant:
(Enter amount of money you plan to contribute) \$ 5,000 - ⁷⁵2500
- ▶ In Kind Services:
(Enter the value of any donated services or materials) \$ _____

INCLUDE WITH THIS APPLICATION:

- A statement of good standing by the IRS or copies of two years of federal tax returns
- Copy of Code Enforcement Board Order (if applicable)
- Copy of any Town Permits already received (if applicable)
- Copies of all project cost estimates
- Proof of insurance coverage for building

For Office Use Only:

Date application received: _____

Was application complete?

- Yes
- No Additional Info needed: _____
- Additional info received _____
Date: _____

Application Approved?

- Yes
Amount \$ _____ Date: _____
- No
- Yes, with conditions _____

Comments:

APPROVALS:

TOWN MANAGER: *Mc Davis* 10/23/08
Signature Date

FINANCE DEPT.: *Anne M. Costello* 10/24/08
Signature Date

COMMUNITY DEVELOPMENT DIRECTOR:
 [Signature] 10/7/08
Signature Date

COMMENTS:



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

Case No. 08080027

NOTICE OF VIOLATION

Issued Date Wednesday, August 13, 2008 1:30 PM

Owner/Tenant and Registered Agent [REDACTED]

Owner Address [REDACTED] WEST PALM BEACH FL 33403

Folio # 3643422002087 [REDACTED]

Legal Description LAKE PARK /FORMLY KELSEY CITY/NELY [REDACTED] 27

Property Address [REDACTED] Town of Lake Park FL, 33403

The Undersigned certifies that he/she has just and reasonable grounds to believe, and does believe that the following offenses were committed:

<u>Ordinance/Regulation</u>	<u>Section</u>	<u>Description</u>	<u>Days to Comply within issuance date</u>
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-81	Property maintenance standards. general.	30

Corrective Action:
PRESSURE CLEAN AND PAINT ROOF.

The Town of Lake Park has adopted a Code Compliance Board and Magistrate procedure pursuant to the provisions contained in Chapter 162, Florida Statutes. Therefore if the referenced violations are corrected within the number of days noted above from the date of issuance of this citation, you must contact the Code Compliance Officer at 561-881-3321. If the violations are not corrected within the time specified, you will be notified of the Code Compliance Board/Special Magistrate Hearing date, time and location.

Since:

Doris Bainter, Code Compliance Officer
Town of Lake Park
Phn no. (561)881-3321, Fax no. (561)881-3323
CC Tenant



User:dbainter

LOGIN MY INKFORCE SEARCH GIS HEARINGS SCHEDULE REPORTS ADMIN

Notice of Violation Incident

Folio No. 434220020870071 Address [REDACTED] Town of Lake Park Date 8/13/2008 Type Building

Return to Incident Find on Map

Overview Violations Vehicles Assignments Delivery Payments

Date Issued 8/13/2008 Issuing Officer Doris Bainter

Case No. 08080027 Recipient Add an Individual

Health/Safety violation Property is Rental

Verified By Palm Beach County Property Appraiser [checked] Utility Billing

Date of Next Inspection 10/1/2008

Notes PRESSURE CLEAN AND PAINT ROOF.

Save Delete

Save All View as Document

E & V Roofing Company INC.
 119 Honeywood Dr. Kissimmee, FL. 34743
 1 800 620 3312

Quote

Visit us at www.weknowroofs.com

Customer XXXXXXXXXX Date OCT. 06, 2008
 Address XXXXXXXXXX
 City West Palm Beach, FL. 33403 State License ccc1327124
 Phone (561) 848-1585 cell (561) 301-7560

Description of work to be done	Unit Price	Total
<p>REMOVAL AND DISPOSAL OF TILE ROOF INSTALL ARCHITECT SHINGLES OWENS CORNING INSTALATION OF FELT # 30 INSTALATION OF SECOND WATER BARRIER DRIP EDGE WILL BE CHANGED INSTALATION OF TWO OFF RIDGE VENTS</p> <p>REPLACE ALL ROTTED PLYWOOD INSTALATION OF ALL LEAD PIPE VENTS INSTALATION OF 16" METAL VALLEY RE-NAIL PLYWOOD TO CURENT CODE</p> <p>INCLUDES PULLING PERMIT CLEAN AROUND AND HAUL ALL TRASH</p> <p>INCLUDES WATER HEATER VENT INCLUDES INSTALLING INSULATION BOARD TO FLAT ROOF AREA</p> <p>ALL LABOR AND MATERIALS INCLUDED</p> <p>THIS QUOTE IS FOR THE ENTIRE ROOF INCLUDING THE FLAT AREA</p> <p>A \$3,500. DOLLAR DOWN PAYMENT IS REQUIRED ON THIS JOB</p> <p>THIS QUOTE WILL BE GOOD UNTIL 10/20/2008</p> <p>THERE WILL BE A PRICE INCREASE ON SHINGLES ON 10/20/2008</p>		
	Sub Total	\$ 8,600.00
	Total	\$ 8,600.00

Payment Details * Check *

Thank You

Quality Work - Affordable Pricing



STATE PRIDE ROOFING OF FLORIDA, INC.

P.O.Box 1627
West Palm Beach, Florida 33402

Tel: (561) 686-8057
Fax: (561) 686-3344

Page No. 1 of 1 Page

1064

CONTRACT

TO: [REDACTED] [REDACTED] Lake Park FL 33403-2531	PHONE: 561-848-1585	DATE: 9/19/2008
	[REDACTED] [REDACTED] Lake Park, FL. 33403-2531	JOB NUMBER: 08-1064

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

NEW ROOF SYSTEM

Replace sloped roof system as follows:

1. Remail the roof sheathing according to the Florida Building Code.
2. Mechanically attach a 30# felt using 1-1/4" ring shank nails and tin tags.
3. Install baked enamel drip edge, galvanized base flashings and galvanized valley metal.
4. Install new lead flashings and roof vents.
5. Apply primer to all roof flanges to promote adhesion.
6. Install 25yr. 3 tab shingles and hip & ridge.
7. State Pride Roofing will obtain the reroofing permit and haul away debris caused by roof work.

NOTE: Deteriorated wood replacement will be additional charge at \$4.50 per sq. ft.

NOTE: Any uplift testing or engineering report requested by the owner, building department or the manufacturer will be additional charge.

* Subject to building Department approval and RELEASE OF PERMIT.

We Propose hereby to furnish material and labor-complete in accordance with the above specifications, for the sum of:

Nine Thousand Five Hundred Eighty and 00/100 Dollars

dollars (\$

9,580.00

Payments to be made as follows:

- \$4,000.00 Due upon signing of contract and prior to commencement of roof work.
- \$5,580.00 Due upon completion of roof work.

All work to be performed by State Pride Roofing of Florida, Inc. is a performance-like warranty. By execution hereof, the CONTRACTOR certifies that he has read this Contract INCLUDING THE REVERSE SIDE HERE OF, and that he is authorized to execute this Agreement. Payment in full for the work contracted by under this contract shall be made by the Customer to the Contractor on the day that the Contractor certifies that the work has been completed. The contract shall be conditional and payment shall not be held as the time said written certificate is delivered to the Customer by the Contractor. All delinquent accounts shall bear a service charge of 1 1/2% per month. In the event that Customer breaches this contract by cancelling same before work is commenced and after the contract is signed and executed, then the Customer agrees to pay to the Contractor 50% of the total contract price as agreed upon liquidated damages, and Contractor agrees to pay the same amount only upon due completion. The customer further agrees that said unpaid liquidated damages shall constitute a lien against property.

THIS AGREEMENT CONSTITUTES OF THE FORE AND THE REVERSE SIDE HEREOF, CORRECTLY SETS FORTH THE ENTIRE AGREEMENT BETWEEN CONTRACTOR AND THE CUSTOMER.

CONTRACTOR: STATE PRIDE ROOFING OF FLA., INC.

Authorized Signature _____

Note: this contract may be withdrawn by us if not accepted within

10

day(s)

BY: _____ AUTHORIZED AGENT

SIGNATURE/GUARANTEE

(DATE)

NAME OF CORPORATION

DATE: _____

Proposal

1354 WILLOW ROAD
WEST PALM BEACH, FL 33406

LICENSED
BONDED
INSURED

W.P.B. (561) 641-2228
Boca/Delray (561) 735-7677
Fax (561) 969-7575

MARK TERLEP ROOFING

R-5
CELL 386-1705

U-17213
RC-0066713

PROPOSAL SUBMITTED TO:		PHONE: [REDACTED]	DATE: 9-17-08
NAME: [REDACTED]		JOB NAME:	
STREET: [REDACTED]		STREET:	
CITY: LAKE PARK		CITY:	STATE:
STATE:			

We hereby submit specifications and estimates for:

- 1) TEAR OFF EXSITING ROOF SYSTEM
- 2) REPAIR ROTTEN SHEATHING/FACIAS / NO SOFFIT / REMAIN TO COVER
- 3) INSTALL 2 PLY 30# / NEW METALS
- 4) INSTALL 40 YEAR O/E DIM SHINGLES

REROOF

FLAT ROOF

APPROX WOOD

\$1000 TO \$2500

- 5) 1-2 SAME AS ABOVE
- 6) FASTEN 1 1/2" ISG 2x4 PERIMETER
- 7) 1/2" HIGH DENSITY BRD. / NEW DRIP EDGE
- 8) 3 PLY GLASS + MODIFIED
- 9) CLEAN ALL DEBRIS DAILY / NO DUMPSTERS / NO SUB CONTRACTORS

3 YEAR WORKMANSHIP GUARANTEE

We propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

1000 DOWN 7000 AT START _____ dollars (\$ 12,000)

Payment to be made as follows:

BAL. @ COMPLETION OF WORK + WOOD WORK

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from 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. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within 15 days.

Acceptance of Proposal - 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 of Acceptance: _____

Title _____

TAB 4

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

Meeting Date: November 5, 2008

Agenda Item No. *Tab 4*

- | | |
|---|---|
| <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: An amendment to Chapter 72 Article II Streets, Sidewalks and Other Public Places to clarify construction standards for excavation, construction or repair within any town right of way and a requirement for property owners to maintain sidewalks that abut their property in a safe condition.

