



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, February 5, 2020,
Immediately Following the
Special Call
Community Redevelopment Agency
Board Meeting
Lake Park Town Hall
535 Park Avenue

Michael O'Rourke	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
John Linden	—	Commissioner
Roger Michaud	—	Commissioner
<hr style="border-top: 1px dashed black;"/>		
John O. D'Agostino	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, MMC	—	Town Clerk

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

- A. **CALL TO ORDER/ROLL CALL**
- B. **PLEDGE OF ALLEGIANCE**
- C. **SPECIAL PRESENTATIONS/REPORTS**
 - 1. **Swearing In Mayor O'Rourke Ceremony**
- D. **PUBLIC COMMENT:**
This time is provided for addressing items that **do not** appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a **TOTAL** of three minutes.

E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda. Any person wishing to speak on an agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

2. January 29, 2020 Regular Commission Meeting Minutes

Tab 2

F. **PUBLIC HEARING - QUASI-JUDICIAL – RESOLUTION:**

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

3. Resolution No. 14-02-20 Approving a Special Exception Use and Site Plan for a Prescribed Pediatric Extended Care Facility Known as the Tender Care Center.

Tab 3

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE AND SITE PLAN FOR A PRESCRIBED PEDIATRIC EXTENDED CARE FACILITY KNOWN AS THE TENDER CARE CENTER; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SPECIAL EXCEPTION USE; AND PROVIDING FOR AN EFFECTIVE DATE.

G. **PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:** None

H. **PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:**

4. Ordinance No. 01-2020 Amending Article V of Chapter 78 to Create New Supplementary Regulations Pertaining to the Implementation of Security Measures for Certain Businesses.

Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 78 OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 78-154 PERTAINING TO THE IMPLEMENTATION OF SECURITY MEASURES FOR CERTAIN TYPES OF BUSINESSES; PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Ordinance No. 02-2020 Updating the Capital Improvement Element of its Comprehensive Plan.

Tab 5

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT

OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

I. NEW BUSINESS:

6. Resolution No. 15-02-20 Fiscal Year 2019/2020 Budget Amendment for the General Fund. Tab 6

7. Authorization by the Commission to the Town Manager to Proceed with Accepting the Traffic Engineering Proposal from the Firm of O'Rourke Engineering and Planning, for the Provision of Professional Traffic Engineering Services Associated with the Analysis of Town Speed Limits and Traffic Calming Policy Development. Tab 7

8. Mural Ordinance Discussion. Tab 8

J. PUBLIC COMMENT:

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

K. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

L. REQUEST FOR FUTURE AGENDA ITEMS:

M. ADJOURNMENT:

Next Scheduled Regular Commission Meeting will be held on February 19, 2020

Special Presentations /Reports

TAB 1



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2020

Agenda Item No. *Tab 1*

Agenda Title: Swearing In Ceremony for Mayor Conducted by Town Clerk.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON ___ READING
- NEW BUSINESS
- OTHER: Swearing-in-Ceremony

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]*

Date: *1-29-2020*

Vivian Mendez - Town Clerk
Name/Title

Originating Department: <p style="text-align: center;">Town Clerk</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: <ul style="list-style-type: none"> • Oaths of Office
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 <i>VM</i> OR Not applicable in this case Please initial one.

Summary Explanation/Background: The attached Oath of Office will be administered to Mayor Michael O'Rourke by Town Clerk Vivian Mendez.

Recommended Motion: No motion required.



**OATH OF OFFICE
For Mayor
Town of Lake Park**

I, *Michael O'Rourke*, a citizen of the State of Florida and the United States of America, and a resident of the Town of Lake Park, Florida, having been elected to the Office of Mayor, and being a recipient of public funds as such elected official, do hereby solemnly swear or affirm that I am entitled to hold Office under the Constitution; that I will faithfully perform all of the duties of the Office that I am about to enter; and that I will support the Constitution and Laws of the United States, of the State of Florida, and of the Town of Lake Park, Florida.

Signature

STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to, (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 2020, by, Michael O'Rourke, who is personally known to me or who has produced _____ as identification.

Notary Seal

**Vivian Mendez
Notary Public, State of Florida
Commission No. GG 042403**

My commission expires: February 24, 2021

Consent Agenda

TAB 2



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2020

Agenda Item No. Tab 2

Agenda Title: January 29, 2020, Regular Commission Meeting Minutes.

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

Approved by Town Manager

[Handwritten signature]

Date:

1-31-2020

[Handwritten signature: Shaquita Edwards]

Shaquita Edwards, MPA, CMC

Table with 3 columns: Originating Department (Town Clerk), Costs (\$ 0.00), Attachments (Agenda, Minutes, Exhibits), and Advertised status.

Recommended Motion: To approve the January 29, 2020, Regular Commission Meeting Minutes.



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, January 29, 2020, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

Michael O'Rourke	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
John Linden	—	Commissioner
Roger Michaud	—	Commissioner
<hr/>		
John O. D'Agostino	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, MMC	—	Town Clerk

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

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

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

None

D. **PUBLIC COMMENT:**

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

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

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

- 1. Regular Commission Meeting Minutes of January 8, 2020. Tab 1
- 2. Resolution No. 05-01-20 Authorizing the Mayor to Sign the Town Manager's Amended Contract retroactive to May 1, 2019. Tab 2

F. BOARD MEMBERSHIP:

- 3. Nomination Applicant for Tree Board as a Regular Member. Tab 3

G. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:

- 4. Ordinance No. 01-2020 Amending Article V of Chapter 78 to Create New Supplementary Regulations Pertaining to the Implementation of Security Measures for Certain Businesses. Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 78 OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 78-154 PERTAINING TO THE IMPLEMENTATION OF SECURITY MEASURES FOR CERTAIN TYPES OF BUSINESSES; PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- 5. Ordinance No. 02-2020 Updating the Capital Improvement Element of its Comprehensive Plan. Tab 5

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

H. PUBLIC HEARING(S) - ORDINANCE ON SECOND READING: None

I. OLD BUSINESS:

- 6. Discussion of the Traffic Engineering Proposal, Including Review of Speed Limits, Traffic Calming Policy Development, and Other Items. Tab 6

J. NEW BUSINESS:

- 7. Teak Drive Speed Study Analysis. Tab 7

- 8. Resolution No. 06-01-20 Amending Exhibit A of the Palm Beach County Interlocal Agreement for Lake Park Fiber Optic Installation and Services for Lambda Rail with Palm Beach County Information System Services (PBCISS) to Add 2 new Locations, Lake Shore Park and Lake Park Marina Office. Tab 8**
- 9. Resolution No. 07-01-20 Authorizing and Directing the Town Manager to Proceed with the Procurement of a 2020 Tymco Model 600 Street Sweeper Truck. Tab 9**
- 10. Resolution No. 08-01-20 Fiscal Year End 2018/2019 Budget Adjustments Tab 10**
- 11. Resolution No. 09-01-20 Fiscal Year 2019/2020 Budget Adjustment for the Marina Fund Tab 11**
- 12. Resolution No. 10-01-20 Fiscal Year 2019/2020 Budget Adjustment for the Sanitation Fund Tab 12**

K. PUBLIC COMMENT:

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

L. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

M. REQUEST FOR FUTURE AGENDA ITEMS:

N. ADJOURNMENT:

Next Scheduled Regular Commission Meeting will be held on February 5, 2020



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting Minutes
Wednesday, January 29, 2020, 6:30 PM
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 29, 2020 at 6:34 p.m. Present were Mayor Michael O’Rourke, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, John Linden, Roger Michaud, Town Manager John O. D’Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

SPECIAL PRESENTATION/REPORT:

None

PUBLIC COMMENT:

None

CONSENT AGENDA:

- 1. Regular Commission Meeting Minutes of January 8, 2020.**
- 2. Resolution No. 05-01-20 Authorizing the Mayor to Sign the Town Manager’s Amended Contract retroactive to May 1, 2019.**

Motion: Commissioner Michaud moved to approve the consent agenda; Commissioner Flaherty seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

BOARD MEMBERSHIP:

- 3. Nomination Applicant for Tree Board as a Regular Member.**

Town Manager D’Agostino explained the item. Mayor O’Rourke thanked Ms. Pamela Frazier for her willingness to serve on the Tree Board.

Motion: Commissioner Linden nominated Pamela Frazier to the Tree Board as a Regular Member; Vice-Mayor Glas-Castro seconded the nomination.

Vote on Motion:

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

Motion passed 5-0.

PUBLIC HEARING – ORDINANCE ON FIRST READING:

4. Ordinance No. 01-2020 Amending Article V of Chapter 78 to Create New Supplementary Regulations Pertaining to the Implementation of Security Measures for Certain Businesses.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 78 OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 78-154 PERTAINING TO THE IMPLEMENTATION OF SECURITY MEASURES FOR CERTAIN TYPES OF BUSINESSES; PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager D'Agostino introduced the item, and Town Planner Anders Viane presented to the Commission.

Commissioner Flaherty questioned if District 10 Palm Beach County Sheriff's Office (PBSO) would have access to the security footage. Town Manager D'Agostino answered, "Yes".

Commissioner Linden asked for clarification of Section 78-154 - Business Security (b) Definitions: Convenience Business (3) "A business that has at least 10,000 square feet of retail floor space". He questioned if smaller businesses would be considered. Town Manager D'Agostino explained that the Business Security Ordinance targeted large retail establishments operating between 11:00 p.m. and 5:00 a.m. He explained that smaller businesses were not considered due to cost related fees for additional security measures.

Town Attorney Baird clarified that the 10,000 square feet of retail space was exempt.

Town Planner Anders Viane and Deputy Adam Pozsonyi further clarified 78-154-Business Security (b) Definition: Convenience Business.

Motion: Commissioner Linden moved to approve Ordinance No. 01-2020 on first reading; Commissioner Flaherty seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read Ordinance No. 01-2020 by title.

5. Ordinance No. 02-2020 Updating the Capital Improvement Element of its Comprehensive Plan.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager D'Agostino explained the item. Vice-Mayor Glas-Castro questioned if the replacement of Playground Equipment at Lake Shore Park had been considered. Town Manager D'Agostino explained that the replacement of playground equipment could be accomplished via one-time use funds.

Commissioner Michaud questioned if the inclusion of a dog park had been considered. Town Manager D'Agostino answered, "Yes". He explained the importance of community participation for future developments along Lake Shore Drive.

Town Manager D'Agostino reviewed the Proposed Capital Projects (see Exhibit "A").

Mayor O'Rourke asked for clarification of the financial component of the Capital Improvement Schedule. Town Manager D'Agostino explained that some of the projects would be financed via one-cent sales tax.