RECOMMENDED MOTION/ACTION:

Approved by Town Manager *H. Davis* Date: *10/28/08*

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Ordinance
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development <i>AD</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>AD</i> or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: The existing road excavation standards were incorporated into the code in 1978 and have since become obsolete. The new wording requires construction and repair to be done according to standards approved by the town's engineer and Public Works Director thereby eliminating the need to put specific standards into the code that have the potential of becoming obsolete.

The present code is not clear regarding who is responsible for maintaining sidewalks. This amendment clarifies the responsibilities of the Town and the property owner. It requires all property owners to maintain abutting sidewalks in a safe condition and to make repairs if they or their tenants are responsible for damage to them. It also addresses tree damage. The Town will inspect tree damage to the sidewalks and determine who is responsible for repairing the sidewalk. If trees in the swale uproot the sidewalk then the Town will take the responsibility and repair the damage. If the tree is in on the property owner's side of the sidewalk then the property owner will be responsible for repairs. The amendment also provides for the Town to repair the sidewalk if the property owner refuses and charge back the property owner for the cost of repair.

ORDINANCE NO.: 17-2008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 72, ARTICLE I, ENTITLED “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”; PROVIDING FOR THE CREATION OF NEW CODE SECTION 72-2 REQUIRING PROPERTY OWNERS AND OTHER RESPONSIBLE PARTIES WHOSE PROPERTY ABUTS OR IS ADJACENT TO SIDEWALKS, TO MAINTAIN SIDEWALKS IN A SAFE CONDITION; PROVIDING FOR NEW CODE SECTION 72-3 TO BE ENTITLED “ENFORCEMENT”; PROVIDING FOR THE AMENDMENT ARTICLE II, SECTION 72-31 ENTITLED “PERMIT”; PROVIDING FOR THE AMENDMENT OF SECTION 72-32 ENTITLED “REPLACING SUBGRADE AND PAVEMENT”; 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 such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to streets, sidewalks, and other public places generally, which have been codified in Chapter 72, Article 1, of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town has determined that there are an increasing number of sidewalks, parkways, driveways, alleys, driveway aprons, curbs, gutters, pavement areas, and other similar rights-of-way (“sidewalks and public ways”), which abut, or are adjacent or contiguous to, private property within the Town, which have fallen into disrepair, become defective, and/or due to a variety of causes, conditions, actions, and omissions in reasonable care, may have resulted in dangerous or potentially dangerous conditions; and

WHEREAS, under current Florida law, a private property owner has no duty to maintain a public sidewalk or public way, unless the local government affirmatively requires an abutting

property owner to repair dangerous, detrimental, and/or defective sidewalks, where such property owner, or the owner's tenant(s), licensee(s), lessee(s), occupant(s) and/or agent(s) of the real property ("other responsible parties"), have through either any act or omission have caused the dangerous condition, or have caused the damage giving rise to the dangerous condition. (See e.g., Del Rio v. Town of Hialeah, 904 So. 2nd 484 (Fla. 3rd DCA 2005), Woods v. Palatka, 63 So. 2d 636 (Fla. 1953); and

WHEREAS, a review of Florida judicial law and other local ordinances and codes of municipalities in Florida, reflect that the Town may legally require and adjacent, abutting, and contiguous property owner to repair Town sidewalks and public ways, that abut private property when the damages to the sidewalk or public way giving rise to the dangerous or detrimental condition, are caused by the abutting, adjacent, or contiguous property owner (and/or other responsible parties), and

WHEREAS, in addition, the Town may also make the necessary repairs and charge the property owner will all related costs of the repair work, together with any fines, administrative and other costs imposed through a Town code enforcement proceeding, or court action, and all such fees and costs incurred by the Town shall constitute a valid Town lien upon the real and personal property of all responsible parties; and

WHEREAS, the Town Commission has determined that adopting provisions requiring an abutting, adjacent, or contiguous property owner to maintain Town sidewalks and public ways which abut their property, so as not to create a dangerous and/or detrimental conditions which may cause or result in harm, is in the best interests of the safety of the Town, and its residents, visitors, and guests; and

WHEREAS, the Town Commission further finds that such regulations will provide yet

another positive mechanism to enhance community pride, continue to make the Town a desirable place in which to live, and possibly protect the Town against a further decline of property values in certain portions of the community; and

WHEREAS, the Town Commission further finds that enacting this Ordinance is in the common interest of the people of the Town, as it will further the general health, safety and welfare of the Town at large, not only via the means stated above, but also by fostering a stronger sense of personal responsibility and civic awareness in individual property ownership, engendering greater community pride in the Town, and facilitating a communal sense of participation and cooperation; and

WHEREAS, Chapter 166, Florida Statutes authorizes the Town Commission, as the governing body of the Town, to adopt Ordinances and Resolutions which are deemed necessary for the exercise of its powers, and

WHEREAS, in addition Chapter 162, Florida Statutes further authorizes the Town to enforce violations of regulations of the Code of Ordinances adopted by the Town through code enforcement proceedings, and to impose and prescribe fines and penalties for violation of such Ordinances which have been properly adjudicated in a quasi-judicial proceeding held in accordance with Florida law; and

WHEREAS, Town staff has recommended to the Town Commission that Chapter 72 of the Town Code, Article 1, Sections 72-2 and 72-3, be created to provide for additional regulations requiring abutting, adjacent, and contiguous private property owners, and other responsible parties to be held legally responsible for sidewalk and public way maintenance and repair under the circumstances as specified herein, and to subject all such violators to the imposition of fines, administrative costs, legal and professional fees, the costs of all remedial measures and corrective

work undertaken either by the Town or the violator, together with all other remedies available to the Town under Florida law for any violator's failure to so; and

WHEREAS, Town staff has recommended to the Town Commission that Chapter 72, Article II, Sections 72-31 and 72-32, be amended to provide for additional regulations regarding permits and construction and repair; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety, and general welfare to amend Chapter 72, Article 1, of the Town's Code of Ordinances to provide for the creation of these additional new Code Sections.

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

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

Section 2. Chapter 72, Article I, Sections 72-2 and 72-3 of the Code of Ordinances of the Town of Lake Park, Florida, are hereby created to read as follows:

Sec. 72-2. Obligation of Property Owner to Maintain Public Sidewalks Adjacent to Property Owner's Property.

(a) General prohibition. It is unlawful for the owner of real property, and/or his tenant, licensee, lessee, occupant, and/ or agent and any other persons or entities who have the care, custody and/or control of the subject real property ("responsible parties"), to allow Town sidewalks, driveways, alleys, driveway aprons, curbs, collectively referred to herein as "sidewalks" which abut, or are adjacent or contiguous to the property owner's real property, to exist or remain in any condition that renders such areas either defective, unsafe, dangerous, and/or detrimental to persons such as pedestrians, bicyclists, and motorists, using these areas for the normal purposes for which they were intended.

(b) Responsible parties. A property owner, and/or the owner's tenant, licensee, lessee(s), occupant and/or agent and/or any other persons or entities who have the care, custody and/or control over the adjacent real property, shall all be deemed "responsible parties" for purposes of this Article. Responsible parties shall have an affirmative duty to regularly inspect the abutting, adjacent, and contiguous sidewalks and public ways, for unsafe conditions including but not limited to, potholes; broken or uneven surfaces which may make walking or traversing the area unsafe; worn-out or otherwise in disrepair due to decaying or broken materials; protruding roots, overhanging branches, deteriorated surfaces, or any other unsafe condition, which may pose a danger or threat to the public or to the adjacent property owner or his guests, invitees, and other persons on the property. Where such areas are damaged by roots from trees, any damage to the sidewalk shall be considered attributable to the property owner for purposes of this Article. In the event that the tree is located on the property of more than one property owner, such as where a tree straddles a property line between the boundaries of two or more properties, both property owners shall be jointly and severally liable for any violation of this Article, and any and all fines, costs, and other damages caused by the tree to the sidewalk. Where such areas are damaged by roots from trees located on Town property maintained by the Town, or by limbs falling from a tree or by the removal of a tree by the Town, the repairs to Town sidewalks shall be made by the Town at no cost to an adjacent, property owner.

Sec. 72-3. Enforcement;

(a) Violations. Where a sidewalk has been observed to be in an unsafe condition by the Town or a complaint of the same has been reported to the Town, the Town may initiate code enforcement action, and/or legal any other legal remedies available to the Town. If it is determined at the conclusion of a code enforcement proceeding or in a judicial proceeding that the property owner and/or another responsible party is in violation, then the property owner or other responsible party

shall repair or replace the damaged area of the sidewalk in the manner required by the Town for the construction of new sidewalks. In the event the violator does not repair, reconstruct, or construct the sidewalk, the Town may complete all required maintenance, repairs, and/or replacement, as more specifically provided below.

(b) *Town's right to make repairs.* In the event that the violator fails to complete the remedial action required of a final order rendered by either a Special Magistrate or Court, the Town shall have the right to make all necessary repairs in order to bring the property into compliance, and all costs and expenses incurred by the Town in connection with the making of the repairs, together with all fines and other administrative costs imposed, shall constitute a lien upon the real and personal property owned by the violator. The Town's lien may be foreclosed in accordance with the provisions of Chapter 162, Florida Statutes, as amended.

Section 3. Chapter 72, Article II, 72-31 & 72-32 of the Code of Ordinances of the Town of Lake park, is hereby amended to read as follows:

ARTICLE II. EXCAVATIONS

Sec. 72-31. Permit.

~~Before any person shall make an excavation in, upon or across any paved road, street or other public way, other than a sidewalk, within the town, such person shall apply to the town for a permit, and pay therefor a permit and inspection fee of \$250.00.~~

When any person desires to construct, repair, disturb, cut into, dig up, or excavate any public street, alley, or public right-of-way, whether same is paved or unpaved, or any parkway, curb, gutter, or sidewalk, an application for a permit to perform those activities shall be submitted to the Town using the permit application form provided by the Town for such purpose.

Sec. 72-32. ~~Replacing subgrade and pavement.~~ Construction and/or Repair of Public Ways

and Sidewalks.