Motion: Commissioner Flaherty moved to approve Ordinance No. 02-2020 on first reading; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Mayor O'Rourke	X		
----------------	---	--	--

Motion passed 5-0.

Commissioner Linden questioned if the records retention building was required by the State of Florida. Town Manager D'Agostino explained that there would always be a need for records retention. He explained that aside electronic retention; there were records that required permanent retention in their original format (e.g. building plans). He explained that the State of Florida requires certain mechanisms for the preservation of records (e.g. fire suppression).

Commissioner Linden requested a cost-benefit analysis to determine if upgrades to the building located at 800 Park Avenue would be sufficient. Town Manager D'Agostino explained that an analysis could be completed. Mayor O'Rourke explained that there was no need to complete an analysis due to their preliminary review of a plan. He explained that the analysis could be revisited at a future meeting.

Attorney Baird read Ordinance No. 02-2020 by title.

PUBLIC HEARING – ORDINANCE ON SECOND READING:

None

OLD BUSINESS:

6. Discussion of the Traffic Engineering Proposal, Including Review of Speed Limits, Traffic Calming Policy Development, and Other Items.

Town Manager D'Agostino explained the item as related to a data driven assessment for the Town of Lake Park. He welcomed Susan O'Rourke from O'Rourke Engineering & Planning to address the Commission.

Mayor O'Rourke announced that he had no relation or affiliation with O'Rourke Engineering & Planning.

Ms. O'Rourke reviewed the proposal of O'Rourke Engineering & Planning (Exhibit "B"). She explained the definition of 85th percentile speed, and alternative traffic calming mechanisms. Commissioner Michaud asked for clarification of the process of completing a traffic report. Ms. O'Rourke explained that the Town of Lake Park Staff would assemble and provide her with data. Thereafter, she would identify problem areas, devise a plan to complete the study, and establish the policy and procedure for traffic calming.

Vice-Mayor Glas-Castro asked for an estimated time of completion. Ms. O'Rourke explained that the project could be completed between 60-90 days. Vice-Mayor Glas-Castro questioned the funding source of \$28,300.00. Town Manager D'Agostino explained that per Commission approval, a funding source would be disclosed at a future Commission Meeting.

Commissioner Linden asked for clarification regarding the process of reducing the speed limit without approval of the State of Florida. Ms. O'Rourke explained that Municipalities have jurisdiction over their streets, and had the power to reduce their

speed limits. Commissioner Linden asked for clarification of the proposed use of rubber speed monitors for 24 hours. Ms. O'Rourke explained that the rubber monitors would be used to collect data. Commissioner Linden asked for clarification of the definition of 85th percentile speed. Ms. O'Rourke explained the definition of 85th percentile speed. Commissioner Linden questioned how quickly O'Rourke Engineering & Planning could focus on one area on the Town. Ms. O'Rourke explained that focusing on one area could take two weeks. Commissioner Linden commented that Park Avenue, Teak Drive, and 5th Street were problematic areas. Discussion ensued regarding the proposed use of rubber speed monitors. Commissioner Linden suggested the elimination of tasks 4, and 6 to reduce costs. He thanked Ms. O'Rourke for her presentation.

Commissioner Flaherty questioned if it was appropriate to evaluate the roads that were closed-off over the years, and possibly consider re-opening some areas. Town Manager D'Agostino explained that a comprehensive overview was necessary to assess the Town-wide impact.

Per Consensus, the Commission agreed to move forward with the overall comprehensive study.

NEW BUSINESS:

7. Teak Drive Speed Study Analysis

Town Manager D'Agostino introduced the item. PBSO Captain Thomas Gendreau explained the various speed reduction methods and practices in Lake Park. PBSO Deputy Adam Pozsonyi presented to the Commission (see Exhibit "C"). He recommended having an official traffic study completed. Mayor O'Rourke commented that he understood the 85th percentile speed as a result of the presentations of Ms. O'Rourke and Deputy Pozsonyi. Commissioner Linden commented that the data presented by PBSO was accurate and misleading. Commissioners Linden and Michaud commented that the most speeding occurs mid-day. Commissioner Michaud questioned if PBSO had received calls from residents regarding speeding during mid-day/early afternoon hours. Deputy Pozsonyi answered, "No". Commissioner Michaud questioned the use of a speed deterrent along Teak Drive. Captain Gendreau explained that the collection of data assists PBSO in determining the best times and locations to utilize resources. The Commission and Town Manager thanked Captain Gendreau and Deputy Pozsonyi for their presentation.

Mayor O'Rourke welcomed comments from Ms. O'Rourke.

Ms. O'Rourke would like to view an hourly breakdown to derive a statically accurate sample size. She commented regarding the importance of cut-through traffic data. The Commission thanked Ms. O'Rourke for her comments.

PUBLIC COMMENT:

Irene Malanga, 538 Teak Drive, Lake Park, FL, expressed frustrations regarding the traffic/speeding occurrences on Teak Drive. She informed the Commission that a two-

year old child was almost hit by a speeder. She requested permission to continue posting “Children at Play” signage along Teak Drive, the Commission granted her request.

Discussion ensued regarding the installation of speed bumps. The Commission thanked Ms. Malanga for her comment. Mayor O’Rourke commented that a total of seven audience members stood in support of the comments of Ms. Malanga.

8. Resolution No. 06-01-20 Amending Exhibit A of the Palm Beach County Interlocal Agreement for Lake Park Fiber Optic Installation and Services for Lambda Rail with Palm Beach County Information System Services (PBCISS) to Add 2 new Locations, Lake Shore Park and Lake Park Marina Office.

Town Manager D’Agostino explained the item.

Motion: Commissioner Flaherty moved to approve Resolution No. 06-01-20; Vice-Mayor Glas-Castro seconded the motion.

Vice-Mayor Glas-Castro asked for clarification of the annual fees. Town Manager D’Agostino explained that the annual fees were \$17,000.00 for the Town of Lake Park.

Vote on Motion:

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

Motion passed 5-0.

9. Resolution No. 07-01-20 Authorizing and Directing the Town Manager to Proceed with the Procurement of a 2020 Tymco Model 600 Street Sweeper Truck.

Town Manager D’Agostino explained the item, and the importance of replacing the Sweeper Truck. He reviewed the proposed payment schedule listed on the agenda request form.

Motion: Vice-Mayor Glas-Castro moved to approve Resolution No. 07-01-20; Commissioner Linden seconded the motion.

Mayor O’Rourke questioned if the purchase would affect the general fund. Public Works Director Richard Scherle explained that the enterprise storm water account would fund the purchase. Mayor O’Rourke questioned if the purchase would affect current projects. Public Works Director Scherle answered, “No” and explained that the current street sweeper had met its life cycle, and that the purchase would not hinder operations.

Commissioner Linden questioned if the Town had hired a private contractor while the current street sweeper was non-functioning. Public Works Director Scherle explained that

a private contractor had been hired on a monthly basis. He explained the cost benefit analysis of purchasing a street sweeper as compared to retaining a private contractor.

Vote on Motion:

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

Motion passed 5-0.

10. Resolution No. 08-01-20 Fiscal Year End 2018/2019 Budget Adjustments.

Town Manager D'Agostino explained and reviewed the item. He explained that he planned to provide the Commission with information for achieving a sustainable fund balance to support the Town post a catastrophic event. Mayor O'Rourke questioned if achieving a sustainable fund balance affect the Towns bond rating. Town Manager D'Agostino explained that a sustainable fund balance would help the Towns bond rating. Mayor O'Rourke questioned the current bond rating. Finance Director Lourdes Cariseo explained that the Town was not rated and did not have any long-term debts. She explained that reports could be retrieved from a rating agency.

Motion: Commissioner Flaherty moved to approve Resolution No. 08-01-20; Commissioner Michaud seconded the motion

Vote on Motion:

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

Motion passed 5-0.

11. Resolution No. 09-01-20 Fiscal Year 2019/2020 Budget Adjustment for the Marina Fund.

Town Manager D'Agostino explained the item. He explained deficiencies and staff vacancies at the Marina.

Motion: Commissioner Linden moved to approve Resolution 09-01-20; Commissioner Michaud seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Linden	X		

Commissioner Michaud	X		
Vice-Mayor Glas-Castro	X		
Mayor O'Rourke	X		

Motion passed 5-0.

12. Resolution No. 10-01-20 Fiscal Year 2019/2020 Budget Adjustment for the Sanitation Fund.

Town Manager D'Agostino explained the item. Public Works Director Scherle explained that he has considered various approaches to improve the Towns Recycling Program. He explained that the recycling trucks were very expensive but were only used one day per week. He explained the option of providing Town Residents with new recycling receptacles that could be collected with the Towns current side-arm sanitation trucks. He explained that the current recycling program required three sanitation employees, whereas an improvement to the program would require one sanitation employee.

Motion: Commissioner Michaud moved to approve Resolution No. 10-01-20; Commissioner Flaherty seconded the motion

Vote on Motion:

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

Motion passed 5-0.

PUBLIC COMMENT:

None

FUTURE AGENDA SUGGESTIONS:

None

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird announced that he attempted to contact the United States Department of Justice twice. He explained that he had not received a response but that he would continue trying.

Town Manager D'Agostino announced comments listed within Exhibit D. Discussion ensued regarding the need for additional staff in the Community Development Department.

Commissioner Linden announced that Inlet Grove Community High School would host its Annual Car Show on Sunday, February 2, 2020, 10:00 a.m.-2:00p.m.

Commissioner Michaud had no comments.

Commissioner Flaherty questioned when the Nautilus 211 ground breaking would take place. Town Manager D’Agostino explained that demolition was expected to occur within the next month.

Vice-Mayor Glas-Castro questioned the status of the Lake Shore Drive Drainage Project. Town Manager D’Agostino explained that the project and map of the impacted area were under tribal review, and was ultimately delayed due the Federal Emergency Management Agency. Vice-Mayor Glas-Castro questioned if the Hazard Mitigation Grant needed to be approved. Town Manager D’Agostino explained that all of the permits were secured in preparation for the formal bid process.

Mayor O’Rourke distributed a letter to the Commission and requested their approval in mailing a letter of support (see Exhibit “E”). The Commission authorized Mayor O’Rourke to forward the letter. He announced that the Town of Lake Clark Shores would host a Barbeque on March 29, 2020.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Michaud, and by unanimous vote, the meeting adjourned at 9:12 p.m.