When any person or entity constructs, repairs, replaces, or otherwise makes an excavation in, upon or across any paved road, street or any public way, other than including a sidewalk or driveway apron within the Town, he the person or entity shall repair the same in strict accordance with the standards and any other permit requirements or conditions set forth in the excavation permit issued by the Town of Lake Park engineer and/or Director of Public Works. Such standards shall be made available to an applicant as part of the permit process. ~~by stabilizing the subgrades immediately under the street base by applying at least eight inches of compacted limerock, shell or marl and applying thereon at least six inches of concrete ("Min" with reinforced steel rods) which concrete shall be at least 36 inches width minimum or twice the size of ditch dug. There also shall be at least two inches of hot or cold mix asphalt applied on the concrete.~~

~~(b) The asphalt shall be either rolled or thoroughly compacted by hand tamping or other approved method, and shall be compacted and smoothly finished to the existing grades.~~

Section 4. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 5. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. Codification. The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance maybe renumbered or re-lettered to accomplish such.

Section 7. Effective date. This Ordinance shall take effect immediately upon passage.

TAB 5

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

Meeting Date: November 5, 2008

Agenda Item No. Tab 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 checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Final budget amendment for Fiscal Year 2007/2008.

RECOMMENDED MOTION/ACTION: Approve ordinance.

Approved by Town Manager

Handwritten signature: Nestor J. Davis

Date: 10/30/08

Handwritten signature: Carmine M. Costello
Name/Title Finance Director

10/29/08
Date of Actual Submittal

Originating Department:	Costs: \$ Funding Source: Acct. #	Attachments: Ordinance and backup
Department Review: <input checked="" type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input checked="" 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: This ordinance will amend the adopted revenues and expenditures for Fiscal Year 2007/2008. The purpose of this amendment is "housekeeping" for the proper presentation of financial statements in the audit. For example, revenues have been received that were not anticipated during the budget process along with corresponding expenditures.

General Fund - 001

Revenues

Acct.	Description	Amount	Explanation
384.100	Loan Proceeds	3,717,500	Loan
	Total	<u>3,717,500</u>	

Expenditures

Acct.	Description	Amount	
900-73100	Debt Issuance Costs	17,500	Loan Costs
900-91115	Transfer to CRA - ILA	2,420,000	CRA Projects
900-99500	Settlements	1,230,000	Firefighters' Pension
600-66900	Vehicles	50,000	Town Bus
	Total	<u>3,717,500</u>	

CRA Fund - 110

Revenues

Acct.	Description	Amount	Explanation
381.115	Transfer from General Fund	2,420,000	Interlocal Agreement
	Total	<u>2,420,000</u>	

Expenditures

Acct.	Description	Amount	
520-61500	Property Acquisition	1,250,000	Foresteria Property
520-63101	Alleyway Improvements	1,170,000	Alleyway Project
	Total	<u>2,420,000</u>	

ORDINANCE NO. 19-2008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2007-2008 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 24-2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission has previously established the budget for the Town of Lake Park for the fiscal year beginning October 1, 2007 and ending September 30, 2008; and

WHEREAS, at the time of its adoption, the budget properly reflected expected revenues and appropriations; and

WHEREAS, to implement this budget, the Town Commission adopted and levied by Ordinance No. 23-2007 a tentative and final millage rate for the fiscal year 2007-2008; and

WHEREAS, the Town Commission deems it necessary and advisable to amend the budget for the Town of Lake Park for fiscal year 2007-2008; which was adopted in Ordinance No. 24-2007 and previously amended in Ordinance No. 05-2008.

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

Section 1. An amended final budget of the Town of Lake Park has been duly prepared by the Town Manager and has been reviewed by the Town Commission, upon proper notice at public hearing, and the same is hereby adopted for the fiscal year beginning October 1, 2007 and ending September 30, 2008 as follows:

An amended final budget is hereby approved and adopted in the sum of \$ 23,275,415 , a copy of which is incorporated by reference along with approved budget amendments made a part hereof.

Amended Budget

Fiscal Year 2007-2008

General Fund	\$ 14,471,430
Community Redevelopment Agency Fund	\$ 4,176,664
Insurance Fund	\$ 452,700 (no change)
Streets and Roads	\$ 470,048 (no change)
Debt Service Fund	\$ 768,107 (no change)
Marina Fund	\$ 1,326,125 (no change)
Sanitation	\$ 1,610,341 (no change)

Section 2. Pursuant to the applicable provisions of the Constitution and Laws of the State of Florida and the Charter and Code of the Town of Lake Park, the object and purpose of the appropriations provided for by this Ordinance and the amount of each function of the government of the Town is hereby fixed, made and appropriated in accordance with the terms, specification and details contained within the said budget.

Section 3. The Town Manager is hereby authorized to amend/transfer authorization between departmental accounts provided; however, that total appropriated expenditures by fund do not exceed Commission authorized amounts.

Section 4. If any section, subsection, sentence, clause, phase or portion of the Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. All ordinances, including but not limited to Ordinance No. 24-2007 and Ordinance No. 05-2008 and/or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect immediately upon adoption.

TAB 6

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

Meeting Date: November 5, 2008

Agenda Item No. Tab 6

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

RECOMMENDED MOTION/ACTION: Provide Direction to Staff

Approved by Town Manager

H. Davis

Date:

10/29/08

Name/Title

Date of Actual Submittal

Originating Department: Town Manager	Costs: \$ Funding Source: Acct. #	Attachments: Various Quotes and Analyses
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: At the October 15, 2008 Commission Meeting staff advised the Town Commission that a severe mold problem has "re-occurred" in the FEMA trailer which was purchased in 2007 for the purpose of housing recreation activities. Given

the fact that considerable dollars were spent to remove mold upon acquisition of the trailer, it is staff's recommendation that no further funds be expended on the existing trailer.

Staff recommended acquiring a "new" trailer of the same size in order to utilize the existing electric, stairs, ramps and window/door security screens. The Town Commission requested that Staff provide various alternative housing options for the Commission's consideration.

Option 1: Purchase and Renovate Home Located on Date Palm Drive

The Town Commission recommended that homes potentially for sale abutting the ball field on Date Palm Drive be reviewed. Attached please find a report from the Community Development Director.

Approximate Cost for Acquisition and Renovation: \$250,000

Option 2: Enclose Existing 7th Street Pavilion

Staff obtained a quote to enclose the pavilion and construct an interior office and open space. It should be noted that the interior dimensions of this option equal 722.75 square feet, which is 201 square feet less than the existing trailer. Attached please find the sketch which was prepared by Hoa Hoang and the estimate provided by Browning and Becker.

Approximate Cost for Construction: \$21,000

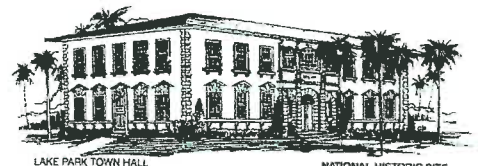
Option 3: Purchase a New Trailer

Staff obtained various quotes from modular building manufacturers. The attached specification was provided to each manufacturer for consistency purposes. The dimension of the existing trailer is 14' x 66' or 924 square feet. *Please note that certain proposals describe the dimensions as 14' x 70' as opposed to 14' x 66'. The "box size" or interior dimension of the trailer is 14' x 66'. Some proposers include the trailer tongue dimension with the "box dimension", thus the 70' vs. 66'.*

The following is a summary of each company's proposal. The prices are for the acquisition of the trailer only for comparison purposes. All proposals are attached.

Advance Modular	\$26,625
Modular Space	\$31,342
Williams Scotsman, Inc.	\$34,990
Vanguard Modular Building Systems	\$34,930 Includes Delivery/Installation
Pac-Van, Inc.	\$39,279
Satellite Shelters, Inc.	\$45,780

**Town of Lake Park
Community Development Department**



"Jewel" of the Palm Beaches

OCT 28 2008

Patrick Sullivan, AICP, Director

Memo Date: October 28, 2008

Town Of Lake Park
Office of Community Development

To: Maria

Re: Ballfield site purchase

Please see attached map that details the properties for sale that surround the ball fields.

The property on the northwest corner (marked 1) has the most potential from a location point of view. It abuts the ball fields and being on a corner offers parking and access to the main park. This property is owned by Joann Price. She expressed interest in selling a few months back when we were looking at acquiring land around the ball field for a future expansion. The Palm Beach Appraisers web site assigns a value of \$164,117 to the property. The value of the house has dropped \$30,000 since the 2006 appraisal. Given the recent comparable sales in the area I would guess that a current appraisal would come in around \$130,000. My best guess would be that \$180,000 would be a price that she might settle on. Improvements to the site to accommodate a rec office would run in the neighborhood of \$75,000. Total expenditures will be in the area of \$255,000. I have contacted Ms. Price in writing expressing our continued interest in her property. I have been unsuccessful in contacting her by phone.

There are three other properties along Date Palm (nos. 2, 3, & 5) that also expressed an interest in selling. As you can see the assessed values are similar to property number 1. However, these sites are not as ideal as site number 1. Access and parking are more restricted and these properties are wedged between single family homes. Properties 4 and 6 were strongly opposed to selling their homes and my guess would be that they would not be happy with the houses next to them being utilized as a rec office/meeting space.

The properties along 7th Street are not ideal sites as they would require kids crossing the road to access the office.

Conclusions.

1. The houses that might consider selling are very close in assessed value. Given that constant and other market conditions, I am suggesting that the total cost to buy and renovate would be around \$250,000 regardless of which house were chosen.
2. Site number 1 at the northwest corner would be the best choice of the eight lots that might potentially be available.

Patrick Sullivan, AICP Director
Community Development Department
881-3319 fax 881-3323
psullivan@lakeparkflorida.gov



\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00

DATE PALM

\$0.00	\$0.00	\$182,273.00	7
\$0.00	\$0.00	\$237,471.00	8
\$0.00	\$0.00	\$162,821.00	8
\$0.00	\$0.00	\$364,952.00	
\$0.00	\$0.00	\$528,359.00	
\$0.00	\$0.00	\$214,669.00	

Ballfields		\$0.00
		\$0.00

BAYBERRY

\$0.00	\$0.00	\$0.00	\$0.00
--------	--------	--------	--------

\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
--------	--------	--------	--------	--------	--------	--------	--------

6TH

7TH

7TH

1	J. Price	\$164,117.00					
2		\$165,958.00					
3		\$166,218.00					
4			Not for Sale				
5		\$157,393.00					
6			Not for Sale				

Drowning & Becker Construction, Inc.

State Certified General Contractor License # CGC050930

3460 Fairlane Farms Road, Suite 5, Wellington, FL 33414 * Office 561-790-3224 * Fax 561-791-2440

RECEIVED

OCT 28 2008

Fax Cover Sheet

*Town Of Lake Park
Office Of Town Manager*

Date: October 28, 2008

To: Hoa Hoang – Town of Lake Park

Phone No.: 561-881-3345

Fax No.: 561-881-3314

Sent By: Jennie

Subject: 7th Street Pavilion Enclosure

Number of Pages (including this cover sheet): 2

Comments:

Attached is the scope of work for the above referenced property. If you have any questions give Jeff a call at 719-2332.

1 of 1

10/28/2008

7th STREET PAVILION ENCLOSURE

Scope of Work

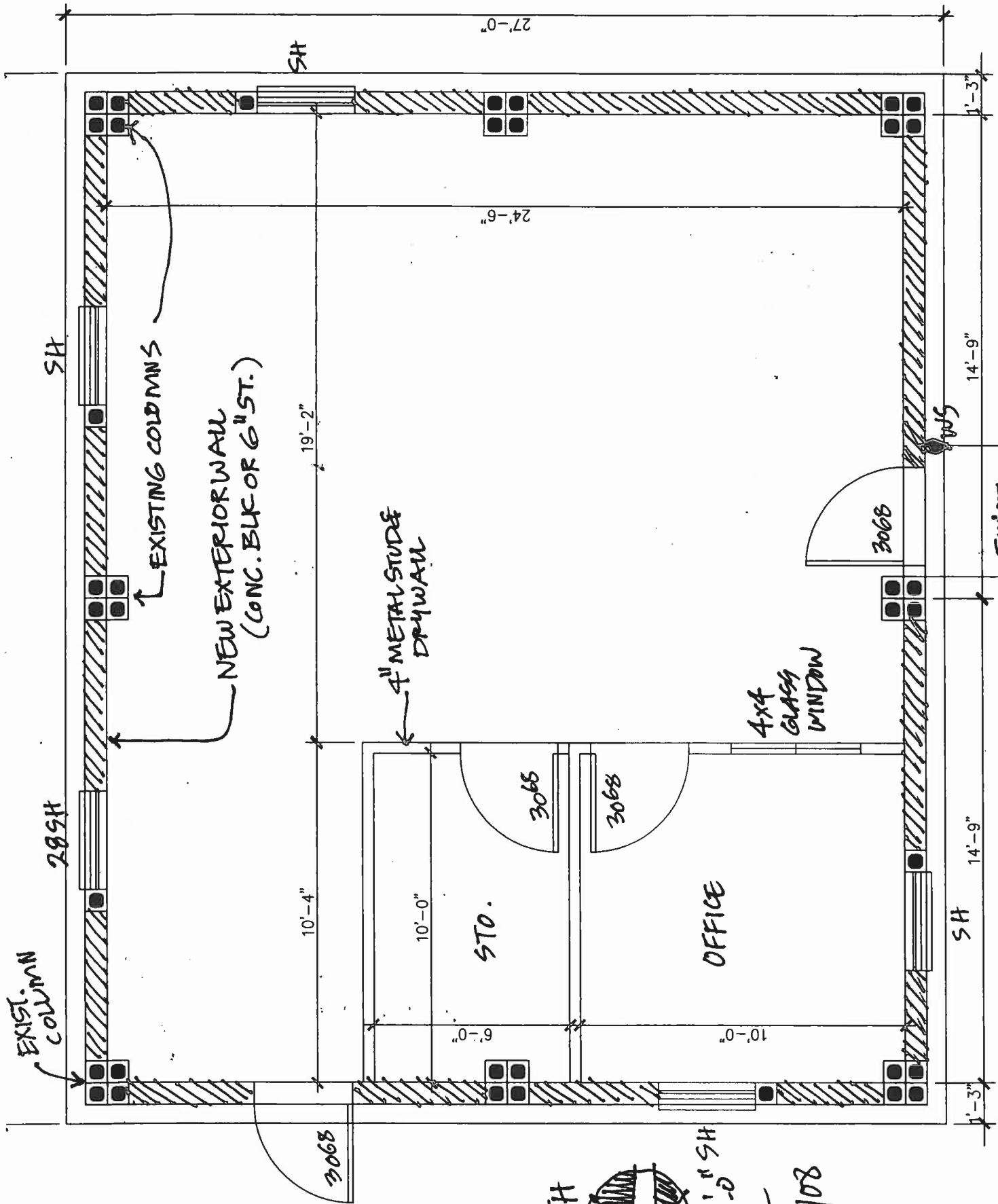
Air Conditioning - 2.5 ton	
Carpentry Interior Trim	
Cleaning	
Dumpster	
Electrical	
Exterior Metal Door, Frame, & Hardware	
Frame Exterior Walls & Stucco	
Frame Interior Walls & Drywall	
Fire Extinguisher	
Impact Windows	
Interior Window	
Interior Doors & Hardware	
Paint	
Portable Toilet	
Supervision	
Profit & Overhead	
TOTAL	\$ 18,294.00

NOTES:


- 1 Pull Down Stairs - Add \$275.00
- 2 R-19 Insulation in Ceiling - Add \$500.00
- 3 R-30 Insulation in Ceiling - Add \$800.00
- 4 Block with Stucco - Add \$1,030.00
- 5 No Plumbing Included
- 6 Permits by Owner
- 7 Electrical underground from trailer locations
- 8 Permit and Construction Drawings by Owner
- 9 Completion - 60 days