Mayor Michael O’Rourke

Town Clerk, Vivian Mendez, MMC

Deputy Town Clerk, Shaquita Edwards, MPA, CMC

Town Seal

Approved on this _____ of _____, 2020



Exhibit "A"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 29, 2020

Agenda Item No. Tab 5

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 1st READING**
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager

[Signature]

Date: 1-21-2020

Nadia Di Tommaso / Community Development Director
Name/Title

ND

Originating Department: Community Development	Costs: \$ <u>0</u> Funding Source: Acct. <input type="checkbox"/> Finance _____	Attachments: → Ordinance <u>2</u> 2020, with Exhibit "A" → WRMA select project additional descriptions
Advertised: Date: Paper: <input checked="" type="checkbox"/> Not Required on 1st reading	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone OR Not applicable in this case <i>ND</i> Please initial one.

Summary Explanation/Background:

This is our annual update to the Town's Capital Improvements Schedule. Community Development handles the updates to the Capital Improvements Schedule however, the capital projects listed are derived from various Town Departments and are a result of internal discussions with these

Departments to determine the details and associated funding sources for the capital projects listed on the schedule.

As a reminder, this is the **annual** update to the Town's Capital Improvements Schedule in the Town's Capital Improvements Element of the Comprehensive Plan. We have an opportunity to update the schedule once every year. Staff was hoping to bring this forward in December 2019 however, it was delayed due to other pending priorities.

HISTORY

Beginning in 2005, local governments were required to update their five-year Capital Improvements Schedule (CIS) as an annual amendment to the Comprehensive Plan to demonstrate a financially feasible schedule. Per House Bill (HB) 7207, the "Community Planning Act", adopted on June 2, 2011, the five-year schedule of capital improvements is no longer required to demonstrate that the CIS is financially feasible; however, local governments must still review and update their CIS by the adoption of an ordinance. This ordinance is no longer subject to the review of the Department of Economic Opportunity (formerly the Department of Community Affairs). Such modifications to update the five-year CIS are not deemed amendments to the local Comprehensive Plan and therefore, do not need to adhere to the comprehensive plan amendment process. Due to the fact that such an update is still accomplished by the adoption of an ordinance by the Town Commission, a public hearing is required.

In accordance with the legislation enacted by the Community Planning Act, all local governments must review and update the Five-Year Capital Improvement Schedule of their Comprehensive Plan Capital Improvements Element consistent with the requirements of Section 163.3177 and Section 163.3180, Florida Statutes. The Capital Improvements Element identifies capital projects needed to maintain, or promote, Level of Service (LOS) standards. The Schedule of Capital Improvements includes Town projects which may be funded by federal, state or local money sources.

A CIS allows for:

- *A systematic evaluation of all potential projects at the same time.*
- *The ability to stabilize debt and consolidate projects.*
- *A public relations and economic development tool.*
- *Focus on preserving a governmental entity's infrastructure while ensuring the efficient use of public funds.*
- *An opportunity to foster cooperation among departments and an ability to inform other units of government of the entity's priorities. For examples, a State grant looks highly on applications for projects that are included in the CIS.*

The proposed CIS includes the following capital projects:

→ Lake Shore Drive Drainage Improvements

This is an ongoing initiative that requires a drainage overhaul along Lake Shore Drive. The estimated total project cost that includes the necessary pump station is \$8.2M. \$5.6M will

come from Local Mitigation Strategy (LMS) and Hazard Mitigation grant programs (HMGP). \$600K will be appropriated through the State, along with \$1.2M required from the One Cent Sales Tax revenue.

→ Replacement of all emergency generators

The Public Works Department will be replacing the generators at Town Hall, Public Works and at the PBSO building for a total estimated cost of \$750,000. These are needed to enhance the ability to meet Level of Service.

→ 10th Street south of Park Avenue – drainage, lighting, paving, trees – Green Infrastructure Project

This stretch of roadway requires a complete overhaul due to its deteriorating conditions. The cost is estimated at \$4.1M which is anticipated to be split in future years between potential grant funds and a stormwater utility assessment. See additional details from WRMA (enclosed).

→ FEC Railroad Intersection/pedestrian connections for quiet zone improvements

Moving forward, there may be a need to install improvements at the Park Avenue/10th Street railroad connection in order to accommodate increased medians; extended yard arms; better signalization and pedestrian connections to encourage a quiet zone environment. Just this month (January 2020), Brightline's (Virgin Trains) contractor submitted right-of-way permits to the Public Works Department for review. Since these are in progress, they will be reviewed with these improvements in mind. We are hopeful they will incorporate the necessary improvements and assuming this will be the case, the Town will eliminate this project from the schedule in next year's update.

→ Park Avenue from Federal Highway to 7th Street (improved sidewalks; landscape medians; striping and signalization – complete street design)

A complete street design plan that would extend the existing improvements along Park Avenue to US-1 was previously prepared by the Town. There may be an opportunity moving forward to improve these plans by incorporating a linear park to maximize the corridor's connection to US-1 and ultimately the Marina area. The estimated overall cost is \$4.2M.

→ Records Retention Room

The Town's records are in transition. They will be moving out of our existing facility in the PBSO building and moving, as well as scanned in order to eliminate as many paper records as possible and transition to electronic records. Certain records will still need to remain

such as official signed and sealed building plans, embossed documents and others that were are unable to convert and destroy per the record retention laws. Having our own records room would eliminate to need to utilize and Town-owned building that can be more appropriately repurposed. Consequently, building a small records retention facility between the existing Town Hall and Library at an estimated cost of \$500,000 will be explored further.

→ **Town Hall Renovations**

The following renovations have been identified as being needed: Town Hall Roof; Exterior Painting; Ceiling Clerk's Office; Exterior Doors; Digital Marquee Sign in front of Town Hall; ADA accessible entry ramp to the back of the Commission Chambers (French doors; east side). The estimated overall cost is \$500K.

- **Sanitary Sewers in Tri-City Industrial Park; Lake Park Public Works; and Water Tower Road/Old Dixie Highway (north of Water Tower, east of Old Dixie) commercial property; Gateway Road Reconstruction and Sanitary Sewer along the south side (approx. 1,250 linear feet)**

This project is also carried over from prior years and the estimates were previously provided from Seacoast Utility Authority. Estimates cost is \$1.325M.

→ **Outfall to C-17 Canal/Berm Improvement Project**

A preliminary investigation of the FEMA AND SFWMD C-17 Technical Report indicates that the C-17 berm elevations at the Town are lower than the predicted 100-year Base Flood Elevation of 11 feet NAVD.

The purpose of the canal berm improvements project would be to raise the C-17 Top of Berm elevation above 11.0 feet NAVD to avoid the canal overflow condition and remove the SFHA's from the Town's FEMA Digital Flood Insurance Rate Maps. This would have a double effect. It would lower the flood insurance premiums of Town businesses and Town residents located in the existing flood hazard areas (from mandatory to voluntary, hence lower cost), and improve the Town's CRS rating (lower premiums overall for all Town of Lake Park residents).

The implementation of this project would have to be coordinated with the adjacent jurisdiction, as raising only one side of the Canal 17 berm would have the effect on increasing the flood on the opposite side of the canal. The C-17 canal is within the boundaries of the Town of Palm Beach Gardens.

See additional details from WRMA (enclosed).

- Coastal Link/Tri-Rail/Palm Tran Extension Improvements for parking and feeder system improvements on the Town-owned property behind Fire Station 68 – including green infrastructure

Moving forward, there may be a need to improve the area behind Fire Station with additional parking and possibly an improved feeder system distribution hub station, whether or not the Town is slated to receive a train station stop. A conceptual plan prepared for the Town identifies a potential for 68 surface parking spaces, along with green infrastructure techniques to be incorporated (micro-bioretenion, permeable pavers, underground chambers for water filtration, etc.). Estimated total cost for all potential improvements is \$1.1M contingent on grant funds in future years. See additional details from WRMA (enclosed).

- Bert Bostrom Park Improvements (Master Plan for future improvements)

The Special Events Department previously identified the need for a Master Plan for Bert Bostrom Park which is anticipated to cost \$30K and is contingent on grant funds.

- Complete Streets Initiative/Safe Streets Program (Federal Highway – approx. 4,100 linear feet)

In conjunction with the US-1 Mixed Use plans that were adopted in April 2018, street design plans were also created and included with the regulating documents. A complete street design along US-1 is envisioned and is estimated to cost \$6M. Grant funds are needed however, the Town is working with FDOT and the TPA (Transportation Planning Authority) on the median plans we previously discussed at a public workshop with the Town Commission. FDOT and the TPA have committed to assist with some of the additional funding necessary to incorporate green infrastructure along the corridor in order to improve water quality which is a requirement. Public improvement dollars have also recently been contributed to the Town however, these have not yet been allocated.

- Community Development Security

The Community Development Department experiences a high level of foot traffic and deals heavily with the general public. Given the delicate nature of certain items that filter through the Department its three Divisions and the need to provide adequate security, a bullet proof glass enclosure and door is required. The estimated cost is \$50K and this will be paid through the Town's general fund this fiscal year. An invitation to bid is being advertised currently.

→ Town-wide green infrastructure improvements

The Town is working with WRMA to make the Town sustainable for years to come. Green infrastructure includes a wide array of practices, including infiltrating, evapotranspiring, or harvesting and using stormwater. On the local scale, green infrastructure consists of site and neighborhood-specific practices, such as bioretention, trees, green roofs, permeable pavements and cisterns. Green infrastructure is an important component of sustainable urban communities. See additional details from WRMA (enclosed).

→ Library Improvements (includes technology; security; carpets & lighting; shelving; 2nd floor; exterior renovations and marquee)

These improvements have been identified by the Library Director – see schedule for details provided.

→ CRA Parking Garage

Originally, the intent was to provide additional surface parking within the area previously occupied by the Community Garden. The original estimate was \$420K however, the estimate was further refined by the Town's consulting Engineer and became close to \$780K. The new desire (and need) is to construct a parking garage on the site (contingent on available funds since this is estimated in the \$7.5M) however, in the interim the Public Works Department has installed temporary parking to accommodate for the some of the existing shortage.

→ Lamda Rail Improvements (Fiber Optic) –

Phase I has been completed. The Phase 2 portion of connecting Town Hall to Kelsey Park and Kelsey Park to the Marina are needed at a cost of \$180,000 which will come from One Cent Sales Tax Revenue.

ENCLOSED IS THE PROPOSED ORDINANCE AND UPDATED CAPITAL IMPROVEMENTS SCHEDULE (EXHIBIT "A" OF THE ORDINANCE). THERE IS AN OPPORTUNITY TO MAKE MODIFICATIONS TO THE SCHEDULE ON AN ANNUAL BASIS.

Recommended Motion: I move to APPROVE Ordinance No. 2-2020 on first reading.

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature originally required local governments to annually amend their comprehensive plans to update the Capital Improvements Element, including the Five Year Schedule of Capital Improvements contained therein; and

WHEREAS, pursuant to House Bill 7207 the Florida Legislature repealed the requirement that local governments annually amend their comprehensive plans thereby removing the obligation of the state land planning agency's review of the plan amendments of local governments; and

WHEREAS, local governments are now only required to review their Capital Improvements Element and adopt any update thereto pursuant to an Ordinance which is not subject to review by the State land planning agency; and

WHEREAS, the Town staff has prepared an Ordinance which amends the Schedule in the Capital Improvements Element of its comprehensive plan; and

WHEREAS, the Town Commission of the Town of Lake Park has held the duly required public hearings to adopt this update to its Comprehensive Plan.

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

Section 1: The whereas clauses are incorporated herein as the Commission's legislative findings.

Section 2: **Exhibit "A"** which is attached hereto and incorporated herein contains the text of the 2019/20 Update to the Town of Lake Park Comprehensive Plan Capital Improvements Element's Five Year Capital Improvements Schedule.

Section 3: A copy of the current Comprehensive Plan, as amended from time to time, shall be kept on file in the Office of the Town Clerk.

Section 4: A copy of the current Comprehensive Plan, as amended from time to time shall also be maintained in the Department of Community Development.

Section 5: All Ordinances or parts of Ordinances in conflict are hereby repealed.

Section 6: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7: The Ordinance shall become effective upon adoption.

EXHIBIT "A"

**TOWN OF LAKE PARK FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE¹
 FY 2018/19 – 2022/23 2019/20 – 2023/24**

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
4	Mirror Ballroom Doors	\$120,000						\$60K (General Fund)/ \$60K (State Historic Preservation Grant)
2, 4	Lake Shore Drive Drainage Improvements		\$8,200,000					Grants (\$5.6M LMS and HMGP) / \$600K State Appropriations Fund / \$2M One Cent Sales
2	Replacement of all emergency generators (Town Hall; Public Works and PBSO building)		\$750,000					Public Works - Facilities

¹ Note: The Town's ability to implement certain projects in accordance with this schedule is contingent upon the receipt of grant funds as identified in the "Funding Source" column.

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2, 4	10 th Street south of Park Avenue – drainage, lighting, paving, trees – Green Infrastructure Project			\$4,000,000				Grant (LMS), Stormwater Utility Assessment (50/50 split each FY)
2,4	FEC Railroad Intersection/pedestrian connections for quiet zone improvements			\$100,000				CRA Funding
2, 4	Park Avenue from Federal Highway to 7 th Street (improved sidewalks; landscape medians; striping and signalization – complete street design)			\$4,200,000				Grant (\$3.36M) / One Cent Sales Tax (\$840K)
2, 4	<u>Records Retention Building</u>			\$500,000				<u>General Fund</u>

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
4	Town Hall Renovations (Town Hall Roof, Exterior Painting, Ceiling Clerk's Office, Exterior Doors, Community Development Flooring/Painting/Reconfiguration/Digital Marquee Sign in front of Town Hall/ADA accessible entry and ramp to the back of the Commission Chambers (French doors, east side)			\$500,000 (including required assessments)				General Fund Grant - (\$28K for Clerk's ceiling and exterior doors assessment already appropriated) / One-Cent Sales Tax - \$432K / General Fund (Community Development Improvements - \$40K)

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2	Sanitary Sewers in Tri-City Industrial Park; Lake Park Public Works; and Water Tower Road/Old Dixie Highway (north of Water Tower, east of Old Dixie) commercial property; Gateway Road Reconstruction and Sanitary Sewer along the south side (approx. 1,250 linear feet)			\$1,325,000				Special Assessment
2	Outfall to C-17 Canal – <u>Berm Improvement Project</u>	<u>\$200,000</u>		<u>\$537,000</u>				Grant Stormwater Fund
2	<u>Southern Outfall Retrofit Project</u>					<u>\$3,500,000</u>		Grant

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2	Coastal Link/Tri-Rail/Palm Tran Extension Improvements for parking and feeder system improvements on the Town-owned property behind Fire Station 68 – <u>including green infrastructure</u>				\$1,100,000 \$700,000			Grant
2	Bert Bostrom Park Improvements (Master Plan for future improvements)		\$30,000					Grant
2	Complete Streets Initiative/Safe Streets Program (Federal Highway – approx. 4,100 linear feet)		\$6,000,000					Grant (TPA, FDOT, other)
1	<u>Community Development Security</u> (bullet proof glass, door, slots, hearing device)		\$50,000					General Fund
2, 4	<u>Town-wide green infrastructure improvements</u>			\$26,600,000				Grant

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2.4	Library Improvements (includes technology; security; carpets & lighting; shelving; 2 nd floor; exterior renovations and marquee)		\$85,000 <i>(\$70,000 Grants / \$15,000 General Fund)</i>	\$45,000 <i>(\$25,000 General Fund; \$20,000 Grants)</i>	\$30,000 <i>(\$20,000 General Fund; \$10,000 Grants)</i>	\$1,110,000 <i>(\$110,000 General Fund; \$1,000,000 Grants)</i>		General Fund; Grant
2.4	Library Improvements Upgrade of Public Computers to Laptop Kiosk – Two 12 slot kiosk with a single card reader		\$40,000					General Fund; LSTA Grant (split 50/50)
	Replacement of shelving: Eight 21 lf fixed stacks: \$1,000. Per stack: \$8,000. Thirty five 72 lf modular mobile units. At 1,000 per unit. \$35,000 Carpet with vinyl flooring 9200sf. \$37,000. @\$4.00 pf including install >Replace worn, damaged seating. Approximate cost for bench, chair seating approximately \$16,000. 30 seats, benches		\$96,000					General Fund

	<p>combination seating throughout. <u>Large bench grouping; \$5,000 per nine grouping.</u> <u>Two computer power lounge chairs with tablet table; \$2 per \$1000.</u> <u>Four bench grouping; \$2,000. Per grouping</u></p> <p><u>Addition of ADA compliant second level loft above east wing (addition of elevator) and patio enclosure</u> <u>Interior renovation;</u> <u>>Second level loft above east wing with glass wall (addition of elevator) and patio enclosure</u> <u>approximately \$1,920,000</u> <u>>Elevator install – 2 story commercial - new: approximately \$70,000.</u> <u>>Annual Maintenance cost for elevator: \$5000.or less</u></p> <p><u>Exterior renovations; entrances</u></p>				<p><u>\$2,440,000</u></p>			<p><u>General Fund; Grant (30/70 split)</u></p> <p><u>General Fund; Grant (50/50 split)</u></p>
--	---	--	--	--	---------------------------	--	--	---

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2	Community Garden Area CRA Parking Garage (Permanent) "Temporary" Improvements (millings, enclosure, striping and signage)	\$10,000		\$7,500,000				\$5M Appropriations / \$2.5M Grant CRA
2	Landa-Rail Improvements (Fiber Optic) — PHASE 1 (approx. \$80K) Town Hall to 10 th \$61,082; Town Hall to Library \$6,347; 10 th Street-Fire Station to Public Works \$10,755 PHASE 2 (approx. \$136K) Town Hall to Kelsey Park \$85,442; AND Kelsey Park to Marina \$50,882 —(sub-total of three items in blue = approx. \$80,000)	\$80,000	\$136,000 <u>\$180,000</u>					One Cent Sales Tax

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
4	Johnson Controls – (LED Lighting Retrofit; Domestic Water Conservation; Building Automation Upgrades; HVAC Upgrades/Replacement s)	<i>(\$1.5M total cost over 16 years) – Cash outlay commitment of approximately \$121K per year, principal and interest, for a 16-year financing plan with a 3.2% interest rate assumption</i>	\$121,000	\$121,000	\$121,000	\$121,000		General Fund
	Total	\$531,000	\$15,346,000 \$14,572,000 0	\$45,312,000 \$10,291,000	\$3,540,000 \$851,000	\$3,500,000 \$1,231,000	\$0	

Project Category Codes

- 1 – Project necessary to achieve Level of Service
- 2 – Project will enhance ability to continue to meet Level of Service
- 3 – Project will enhance ability to meet Level of Service for Optional Element
- 4 – Project will further the achievement of Comprehensive Plan goals, objectives and policies.

TOWN OF LAKE PARK ESTIMATED FUNDING SOURCES FOR CAPITAL IMPROVEMENTS FY 2018/19 – 2022/23

Funding Source	18/19	19/20	20/21	21/22	22/23
General Fund	\$181,000	<u>\$916,000</u> <u>\$136,000</u>	<u>\$1,025,000</u> <u>\$186,000</u>	<u>\$1,220,000</u> <u>\$141,000</u>	\$231,000
Stormwater Utility Assessment			\$2,000,000		
Grants	\$60,000	<u>\$11,650,000</u> <u>\$11,700,000</u>	<u>\$33,387,000</u> <u>\$6,408,000</u>	<u>\$2,320,000</u> <u>\$710,000</u>	<u>\$3,500,000</u> <u>\$1,000,000</u>
Special Assessment			\$1,325,000		
CRA Funding	\$40,000		\$100,000		
Streets and Roads					
Stormwater Fund	\$200,000				
State Funds		\$600,000	<u>\$5,000,000</u>		
One Cent Sales Tax	\$80,000	<u>\$2,180,000</u> <u>\$2,136,000</u>	\$1,272,000		
Total	\$531,000	<u>\$15,346,000</u> <u>\$14,672,000</u>	<u>\$45,312,000</u> <u>\$10,291,000</u>	<u>\$3,540,000</u> <u>\$851,000</u>	\$3,500,000 \$1,231,000



**PRELIMINARY COST OF IMPLEMENTING GREEN INFRASTRUCTURE LOW IMPACT DEVELOPMENT
BEST MANAGEMENT PRACTICES**

10TH Street South of Park Avenue Green Infrastructure Project

Note: The 10TH Street Project development is not at the point where a detailed cost of GI/LID BMP implementation can be estimated. The following cost is a conservative estimate based on some key assumptions:

Drainage

- The application of approximately 51, 000 SF of bio-retention
- The application of approximately 2,200 LF of bio-detention, bio-swales and planters
- The application of approximately 300 feet of underground stormchambers
- The application of approximately 11,000 SF of pervious pavement
- The application of 10 Rain Trees

Utility Relocation

- Approximately 40% of existing utilities will be relocated to accommodate GI/LID fixtures

Lighting

- Approximately 40% of existing lighting facilities will be relocated to accommodate GI/LID fixtures

Paving

- Milling and resurfacing of existing road

Cost

Per these assumptions the **Total Construction Cost is approximately \$2.9 million**. Adding design at 20%, permitting at 7.5%, MOT at 5%, and contingency at 7%, a **Total Cost of \$4.1 million (With Design Engineering and Permitting)** is obtained.