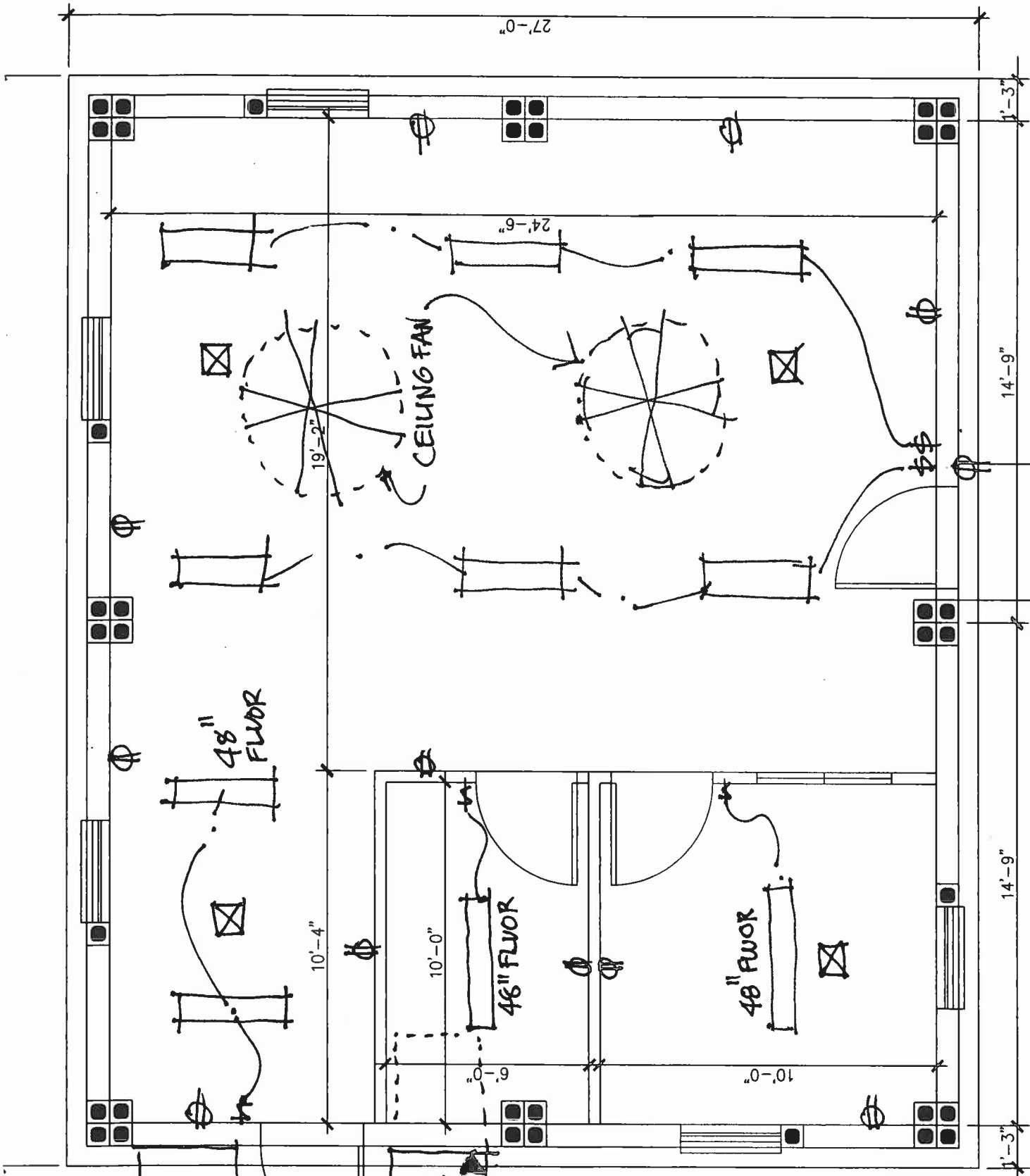
18,294.00
 275.00
 800.00
 1,030.00

 \$ 20,399.00

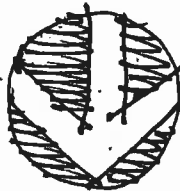


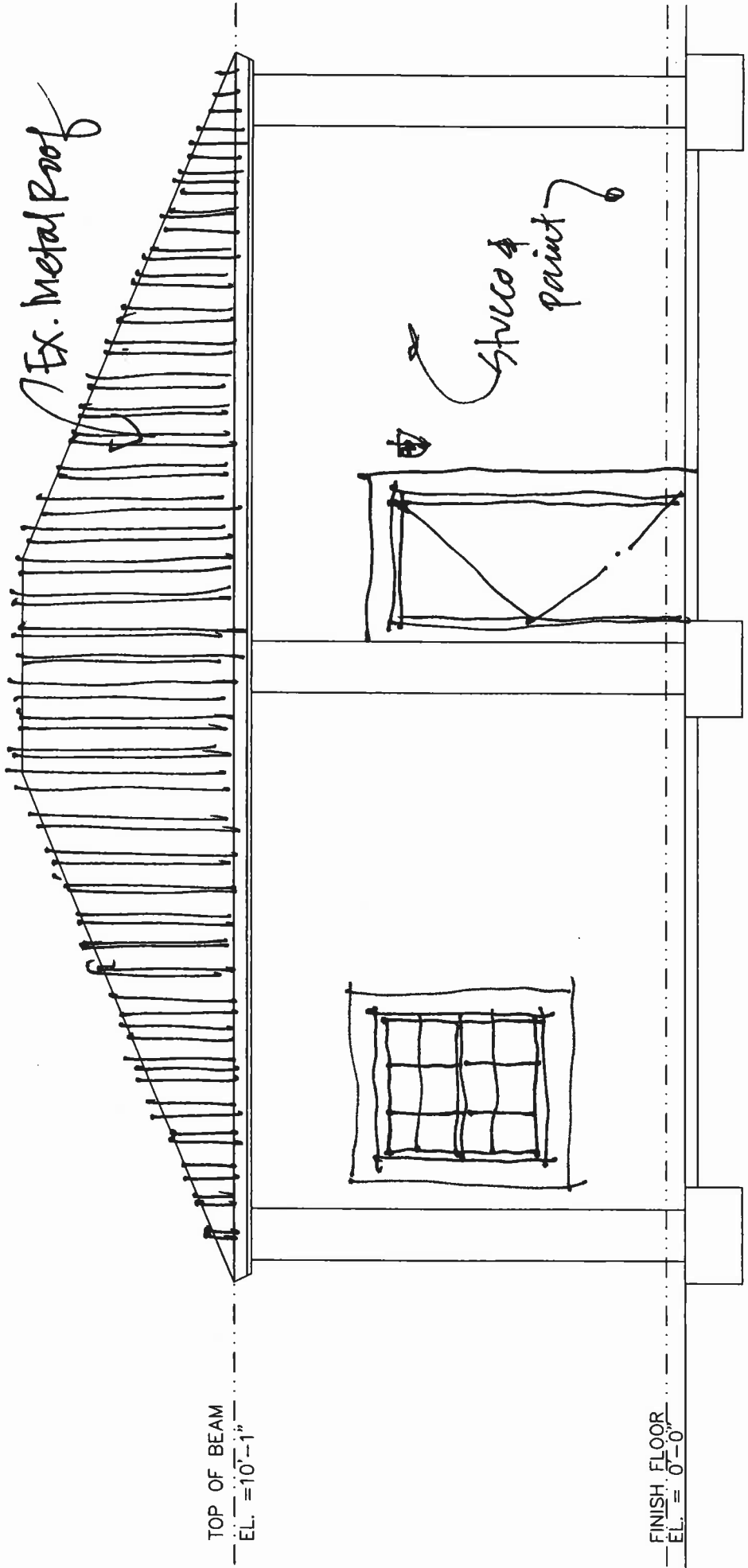
FLOOR PLAN

NORTH

 1/4" = 1'-0" SH
 HON
 10/16/08



ELECTRICAL PLAN

NORTH  1/4" = 1'-0"
 HVA 10/16/08



WEST ELEVATION (TYP.)

Trailer Information

Building Code:

Fl code, DCA approval, 146 + MPH wind load (Dade County requirements)

Building Size:

14 x 70 (14 x 66 box)

Floor:

12 x 12 vinyl Tile

Floor structure:

Steel frame and wood joist with plywood decking

Exterior Walls:

Wood studs, plywood sheathing, hardi Panel with stucco appearance.

Interior Walls:

Wood studs and finished with vinyl covered gypsum.

Windows:

8

Doors:

3

Ceiling:

8' from finished floor.

Electric:

Surface fluorescent light. Two porch lights,

Optional Items:

- * Lattice Skirting
- * Extra j boxes for telephone & data

**** Need price for delivery and haul away the existing trailer.**



Advanced Modular Structures, Inc.

1911 N.W. 15th Street
Pompano Beach, FL 33069
CGC057488

Phone: 954-960-1550
Fax: 954-960-0747
BCA001954

New Building Proposal

Customer The Town of Lake Park
Parks and Recreation

Attention: Greg Dowling
(561) 881-3339
(772) 260-7157 cell
(561) 881-3340 fax

Advanced Modular Structures, Inc. proposes to construct the following modular building.

Building Code: FL code, DCA approved 146 MPH wind load, Business Occupancy

Building Size: 14ft x 66 ft Floor plan provided by customer, subject to revision for engineering purposes.

Floor structure: wood joist and steel frame with plywood decking

Floor finish: 1/8" thick 12" x 12" vinyl tile

Exterior walls: wood studs, plywood sheathing, concrete board (Hardi Panel) with stucco appearance.

Insulation : Floor R-11
Exterior walls R-11
Roof R-19

Windows: six, 24" w x 54" h vertical slide Bronze frame windows. Not impact Rated.

Exterior Doors: three 36"x80" class room w/ 10" x 10" View Blocks.

Roof: 45 mil EPDM rubber with ISO board to meet 146 mph code.

HVAC: The system will consist of up to three tons of wall mount air conditioning with fiber glass supply ducts and ducted return air. Thermostat(s), supply diffusers and return grills are manufacturer's standard.

Interior walls: The walls will be constructed with wood studs and finished with vinyl covered gypsum. The walls will be trimmed with batten strips and vinyl base along the floor. One office 12ft x 14ft at hitch end of unit..

Ceiling: Ceiling will be approximately 8' above the finished floor. Ceiling is sea foam finish and batten strips

Electric: 12 surface mount fluorescent lights. 100 amp panel single phase 3 porch lights photo cell 12/2 w/ ground std wiring 1 exterior GFI protected receptacle

Plumbing: none

Visit us at www.advancedmodular.com

Purchase Price: \$26,625.00 FOB manufacturing site, plus applicable taxes

Payment terms: Net 15 days

Optional Items

- 1: Lattice Skirting and installation \$1728.00
- 2: Extra j boxes \$35.00 each
- 3: Three Steel doors and jams exterior w/ dead bolt locks and closer \$309.00 each
- 4: Six Window blinds \$40.00 each
- 5: Six Impact resistant windows \$640.00 each
- 6: Delivery to Town of Lake Park and installation to FBC requirements \$3300.00
(see clarification below for further explanation)

Clarifications:

- Due to rapidly changing steel and lumber prices, the price is subject to change after thirty days.
- Permit fees or government fees of any kind are not included in price.
- AMS is not responsible for unforeseen conditions such as muck or debris buried underground.
- Shop drawings for customer review will be delivered within fourteen days of signed contract. State approved modular building plans will be delivered approximately four weeks after shop drawings are signed-off and returned to AMS.
- Plan processing (plan expeditor) is not included in this proposal.
- Due to the short time required to assemble this building, Builder's Risk insurance is not included. The owner should contact his agent and arrange coverage upon delivery. Buildings are typically tied down within three days of arriving on site.
- Set up consists of dry stack block foundation utilizing above grade pads. Foundation design assumes 2000 PSF soil bearing capacity. It is the owners responsibility to provide soil w/ 2000 PSF capacity. .Setting to use existing steps.
- Exterior elevations and renderings are not included if required.
- Any extras or additional site work will be billed at cost plus a 15% gross margin.
- Any items not specifically listed in this proposal are not included and are customer responsibility.
- Price assumes delivery site is accessible by truck. Any heavy equipment required to move building on site is at customer's expense.

Visit us at www.advancedmodular.com

Below is a partial list of items excluded from this quotation.

Permit fees or government fees of any kind.

Landscaping, sod and irrigation of entire property-only impacted area will be landscaped

Soil borings and reports

Telephone work of any kind

Termite treatment, if required

Furniture or fixtures, unless specifically listed in quote

Handicap ramps, if required

Fire extinguisher

Poured concrete foundation

AC testing and balancing

Fire sprinkler system

Security or security fence

Renderings or elevations

Additional county requirements fire hydrant, water main...

Cost associated with financing

Hurricane shutters are required.

Thank you

Jim Willis



Visit us at www.advancedmodular.com

MODULAR SPACE

3120-D NW 16th Terrace
Pompano Bc, FL 33064
(954) 972-5629 Phone
(954) 975-0394 Fax

**PRICING SUMMARY for:
TOWN OF LAKE PARK
NEW MODULAR BUILDING
14' X 66'
10/15/2008**

Prices exclude taxes, permits and insurance (Freight permits are included).

PRICE OPTIONS FOR 14' x 66' NEW MODULAR BUILDING –

Building Sale Price: Building only **\$ 31,342.00**

**ONE-TIME CHARGES
DELIVERY, SITE SERVICES AND OPTIONAL OTHER SERVICES**

Building Delivery: Deliver building from point of manufacturer to Lake Park, Florida. Includes all required transportation permits and escort.	\$ 2,683.00	–
Building Set Up: Block level and tiedown to the 140 wind load requirement of Palm Beach County Florida. Sealed tiedown plans included.	\$ 1,098.00	
Skirting: Supply and install hardi panel skirting to match siding.	\$ 2,490.00	
Impact windows ILO of standard windows. (Add)	\$ 2,622.00	
Upgrade building from 140 mph wind load to 146 mph High Velocity Hurricane Zone Wind load building. (Add)	\$ 2,318.00	

ModSpace Executive Summary

Modular Space Corporation (ModSpace) was formed in April 2007 when Resun Corporation purchased General Electric's (GE) North American modular space business.