As stated earlier, this conservative cost has a variability of approximately 30% because of the lack of specific project information. The range would be: \$2.7 million to \$4.1 million.

The timetable for implementation will be:

- Project: January 2020
- Grant Application: March 2020
- Project Design: Third quarter 2020 (assuming grant funds are available for design estimated at \$350,000 to \$450,000).

C-17 Canal Berm Improvements Project

Project Background and Description

Figure 1 shows the location of the FEMA/DFIRM Special Flood Hazard (SFHA) within the Town of Lake Park. Per FEMA studies, the SFHA's are created by the C-17 overflowing the eastern bank along the Town boundaries.

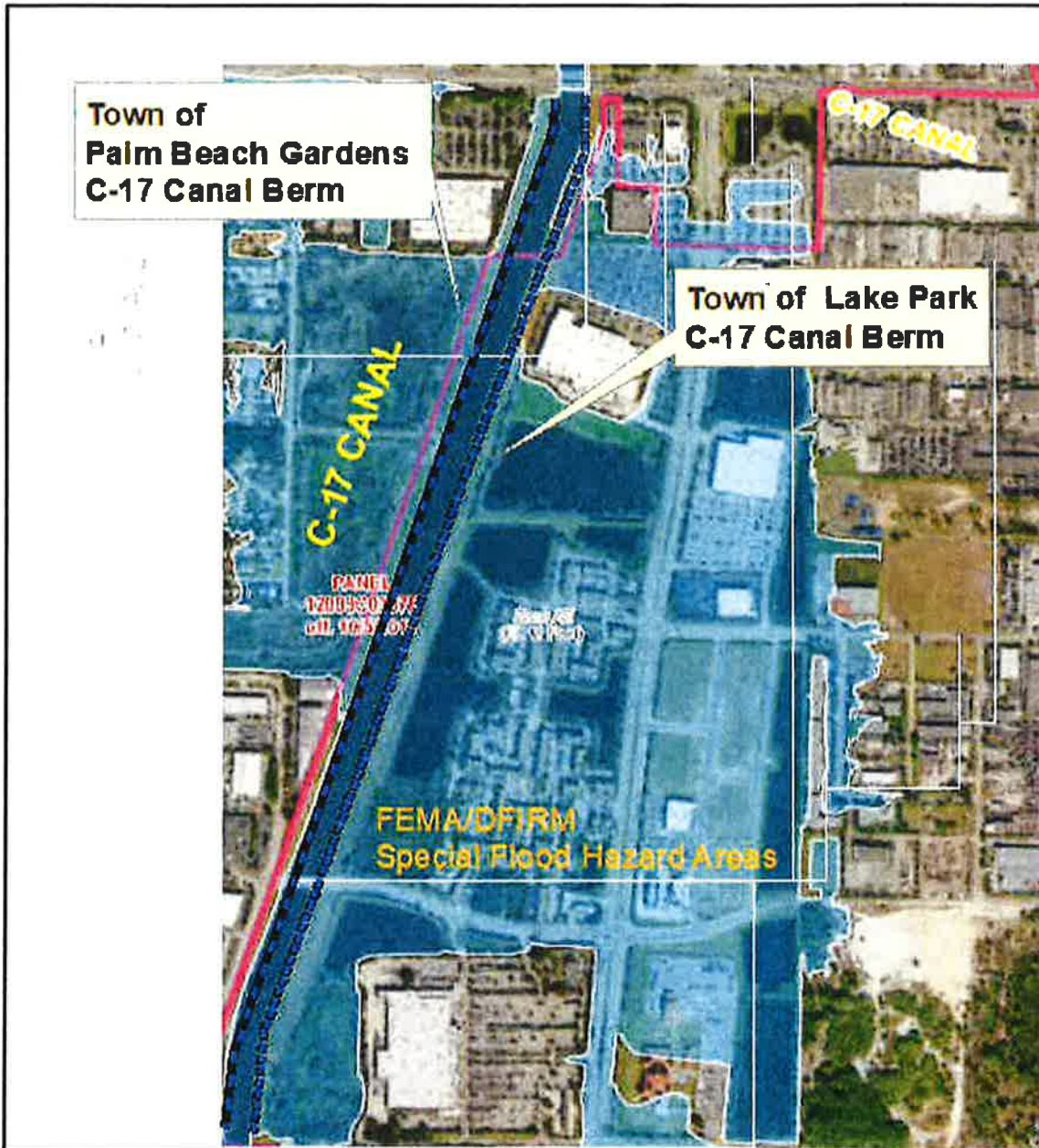


Figure 1: FEMA DFIRM Special Flood Hazard Areas and the C-17 Canal Berms

A preliminary investigation of the FEMA AND SFWMD C-17 Technical Report indicates that the C-17 berm elevations at the Town are lower than the predicted 100-year Base Flood Elevation of 11 feet NAVD.

The purpose of the canal berm improvements project would be to raise the C-17 Top of Berm elevation above 11.0 feet NAVD to avoid the canal overflow condition and remove the SFHA's from the Town's FEMA Digital Flood Insurance Rate Maps. This would have a double effect. It would lower the flood insurance premiums of Town businesses and Town residents located in the existing flood hazard areas (from mandatory to voluntary, hence lower cost), and improve the Town's CRS rating (lower premiums overall for all Town of Lake Park residents).

The implementation of this project would have to be coordinated with the adjacent jurisdiction, as raising only one side of the Canal 17 berm would have the effect on increasing the flood on the opposite side of the canal. **Figure 2** shows that the C-17 canal is within the boundaries of the Town of Palm Beach Gardens.

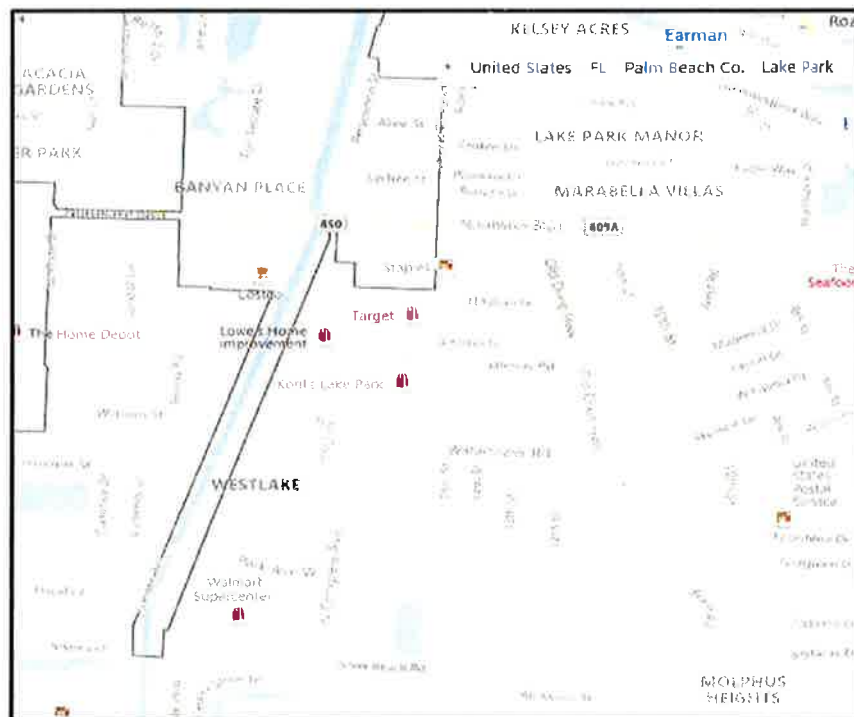


Figure 2: Town of Palm Beach Gardens Boundaries and the C-17 Canal

Assuming that the project can be coordinated with the SFWMD/NPBCID and the Town of Palm Beach Gardens, the cost of raising the berm by four (feet) for a length of 5,500 feet and an approximate berm width of 100 feet would be as follows.



Total Construction Cost: \$366,675 (Construction)

Adding design engineering cost at 20%, permitting at 7.5%, MOT at 5%, and contingency at 7% a **Total Cost of \$537,000 (With Design Engineering and Permitting)** is estimated.

If both East (Town side) and West (non-Town side) berms are elevated simultaneously, a Total Cost of \$1.1 million would apply.

The funding source for his project would be FEMA, via a Hazard Mitigation Grant Program (HMGP) grant through the Palm Beach County LMS. Most likely, both the Town of Lake Park and the Town of Palm Beach Gardens would have to apply together

The application would be for the 2020-2021 grant cycle and implementation, if the HMGP grant is successful, implementation would occur in 2022.

Future Tri-Rail Site with Green Infrastructure/Low Impact Development BMP Application

Note: As with the 10TH Street Project, concept development of this site is not at the point where a detailed cost of GI/LID BMP implementation can be estimated. The following cost is a conservative estimate based on some key assumptions.

Figure 1 shows that approximate location of a proposed Tri Rail Station. The figures also show the preliminarily selected location of a bio-detention facility. This facility would be connected via additional bio-swales through the site. Trees would be planted, and pervious pavement and or pavers would be installed.



Figure 3: Proposed Tri Rail Site and GI/LID facilities

Based on this preliminary concept the following GI/LID features would apply:

- 4,200 SF of bio-detention
- Approximately 45,000 SF of pervious pavement
- Approximately 350 feet of bio-swales
- A minimum of 4 Rain Trees



The construction cost of these GI/LID facilities has been estimated at:

Total Construction Cost: \$788,400 (Construction)

Adding design engineering at 20%, permitting at 7.5%, MOT at 5%, and contingency at 7% a

Total Cost of \$1.1 million (With Design Engineering and Permitting) is estimated.

Note: 50% of the cost is attributed to pervious pavement. The cost would be reduced significantly if more traditional pavement methods are used due to the higher cost of pervious pavement.

The funding source could be a grant from FDEP, FDOT /FHA or the SFWMD.

It is not estimated that these facilities would be constructed before the 10th Street project in the 2020-2021 FY, but the application could be made concurrently with the 10th Street project depending on the Tri-Rail project being shortlisted for implementation by the SFRTA/FDOT.



Implementation of Green Infrastructure/Low Impact Development Infrastructure Town-Wide

Note: The Stormwater Masterplan has not advanced to the point that the location of these proposed GI/LID fixtures is known. The proposed cost estimate is based on a very preliminary concept of Town-wide application. The following assumptions apply:

- The system of GI/LID facilities would be implemented during a SWMP planning horizon of 25 years.
- There are approximately 64 miles or 337,920 feet of roads within the Town. Bioswales and bio-planters are estimated to be implemented conservatively for 15% of this total.
- There are approximately 21 acres of open space available (at various locations) for implementation of bio-detention or bio-retention of runoff (This needs to be verified).
- A minimum of 100 Rain Trees will be installed throughout the Town.