The combination created one of the largest modular building providers in North America, joining two leading, national players with highly complementary businesses. Resun had a strong presence in education markets and complex modular building applications, while the acquired business had deep product knowledge in construction markets and strong national account sales. The combined company is well positioned to serve the diverse and growing needs of its customers.

ModSpace provides outstanding offering to customers through its unmatched depth and breadth of products, full service capabilities and support, nationwide reach, optimal geographic distribution and highly efficient sourcing.

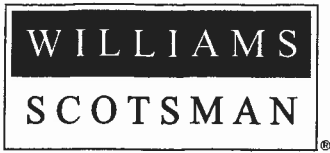
ModSpace is back by ModSpace shareholders, including Calera Capital, ABS Capital and management. The combination brings together people, capabilities and capital to provide industry-leading products and services to customers.

ModSpace Company Profile

Modular Space Corporation (ModSpace) is the largest supplier of permanent modular construction and temporary mobile and modular space. Headquartered in Berwyn, PA, ModSpace is currently approaching its 40th year in business. Our extensive office network includes over 80 sales and service offices that span the United States and Canada.

ModSpace serves a diverse set of customers and markets – such as construction, commercial, education, hospitality, industrial, healthcare, retail and government. Additionally, MedBuild, a division of Modular Space Corporation, provides state-of-the-art medical facilities to the healthcare industry with complete turnkey capabilities.

ModSpace has completed major modular building projects and related services for many prestigious clients including Pfizer, Boeing, Eli Lilly, General Motors, Motorola and the U.S. Army. We combine a wealth of major project management expertise with a project management process designed to exceed the expectations of the most demanding clients. We have a documented project process that provides guidelines and requirements for all phases of a project. A satisfied customer is our primary objective. More information is available at www.modspace.com.



Mobile Offices • Storage Products
And More

WILLIAMS SCOTSMAN, INC.

1400 N.W. 209th Avenue
Pembroke Pines, FL 33029

Phone: 954-450-9222

Fax: 954-450-9727

Toll free: 800-782-1500

George Sousa, Sales Representative

gjsousa@willscot.com

QUOTATION NO. 1565470-2

<u>CUSTOMER</u>	<u>SHIP TO</u>	<u>QUOTE DATE</u>
Greg Dowling Town of Lake Park 535 Park Ave Lake Park, FL 33403	Town of Lake Park 7th street Lake Park, FL 33403	October 16, 2008 <u>QUOTE EXPIRATION</u> November 15, 2008

PHONE: (561)881-3338	FAX: (561)881-3340	E-MAIL: gdowling@lakeparkflorida.gov
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UNIT DESCRIPTION & PRICING

70 x 14 Mobile Office (66x 14 box size)

Serial Number: NEWUNIT

SALES PRICE:	\$34,990.00	DELIVERY FREIGHT:	\$2,500.00
		BLOCK, LEVEL & TIEDOWN:	\$955.00

OPTIONS & COMMENTS

OPTION(S):

CLARIFICATION(S)::

- Williams Scotsman is not responsible for the additional costs associated with unit(s), ramps, or steps that are set-up on unlevel surfaces. In the event of a hurricane WARNING, customers are responsible for window and door protection.

COMMENT(S):

- Williams Scotsman is not responsible for changes to local, State or Federal building codes. Customer is responsible for obtaining building permits unless otherwise agreed to by Williams Scotsman.

ESTIMATED TAX ON INITIAL INVOICE: Personal Property Tax: \$.00 Sales Tax: \$2,331.70

Customer hereby agrees to the above quoted prices and specifications. Customer further authorized Williams Scotsman to make appropriate arrangements for the delivery of the above described Equipment. Upon delivery, and until a subsequent Sales Agreement is executed by Williams Scotsman (as Seller) and Customer (as Buyer), the Standard Williams Scotsman Sales Terms and Conditions, which are incorporated by reference herein, will govern this transaction. A deposit may be required based upon customer's credit rating and history with Williams Scotsman, Inc.

CUSTOMER:	BY:	TITLE:	DATE:
Town of Lake Park			

The items described above comprise the Equipment which the Customer desires to buy from Williams Scotsman. All equipment is subject to availability. Physical Damage and Commercial Liability Insurance coverage are required beginning on the date of the Equipment's Delivery. In addition to the above quoted prices, customer shall also pay to Williams Scotsman any local, state or provincial, federal and/or personal property tax or fees related to the equipment or its use. (If taxes and/or fees are quoted above, they are subject to change.) Payment terms are pending credit approval. Permits, footings, steps, site preparation, electrical, and plumbing connections are not included in the quoted price unless specifically stated.

TOWN OF LAKE PARK
SCOPE OF WORK
October 23, 2008

VANGUARD MODULAR BUILDING SYSTEMS TO PROVIDE:

- **DESIGN AND ENGINEERING SERVICES WHICH SHALL BE LIMITED TO IT'S SCOPE OF WORK**
- Third party engineering services and drawings for the building only.
- Delivery of modules to site
- Storm protection shutters are not provided in this quote and must be installed prior to occupancy.
- Building installation
 - Blocking & leveling – standard single dry stack CMU piers 8' O.C. If local codes requires additional materials it is considered extra work for which Vanguard will be reimbursed via a change order
 - Anchoring Frame – tie downs in soil per foundation floor plans. Anchoring in asphalt or concrete is considered extra work for which Vanguard will be reimbursed via change order.
 - Lattice skirting or underpinning – 30" maximum height. If the height of the building exceeds 30", it will require additional materials and labor for which Vanguard will need to be reimbursed via change order. An extra trip charge may be required if skirting cannot be done during installation.
 - Removal of hitches – if underpinned, and stored underneath modular.
 - Weatherseal exterior and trim interior
 - Signage not included.
 - HVAC system check
 - Vanguard Modular Building Systems customer service
 - One year warranty on new buildings

Approved _____ Date _____

TOWN OF LAKE PARK TO PROVIDE:

- All site drawings and surveys. Any soil bearing tests.
- Local approval of building and foundation with zoning, inspectors and fire marshal.
- Storm protection shutters on windows & doors
- All building and contractor permits and fees.
- Site preparation
 - Firm – minimum 3000 pounds PSF soil bearing capacity.
 - Level – grade not to exceed 6” variance. Additional variance is considered extra work on blocking and leveling as well as skirting, steps, decks and ramps for which Vanguard will be reimbursed via change order.
 - The site pad for the building should be crowned or sloped so that storm water will not pond or flow under the building.
 - Accessible – adequate turning radius and clearance from road to site in order to deliver or pickup the buildings.
 - Clearly indicate the desired location of the building and all setbacks from other buildings and property lines as required.
 - Poured foundations footers are not included in this Proposal. ABS pads will be used instead.
 - Foundation must be brought to grade with smooth, level finish
 - Customer must advise if their county, city, or fire marshal requires additional setup or building specifications over & above the state code.
 - Clearly mark and flag the location of all underground utilities.
 - Depth and dimensions subject to local approval
 - Site security
 - All utility connections including metering, electric, gas, water, sewer or septic
 - All plumbing connections and waste manifolds.
 - Primary cleaning and trash removal. Provide a trash dumpster or container.
 - Landscaping, parking area, sidewalks, or site restoration.
 - Security system – if required
 - Canopies or awnings, storm protection shutters
 - Telephone, data jacks, intercoms and their wiring. Six (6) Blank j-boxes have been provided
 - Smoke and fire alarm system and prevention equipment – if required
 - Gutters, downspouts, elbows, and splash blocks – if required
 - Decks, steps, and handicap ramps

Approved _____ Date _____

TOWN OF LAKE PARK

October 23, 2008

SALE PRICING

(1) 924 Nominal Sq. Ft. 14'X66' Modular Building
Business Occupancy – Florida DCA Approved
146 mph Wind Zone
Delivery & Installation – West Palm Beach, Florida

\$34,930.00*

***Sales pricing includes delivery, installation, and lattice skirting. Decks, steps and ramps are by others and not included. Pricing is good for 30 days.**

Note: Delivery freight prices are subject to change because of state and federal rerouting due to natural disasters. If this occurs, new freight pricing will be quoted, and Vanguard will be reimbursed via a change order for the extra amount.

Approved _____ Date _____

TOWN OF LAKE PARK
GENERAL TERMS AND CONDITIONS
October 23, 2008

COMPLETION DATE: Completion date shall be based on manufacturer's backlog at date of approval and award.

TERMS AND CONDITIONS: Contract shall have mutually agreeable terms and conditions.

PAYMENT SCHEDULE: Pending credit approval, the contract sum (and additional sums generated from any change orders) shall be paid to Vanguard Modular Building Systems at each of the following milestones. **PURCHASE OPTION:** a) Down payment due at time of contract acceptance and progress payments may be scheduled as the project develops. Amounts to be determined by credit approval; b) balance due upon final completion of Vanguard's Scope of Work or occupancy, whichever occurs first. **TAXES:** It is specifically agreed and understood that the price herein does not include any state or local taxes or other governmental charges; including cost of permits, licenses and fees. All taxes must be paid in advance and will not be included in financed amount. If a tax-exempt certificate is provided, state and local taxes may be waived.

CHANGE ORDERS: Change orders will be related to items on the contract and will not represent a significant increase or decrease in size and scope of the contract. Such additions or deletions will be documented via mutual agreement, evidenced by issuance of a written change order.

WAGE RATES: Pricing is based on non-prevailing wage rates and the use of non-union labor.