Applying the industry standard unit costs for these type of GI/LID facilities a very preliminary construction cost of **\$19.1 million (Construction)** is obtained.

Adding design engineering at 20%, permitting at 7.5%, MOT at 5%, and contingency at 7% a cost of approximately **\$26.6 million (With Design Engineering and Permitting)** is obtained.

As stated earlier this is a conservative estimate based on implementing roadside swales for 9.6 miles of roads (15% of total roads). If a smaller roadside swale percentage is used this estimate changes as follows:

at 15% of roads (9.6 miles of bio-swales) \$ 26.6 million or \$1.1 per year (Over 25 years)

at 10 % of roads (6.4 miles of bio-swales) \$ 23.6 million or \$0.95 per year (Over 25 years)

at 5 % of roads (3.2 miles of bio-swales) \$ 20.5 million or \$0.82 per year (Over 25 years)

Likewise, the proposed 21 acres of bio-retention accounts for almost 50% of the total cost. The total could also change significantly if the number of bio-retention acres is decreased. This will not be known until later during the SWMP Alternative design task which will identify the acreage available Town-wide.

Based on these early approximated costs, it is estimated that the SWMP GI/LID implementation will require \$0.5 to \$ 1.1 million per year for implementation over a 25-year planning horizon.

GI/LID funding by regulatory agencies (FDEP/SFWMD/ EPA/LWL, etc.) is available for multi-year program funding (i.e. one grant would satisfy 2-3 years at the time).

The first year of funding required will be for the 2020-2021 planning period.

Regards,

Raul M. Mercado, PE, CFM

Exhibit "B"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 29, 2020

Agenda Item No. Tab 6

Agenda Title: Discussion of Traffic Engineering Proposal, Including Review of Speed Limits, Traffic Calming Policy Development, and Other Items.

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

Approved by Town Manager [Signature] Date: 1-10-2020
Richard Scherle / Public Works Director

Table with 3 columns: Originating Department (Public Works), Costs (Total \$28,300.00), List of Exhibits (Full Proposal from Traffic Engineering Firm of O'Rourke Engineering and Planning), Advertised status, and notification requirements.

Summary Explanation/Background:

At a previous Commission Meeting, the need for a Town-wide speed study with traffic calming policy was discussed. In response, staff met with our contracted professional consulting firms to discuss development of a possible scope of work which would satisfy the Town's needs. Attached to this ARF is a proposal from O'Rourke Engineering and

Planning, which we believe covers much of what the Commission wished to assess. The proposal includes, among other things, the following important parts:

- Assessment of speed limits across Town, with development of an approach that may be used to reduce speed limits in identified "districts." This process would maintain compliance with State Statutes regarding speed limit reductions if they were to be implemented.
- Conduct speed study with tube counters / speed devices and analyze results.
- Review any existing traffic accident data which may justify speed limit modifications.
- Establish process and policy for implementation of traffic calming, which is envisioned to involve an applicant submittal process and scoring system, with follow-up that includes development of an approval and funding process. This traffic calming process could then be used to assess and prioritize resident-based traffic calming requests in an orderly and objective way, contingent on available funding.

The full proposal is attached to this agenda item for review and consideration. If pursued in its entirety, the proposal carries a cost of \$28,300.00 which is currently not budgeted. There are eleven (11) separate tasks presented with each task carrying an identified cost. Because this proposal is not a budgeted item, if the Commission decides to pursue it, funding would need to be identified to proceed with the study. With that in mind, it may be possible to extract portions of the study if the Commission desires to proceed with only sections of it. However, proceeding with the full proposal would be the desirable approach given its thoroughness and thoughtful alignment with Town needs.

Note, that the firm of O'Rourke Engineering and Planning is a sub-consultant to Engenuity Group, with which the Town currently has an active five (5) year continuing services agreement. Therefore, if this proposal is fundable and authorized, we would be able to proceed with the study immediately. Traffic Engineer Susan O'Rourke is scheduled to be present for this item to address any questions that may arise relative to her firm's proposal.

Recommended Motion: None required, unless Commission wishes to direct the identification of funding and authorize proposal (either in part or in whole).



PROPOSAL

BACKGROUND

The state of Florida establishes speed limits and rules for speeds within the state of Florida. FS316.183 identifies that the speed within residential and business districts as 30 mph. However, on municipal roads that limit can be reduced to 25 or 20 mph. (County roads the lower speed is 25 mph) Lower speeds require justification through traffic engineering study. FS 316.003(7) Defines Business District as "the territory contiguous to, and including, a highway when 50 percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business." Similarly FS 316.003(60) defines a Residence District as "the territory contiguous to, and including, a highway not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business."

Many communities desire to control speed to provide for a harmonious travel corridor that supports the vehicles, pedestrian and other non-motorized and micro transportation options.

SCOPE OF SERVICES

Task 1: Existing Speed Limits - Identify the speed limits on each segment of roadway City Wide. The speed limits will be posted to a map and a straight-line diagram (straight line for segments that go on to additional studies).

Task 2: Candidates for Districts - Identify local segments that would constitutes district as identified by the FS.

Task 3: Stratify the Segment Data - Group the local "District" segments by common characteristics, loading, width, lighting, use.

Task 4: Arterials and Collectors – In addition to the local roadways and neighborhood streets, identify any Arterial or Collector that has an established speed limit that the Town would like to reduce.

Task 5: Conduct Speed Survey -- For each group of like segments and all arterials or collectors to request a speed reduction, O'REP will place tube counter/ speed devices on each segment and collect data. Although there are numerous ways to collect speed data, the tube counts are the least obvious of speed collection devices. We can leave them for 24 hours and have the added benefit of having 24-hour volumes for use in recommending or designing transportation calming devices and other transportation enhancements.

Up to 8 segments will be surveyed.

Task 6: Identify Accident Data – O'REP will review accident data for all segments under consideration for a speed change or justification.

Task 7: Analyze and Recommend Speeds – O'REP will review the data and make recommendations based on 85th percentile speed, pace and overriding considerations to the 85th percentile speed. Recommendations will include application to shared segments within a common district.

Task 8: Roadway Traffic Calming and Enhancements – Lake Park will identify areas that have already expressed a desire to modify their roads or a component of their transportation system. O'REP will consider possible modifications in the establishing of the improvements.

Task 9: Traffic Calming and Roadway Enhancements – O'REP will establish a process for implementing traffic calming or other transportation enhancements. The process will involve a submittal process, a scoring system that assigns points based on quantitative and qualitative components ranking based on points, approval process and a funding process. On larger areas, a "mobility audit" could be conducted as part of the process. A mobility audit is a more comprehensive review of how well a community is connected to primary attractors in the area. Conversely, a business district audit would focus on how well it is connected to neighborhoods. Connection is defined as both geographic and by type of mobility. A sample matrix we prepared for others is attached. This matrix can be further stratified should additional modes such as e-scooter or bike rental modes start to be used in the Town.

Task 10: Reporting- O'REP will prepare two reports one that summarizes the speed findings and recommendations and one that summarized the Traffic Calming and Roadway Enhancement process. The speed results will be presented within the overall report. Table and graphics sufficient for presentations and to clarify the intent will be provided. The speed report will include an appendix of straight-line diagrams and more detailed data that will remain on file in support of any challenges to the speeds. The body of the report will be a less complex presentation that appeals to a broader audience.

For the traffic calming and Roadway Enhancements report, a "How to" package and materials will be prepared for distribution as well as inclusion on the website. Scoring and ranking samples will be included as well.

Task 11 – Meetings – O'REP will attend up to 10 hour of meeting time.

SCHEDULE

O'Rourke Engineering & Planning will prepare the reports within 60 days of notice to proceed.

FEE

O'Rourke Engineering & Planning will provide the services based on the following fees.

Task 1-4: \$4,800

Task 5: \$3,500

Task 6: \$2,400

Task 7 and 8: \$5,000

Task 9: \$6,500

Task 10: \$3,500

Task 11: \$2,600

Total: Speed - \$15,700 + \$1,000 of Task 10 and \$1,300 of Task 11= \$18,000.

Total Traffic Calming Process - \$10,300.00

Total - \$28,300.00

Holmes Beach Mobility Audit																								
Key Attractions →	Beach				Anna Maria Elementary School				House of Worship				Library/ City Hall				Shopping, General Services (ie Anna Maria Shops, ACE)				Medical Services			
	Walk	Bike	Transit	Auto	Walk	Bike	Transit	Auto	Walk	Bike	Transit	Auto	Walk	Bike	Transit	Auto	Walk	Bike	Transit	Auto	Walk	Bike	Transit	Auto
Community/User Group ↓																								
Tropical Breeze Beach Club																								
Key Royale - Residential																								
West Bay Point and Moorings																								
Shell Point Condominiums																								
Neighborhood																								
Neighborhood																								
Neighborhood																								