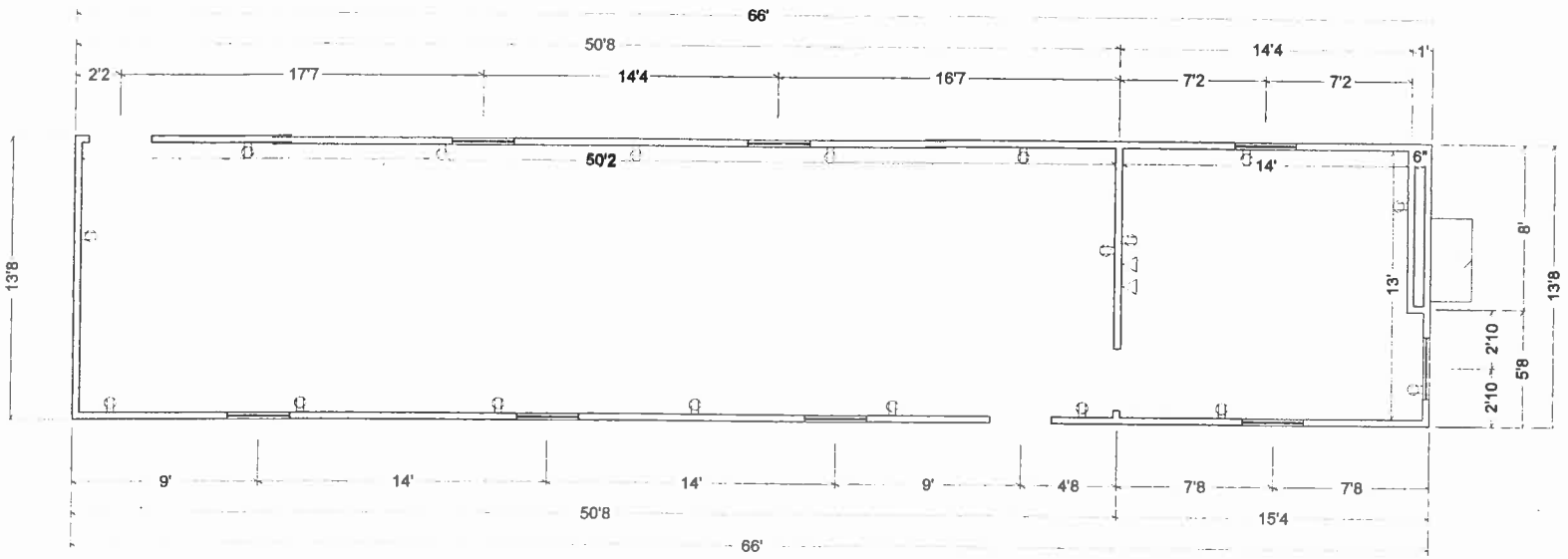
SITE: Site shall be accessible, level within one foot in fifty feet and have soil bearing capacity of 3000 pounds per square foot minimum.

INSTALLATION: Unless otherwise specified, blocking is quoted as standard single, dry-stacked CMU piers on grade, 10' – 12' O.C. Anchors for concrete, asphalt or rock surfaces are available at additional cost. Local codes for occupancy/use of the building may require additional blocking and anchors. Installation prices to comply with any additional local code requirements are available upon request. Footings, if required, will be quoted upon request.

CONCEALED CONDITIONS: If concealed conditions are found below grade and are at variance with known conditions, per the approved drawings, there shall be an equitable adjustment made to the contract sum by way of a written change order.

NOTES: These terms are subject to credit review and final approval by Vanguard Modular Building Systems Corporate Office approval

Approved _____ Date _____



Pac-Van, Inc.

www.pacvan.com

Innovative Space Solutions

Pac-Van, Inc. - Orlando, FL
1850 Saturn Blvd
Orlando, FL 32837
Phone No.: (407) 459-4330 / (800) 546-1050
Fax No.: (407) 459-4340

No. SQ-277305
Date: 10/20/08
Page: 1
Rep: CLAY JENKINS

This Purchase Agreement Personally Created For:

Billing Customer Name:

LAKRE1
Lake Park Parks & Recreation
Greg Dowling
535 park Ave.
Lake Park, FL 33403

Location:

P.O. #:
Lake Park Parks & Recreation
Greg Dowling
West Palm Beach, FL 33403

Phone:

Fax:

Description	One Time Charge	Qty.	Unit Price	Total Price
T & R Custom 12x70 Mobile office Hardi Panel	Yes	1	39,279.00	39,279.00
OSHA Steps - Size 103	Yes	2	750.00	1,500.00
Delivery	Yes	1	3,500.00	3,500.00
Set-Up On Dirt To 146 mph	Yes	1	675.00	675.00
Skirting Lattice Optional	Yes	1	1,550.00	1,550.00

The expected delivery date of this agreement is 11/25/08

Included With Your Pac-Van Agreement:

Superior Customer Service

Nationwide Service From A Local Company

All Pac-Van Mobile Offices are in New or Like New Condition

Your One Stop Source for Mobile Offices, Modular Buildings, Storage Trailers, and Security Containers

This Purchase Agreement is made between Pac-Van, Inc., herein called the Seller, and Lake Park Parks & Recreation herein called the Purchaser, and is subject to the Purchase Agreement Terms and Conditions attached hereto. The Purchaser is responsible for securing any and all building permits, licenses, or approvals necessary for the purchased equipment. This Purchase Agreement is based on a level, compact and accessible site. Unless specified, this Purchase Agreement excludes taxes and other services. Seller does not warrant in any way that the equipment meets any local, state, federal, or other code unless specified. This Purchase Agreement is contingent on final acceptance by Seller and credit approval by Seller.

Sign Here:

Signature: _____
Printed: _____
Title: _____
Date: _____

Signature: _____
Printed: CLAY JENKINS
Title: Sales Specialist, Pac-Van, Inc.
Date: _____

		Quotation For:	PAC-VAN, ICN
		City:	ORLANDO, FL
Code:	FBC	Contact:	CLAY HENKINS
Seals:	FL		
Engineering:	RADCO	Serial #:	
Wind Speed:	146	Quote Date:	10/20/2008
Occupancy:	B		
		Quotation #:	PACVAN 14X66 B4737 BS
Box Size:	14X66	Lead Time:	3 WEEKS FROM RETURN SIGN OFF (LAKE PARK)
# of Units	Units	Comments	Description
1			FRAMES
5			Axles per building with new tires (14 ply tires)
1			Detachable Hitch
1			Outrigger Frame
1			Tail Lights on 8' wides only
1	each		14 x 66 Size Trailer 12" I-Beam
1			FLOORS
1			.040 Simplex Bottom Board
1			2 x 6 Joists 16" o.c.
1			3/4" Floor Decking single layer - Advantech
1			R-19 Kraft
924			1/8" Block Tile
1			INTERIOR WALLS
1			R-13 Kraft Exterior Walls
1			2 x 4 x 8' 1/2 VCGYP
1			Load Bearing Supports
1			Interior Standard Moulding
1	each		36 x 80 Prefinished Almond 6-Panel w/Lever
14	LinFt		Partitions
1			ROOFS
1			Seaspray Ceiling Material
1			R-30 Kraft
1			T & R DOES NOT INSTALL ANY TIE DOWN STRAPS
1			NO HURRICANE STRAPS ON UNITS
66	LinFt		Box Mansard Design 40# ROOF LOAD
924	Sqft		Rubber Roof .045 over 7/16" FR Panel "BLACK"
1			PLUMBING
1	each		NONE
1			ELECTRICAL
1			100 amp Sgl.Phase Standard Panel Box
1			Copper Romex
1			Standard Receipts
1			T-8 BULBS & ELECTRONIC BALLAST STD ON ALL LIGHTS
2	each		Exit Sign w/Battery Pack
12	each		4' Double Tube w/Lens (surface mounted)
2	each		Porch Light w/photocell
1	each		Exterior Ground Fault Recept. w/cover
6	each		J-Box w/ 1/2" Floor Stub Out
1			HVAC
66	LinFt		Supply - Ceiling Ducted Fiberglass (R-6 THICK DUCT)
1	each		3.5 ton 10kw
1	each		Return - Open at unit
14	LinFt		Plenum Wall Lined w/Gypsum
1			EXTERIOR DOORS

2	each	36x80 st/st w/lever lock (Hi-Impact) w/closer / painted
1	NOTE	AWNINGS SUPPLIED & INSTALLED BY OTHERS ON SITE
1		WINDOWS
8	each	Vertical Sliders 24 x 53 B/B (Hi-Impact)
1		SIDING
160	LinFt	Hardipanel Siding "STUCCO" w/1/8" thermoply full wrap
66	LinFt	Hardipanel Mansard (1-1/2" overhang)
160	LinFt	5/8" Plywood (full wrap)
1		SEALS
1	each	Florida
1		OPTIONS
1		J-BOXES-----
1		Hardipanel skirting materials--
1		NO BID LATTICE SKIRTING
1		SKIRTING FIGURED ON UNIT BEING SET 36" A.F.G.
1		
		Our quotation is based upon the specifications that you have provided. Any changes or additions to the materials specified on this sheet will be at your expense. This quoted price will be honored for a period of 30 days from the date shown above.

Proposal Summary

SATELLITE SHELTERS, INC.

CUSTOMER CONTACT INFORMATION

Contact Name Greg Dowling
Company Name Town of Lake Park
Address 535 Park Avenue
City, State ZIP Lake Park, FL 33403
Main 561-881-3338
Mobile 561-881-3340
Fax
E-Mail

SATELLITE SHELTERS CONTACT INFORMATION

Jimmy Kelley
jimmyk@satellitetele.com
 Orlando
 37 North Orange Avenue Suite 500
 Orlando, FL 32801
 352-459-8636
 407-479-3422
www.satellitetele.com

PROJECT INFORMATION

Work Scope Deliver and Install (1) 14' x 66'
Project Name Town of Lake Park
Address 535 Park Avenue
City, State ZIP Lake Park, FL 33403

Project County Palm Beach
Proposal Date 10/22/08
Plan Date

BASE PRICING DETAIL

SALE OPTION	PRICE	LEASE OPTIONS				
		Finance Lease*		Operating Lease**		
ALL ITEMS BELOW THIS POINT ARE ONE-TIME ACTIVITIES		Monthly Payment		Monthly Payment		
		\$1 Option	10% Option	Building	One-Time	Total
MODULAR BUILDING(S)	\$45,780					
BUILDING INSTALLATION	\$8,675					
GENERAL CONDITIONS	NIC					
CONCRETE & MASONRY	NIC					
UTILITIES	NIC					
EXTERIOR FINISHES	NIC					
EARTHWORK & LANDSCAPING	NIC					
DISMANTLE	NIC					
MISCELLANEOUS	NIC					
Total Base Price	\$54,454					

LEASE DEFINITIONS

* Finance Lease: customer owns the unit for a defined value (\$1 or 10%) at the completion of all lease payments.
 ** Operating Lease: customer has three options at the completion of all lease payments: 1.) Purchase unit at Fair Market Value. 2.) Renegotiate lease. 3.) Return to Lessor's nearest location. Customer responsible for dismantle & return freight costs unless otherwise specified.