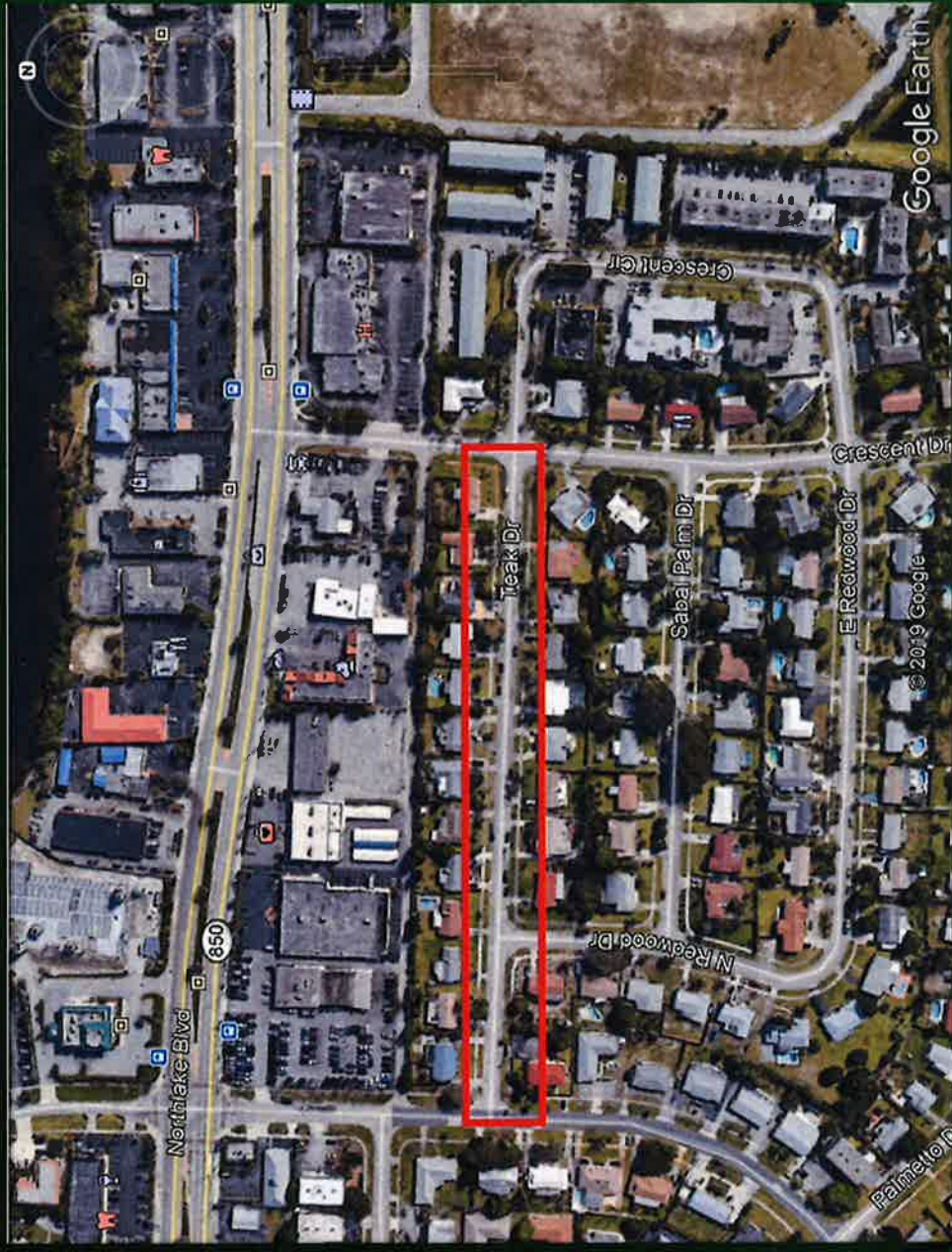
No access via this mode
 Limited access via this mode
 Good access via this mode



EXAMPLE/EXHIBIT: THIS IS INCLUDED AS A SAMPLE EXHIBIT TO DEMONSTRATE ONE POSSIBLE APPROACH TO SCORING TRAFFIC CALMING REQUESTS FROM APPLICANTS. THIS MATRIX IS NOT NECESSARILY BEING PROPOSED - BUT IT IS BEING OFFERED AS PART OF THE DISCUSSION.

Exhibit "C"

Teak Drive Traffic



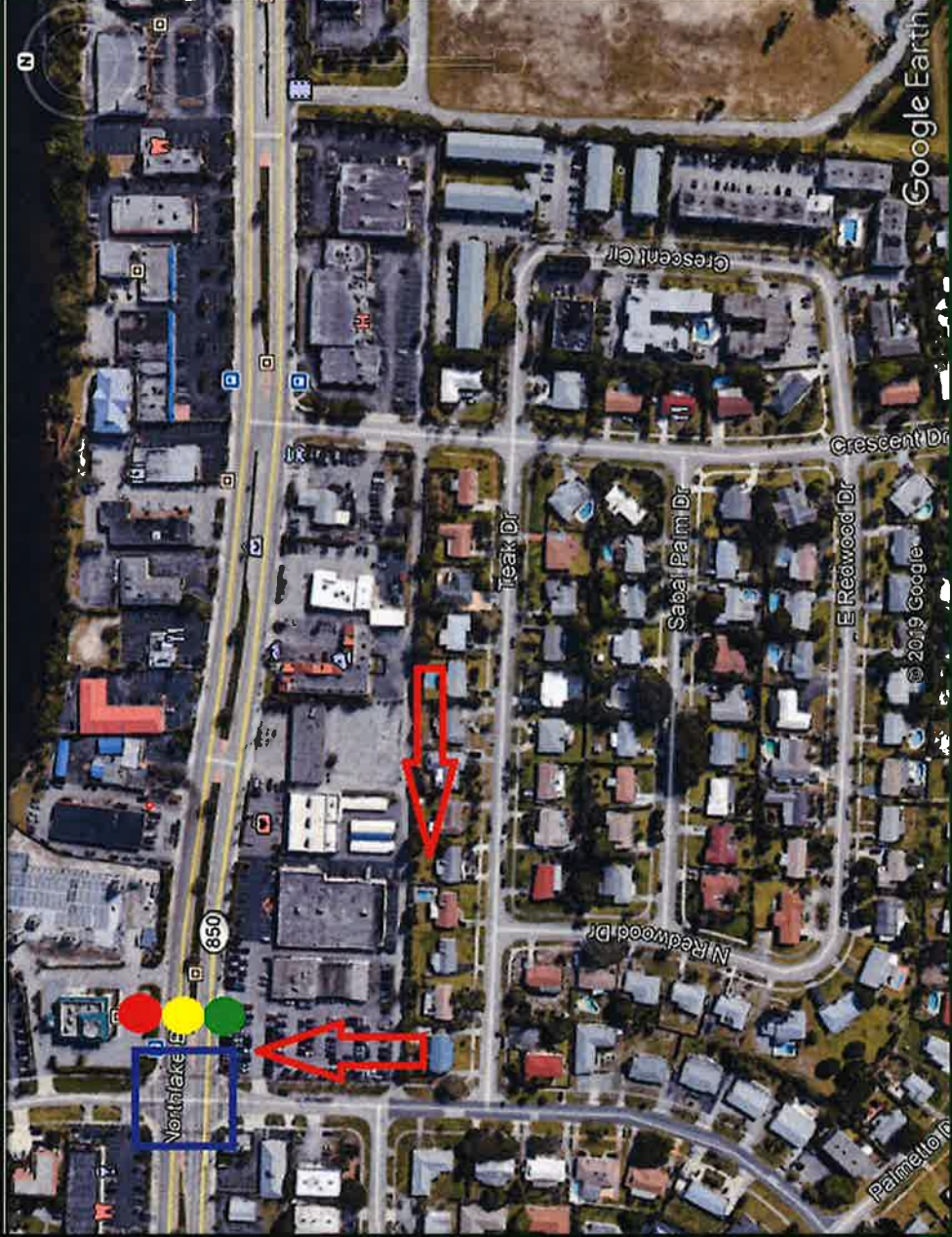
25936

Teak Drive Traffic

PBSO Received Complaints of
Speeding on Teak Drive Between
Crescent Drive and Jasmine Drive



Teak Drive Traffic



Traffic is believed to be attributed to vehicles leaving a nearby complex and using Teak Drive as a "cut-through" to a traffic control device onto Northlake Blvd



Areas of Traffic Monitoring

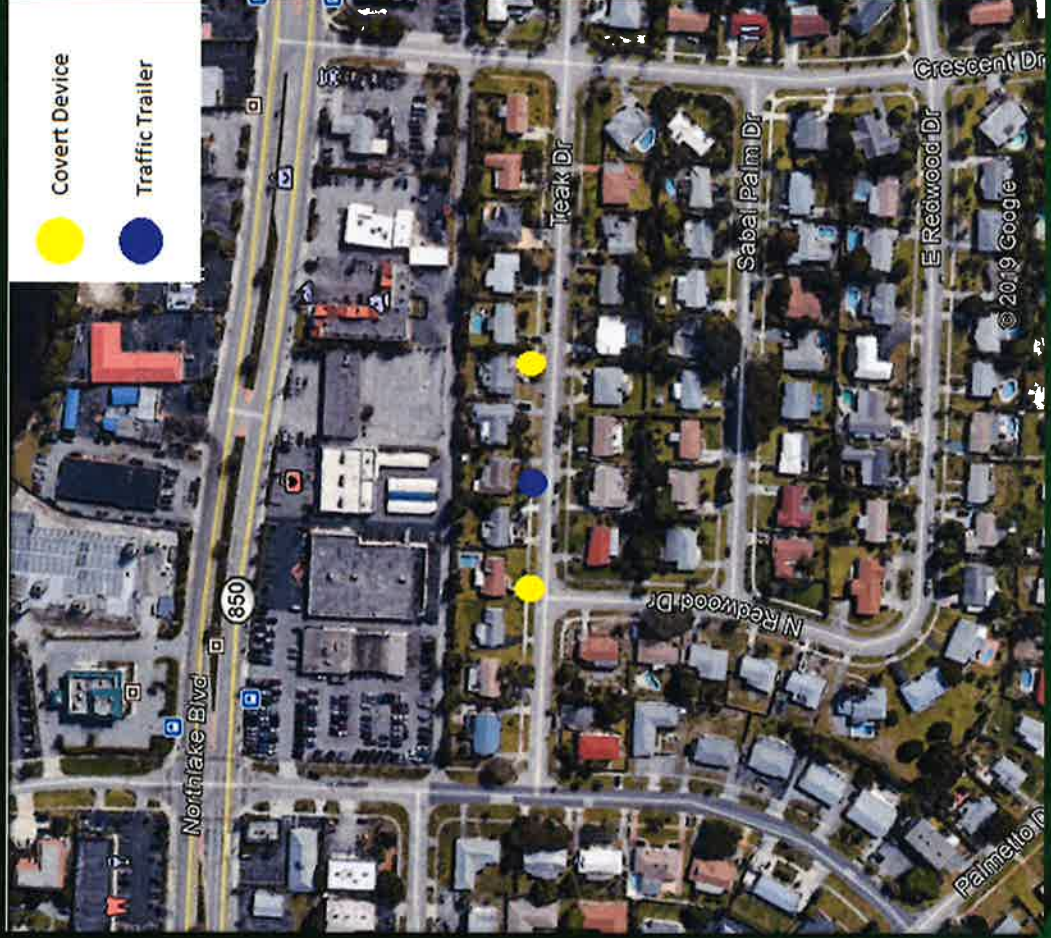
Westbound Area of Monitoring



Eastbound Area of Monitoring



Areas of Traffic Monitoring



Explanation of Speeds

Speed Limit of 30 mph

“Moderately Above Speed Limit”: 30-40 mph

“Excessive Speed”: 40 mph+



Speed Study Results - Trailer

7 Days of Monitoring – 9/25/2019 – 10/2/2019

Survey Result

Total Vehicle Count

2793

Traffic Direction

30 (mph)