PROPOSAL TERMS

All quoted prices subject to applicable taxes and credit approval.
 Quote based on mutual acceptance and documentation exchange.
 Quote provided is valid for 30 days from estimate date. All pricing based on non-union labor at non-prevailing wage.
 Required down payment determined upon credit approval.
 Proposals that include "used" buildings and/or other equipment are subject to availability.
 This proposal based solely on Specifications and Delineation of Responsibility (attached). Any additional requirements are responsibility of the Customer.
 Any changes or directives to the enclosed scope of work by local jurisdiction, utility companies, or other parties shall result in a change order.

We value your business. Thank you for considering Satellite Shelters, Inc.

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Proposal Pricing Detail

SATELLITE SHELTERS, INC.

PROJECT INFORMATION

Project Name Town of Lake Park
 Project Address 535 Park Avenue
 City, State ZIP Lake Park, FL 33403

Project County Palm Beach
 Proposal Date 10/22/08
 Plan Date

BASE PRICING DETAIL

DESCRIPTION	BASE PRICE	NOTES
MODULAR BUILDING(S)		
Enter Building #1 Description	\$45,780	SUBTOTAL: MODULAR BUILDING(S)
	\$45,780	
ALL ITEMS BELOW THIS POINT ARE ONE-TIME ACTIVITIES		
BUILDING INSTALLATION		
Freight	\$8,675	SUBTOTAL: BUILDING INSTALLATION
Set, Seam, & Seal	\$2,892	
Decks, Steps, Ramps	\$3,614	Dry Stack CMU Foundation
	\$2,189	P.T. Lumber
GENERAL CONDITIONS		
	NIC	SUBTOTAL: GENERAL CONDITIONS
CONCRETE & MASONRY		
	NIC	SUBTOTAL: CONCRETE & MASONRY
UTILITIES		
	NIC	SUBTOTAL: UTILITIES
EXTERIOR FINISHES		
	NIC	SUBTOTAL: EXTERIOR FINISHES
EARTHWORK & LANDSCAPING		
	NIC	SUBTOTAL: EARTHWORK & LANDSCAPING
DISMANTLE		
	NIC	SUBTOTAL: DISMANTLE
MISCELLANEOUS		
	NIC	SUBTOTAL: MISCELLANEOUS
Total Base Price	\$54,454	

Options Pricing Detail

SATELLITE SHELTERS, INC.

PROJECT INFORMATION

Project Name Town of Lake Park
Project Address 535 Park Avenue
City, State ZIP Lake Park, FL 33403

Project County Palm Beach
Proposal Date 10/22/08
Plan Date

OPTIONS PRICING DETAIL

DESCRIPTION	OPTION PRICE	NOTES
MODULAR BUILDING(S)	NIC	SUBTOTAL: MODULAR BUILDING(S)
ALL ITEMS BELOW THIS POINT ARE ONE-TIME ACTIVITIES		
BUILDING INSTALLATION	NIC	SUBTOTAL: BUILDING INSTALLATION
GENERAL CONDITIONS	NIC	SUBTOTAL: GENERAL CONDITIONS
CONCRETE & MASONRY	NIC	SUBTOTAL: CONCRETE & MASONRY
UTILITIES	NIC	SUBTOTAL: UTILITIES
EXTERIOR FINISHES	NIC	SUBTOTAL: EXTERIOR FINISHES
EARTHWORK & LANDSCAPING	NIC	SUBTOTAL: EARTHWORK & LANDSCAPING
DISMANTLE	NIC	SUBTOTAL: DISMANTLE
MISCELLANEOUS	NIC	SUBTOTAL: MISCELLANEOUS

Total Options Price

TAB 7

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

Meeting Date: November 5, 2008

Agenda Item No. *Tab 7*

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input checked="" 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: Public Fishing at Lake Shore Park

RECOMMENDED MOTION/ACTION: Provide Direction

Approved by Town Manager *[Signature]* Date: *10/29/08*

Name/Title

Date of Actual Submittal

Originating Department: Town Manager	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: There currently is a significant number of people who fish along the seawall at Lake Shore Park. Staff is finding that some people are vandalizing the irrigation system located in the raised planters in order to utilize the PVC for fishing pole holders. Also, there appears to be people utilizing the plastic benches located along the seawall to clean fish as evidenced by knife blade markings on the bench seats.

The question is; does the Town Commission wish to allow public fishing along the seawall at Lake Shore Park? If the answer is yes, staff will purchase and install fish cleaning stations and pole holders in an effort to minimize the damage to park property and pressure clean the area as needed.

If the answer is no, staff will install “No Fishing” signs and request PBSO assistance to enforce the regulation.

OR

Install “No Fishing” signs and provide information advising people to fish at the Marina’s fishing pier.

TAB 8

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

Meeting Date: November 5, 2008

Agenda Item No. *Tab 8*

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input checked="" 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: Marina Fishing Pier Hours

RECOMMENDED MOTION/ACTION:

Approved by Town Manager *W. Davis* Date: *10/29/08*

Name/Title

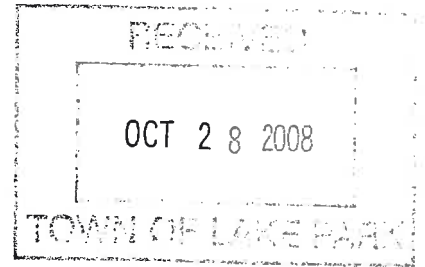
Date of Actual Submittal

Originating Department: Mayor	Costs: \$ Funding Source: Acct. #	Attachments: Letter from Resident Ordinance
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 Mayor received a letter from a resident requesting that the Marina fishing pier hours be extended to 11:00 PM (copy attached). The Mayor requested staff to research the legislation for the hours of operation. Staff found that an ordinance was adopted in 2005 which amended the hours of operation prohibiting use of the

fishing pier from midnight to 5:00 AM to the current hours of operation, which prohibit use from 9:00 PM to 6:00 AM.

The Mayor requested that this item be placed on the agenda for discussion accordingly.



cc: Maria Davis

Emile Ambroise
1010 2nd Street
Lake Park, FL 33403

Lake Park, October 27th, 2008

Ms Desca Dubois, Mayor
Lake Park Town Hall
535 Park Ave
Lake Park, FL 33403

Dear Ms Dubois:

After your election as mayor of the town of Lake Park, I was very happy because I saw a good change coming for the town. I was not mistaken when I look at all the beautiful projects of your administration, namely the Lake Park Harbor Marina, the transformation of Kelsey Park, and the multiple activities for the town.

I know you really care about the welfare of the citizens of Lake Park. After the construction of the Lake Park Harbor Marina, I said to myself, at last those who can not afford to buy and maintain a boat, have a place where they can go fishing and have some good relaxation after a hard day of work.

I am retired and have been a citizen of Lake Park since 1983. My passion is fishing and the best time for me is at night. A nice group of other residents and myself, are very disappointed to find out that we can not stay at the peer pass the hour of 9:00PM.

I wish to bring this matter to your attention, that if it is possible, the hours can be extended to 11:00PM, and all night would be ideal. If they are no serious reasons for this early curfew, I would appreciate that you give special attention to this matter. Otherwise, as a good observer of the law, I will continue to follow the rules.

Truly Yours,

Emile Ambroise

ORDINANCE NO. 14-2005

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE AT CHAPTER 8, ARTICLE III, SECTION 8-42, "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 9:00 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.

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

WHEREAS, the Town of Lake Park Commission has the authority to proscribe rules and regulations for the operation of the Lake Park Harbor Marina; and

WHEREAS, the Town Commission has reviewed the current hours of operation for the Marina and has determined that it is in the best interests of the Town and its citizens to amend the hours of operation.

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

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

Section 2. Chapter 8, Article III, Section 8-42 of the Town Code of Ordinances of the Town of Lake Park, Florida Code is hereby amended to read as follows:

Sec. 8-42. Permitted hours of use.

(a) No person, except as otherwise provided herein, shall use or be present on the premises of the marina from 9:00 p.m. until 6:00 a.m. ~~12:00 a.m. (midnight) until 5:00 a.m.~~; however, this provision shall not apply to persons using launching ramps for boat recovery only, tenants of the marina and their guests nor to employees of the town.

(b) Vehicular parking within the marina facility from 9:00 p.m. until 6:00 a.m. ~~10:00 p.m. until 5:00 a.m.~~ shall be prohibited other than of the vehicles of registered boat owners and their guests, participants in organized approved events, ramp users awaiting recovery, and authorized town employees.

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 re-lettered 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.

14-2005

Upon First Reading this 21st day of September 2005, the foregoing ORDINANCE 14-2005 was offered by Vice Mayor Garretson, who moved its approval. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR Garretson	<u>X</u>	_____
COMMISSIONER Balius	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 30th DAY OF Sept., 2005, AND THE _____ DAY OF _____, 2005.

Upon Second Reading, this 5th day of Oct., 2005, the foregoing ORDINANCE was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Daly, and upon being put to a vote, the result was as follows:

	AYE	NAY	
MAYOR PAUL CASTRO	<u>X</u>	_____	
VICE MAYOR Garretson	_____	_____	Absent
COMMISSIONER Balius	<u>X</u>	_____	
COMMISSIONER ED DALY z	<u>X</u>	_____	
COMMISSIONER JEFF CAREY	<u>X</u>	_____	

The Mayor thereupon declared Ordinance No. 14-2005 duly passed and adopted this 5th day of Oct., 2005.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor Paul Castro

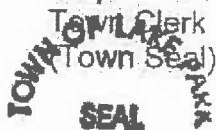
Approved as to form and legal

ATTEST:
sufficiency

[Signature]
Stephanie Thomas

Town Clerk

(Town Seal)



FLORIDA

[Signature]
Thomas J. Baird, Town Attorney