1181

1612

2793

Posted Speed Limit

Vehicles Under the Speed Limit Count

1415

1057

2472

Vehicles Under the Speed Limit Percentage

87.78%

89.5%

88.51%

Vehicles Over the Speed Limit Count

197

124

321

Vehicles Over the Speed Limit Percentage

12.22%

10.5%

11.49%

Excessive Speed Threshold

Vehicles Over the Excessive Speed Count

6

20

26

Vehicles Over the Excessive Speed Percentage

0.37%

1.69%

0.93%

Average Speed Over Limit

33.25 (mph)

35.53 (mph)

34.13 (mph)

Speed Profile

Average Speed

23.93 (mph)

23.1 (mph)

23.58 (mph)

Minimum Speed

10 (mph)

10 (mph)

10 (mph)

Maximum Speed

46 (mph)

61 (mph)

61 (mph)

85th Percentile Speed

30 (mph)

29 (mph)

30 (mph)

Standard Deviation

8 (mph)

8 (mph)

8 (mph)

10 mph Pace

19-28 (mph)

19-28 (mph)

19-28 (mph)

In Pace Count

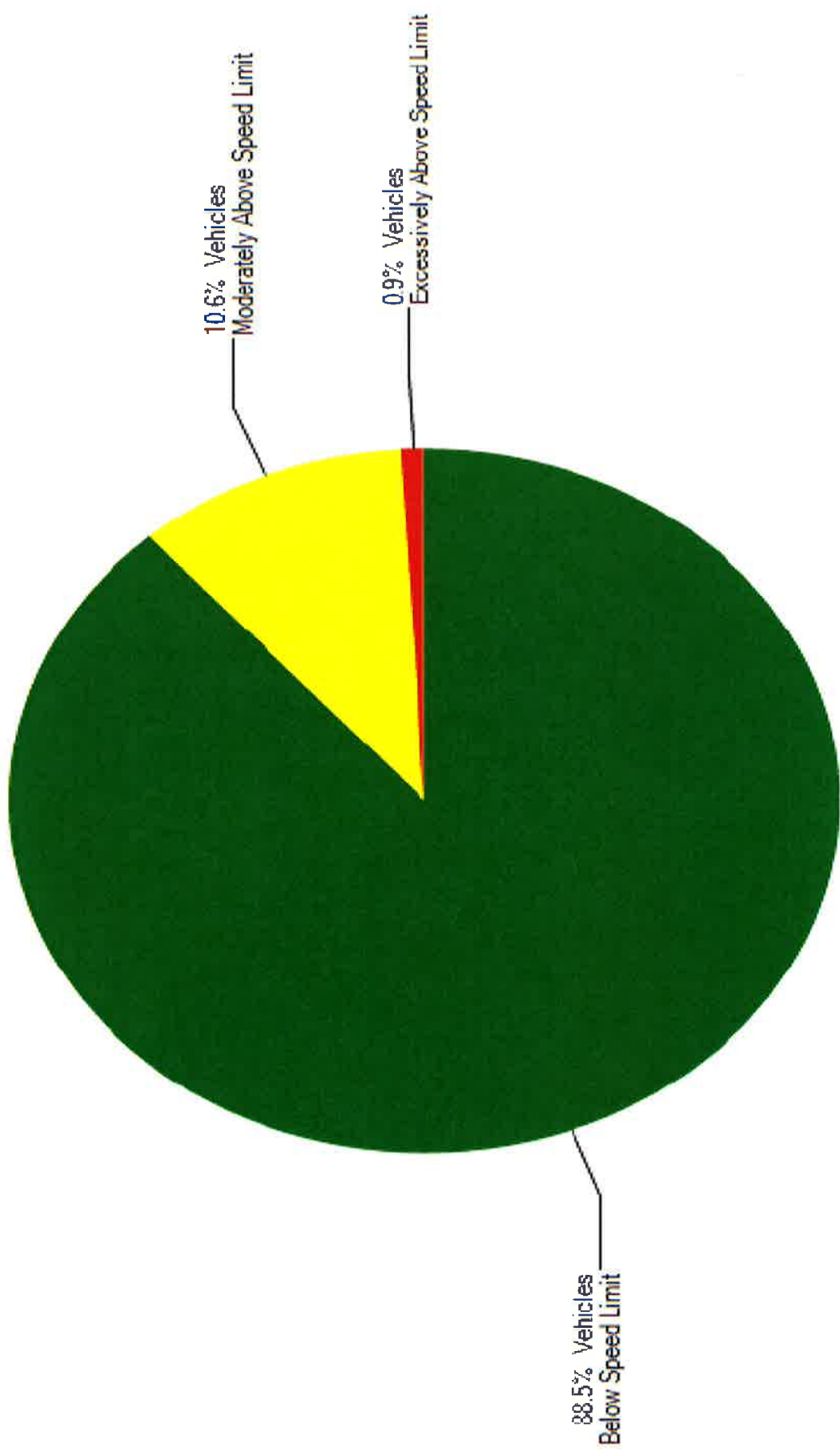
921

628

1549

Speed Study Results - Trailer

7 Days of Monitoring – 9/25/2019 – 10/2/2019



Speed Study Results – CTM / WB

7 Days of Monitoring – 10/8/2019 – 10/15/2019

Survey Result

Total Vehicle Count

3510

Traffic Direction

Combined

1427

3510

Posted Speed Limit

30 (mph)

Vehicles Under the Speed Limit Count

1250

2960

Vehicles Under the Speed Limit Percentage

87.6%

84.33%

Vehicles Over the Speed Limit Count

177

550

Vehicles Over the Speed Limit Percentage

12.4%

15.67%

Excessive Speed Threshold

Vehicles Over the Excessive Speed Count

21

54

Vehicles Over the Excessive Speed Percentage

1.47%

1.54%

Average Speed Over Limit

34.97 (mph)

34.85 (mph)

Speed Profile

Average Speed

22.93 (mph)

24.06 (mph)

Minimum Speed

10 (mph)

10 (mph)

Maximum Speed

61 (mph)

100 (mph)

85th Percentile Speed

30 (mph)

31 (mph)

Standard Deviation

9 (mph)

11 (mph)

10 mph Pace

18-27 (mph)

20-29 (mph)

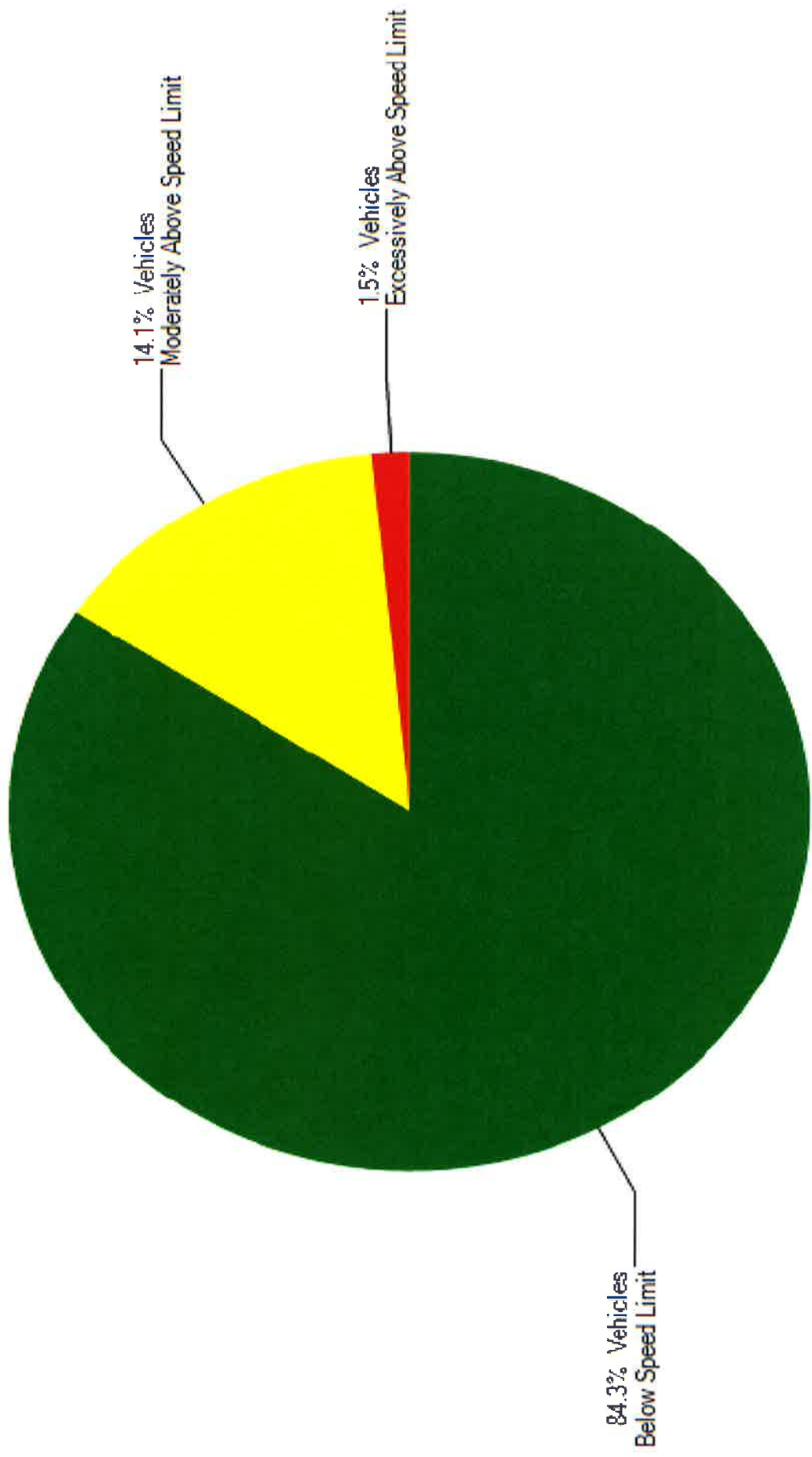
In Pace Count

715

1758

Speed Study Results – CTM / WB

7 Days of Monitoring – 10/8/2019 – 10/15/2019



Speed Study Results – CTM / EB

6 Days of Monitoring – 11/21/2019 – 11/27/2019

Survey Result

Total Vehicle Count

3022

Traffic Direction

	East	West	Combined
Closing	1120	1902	3022

Posted Speed Limit

30 (mph)

Vehicles Under the Speed Limit Count

1536

2545

Vehicles Under the Speed Limit Percentage

90.09%

84.22%

Vehicles Over the Speed Limit Count

366

477

Vehicles Over the Speed Limit Percentage

9.91%

15.78%

Excessive Speed Threshold

40 (mph)

Vehicles Over the Excessive Speed Count

4

68

Vehicles Over the Excessive Speed Percentage

0.36%

2.25%

Average Speed Over Limit

33.4 (mph)

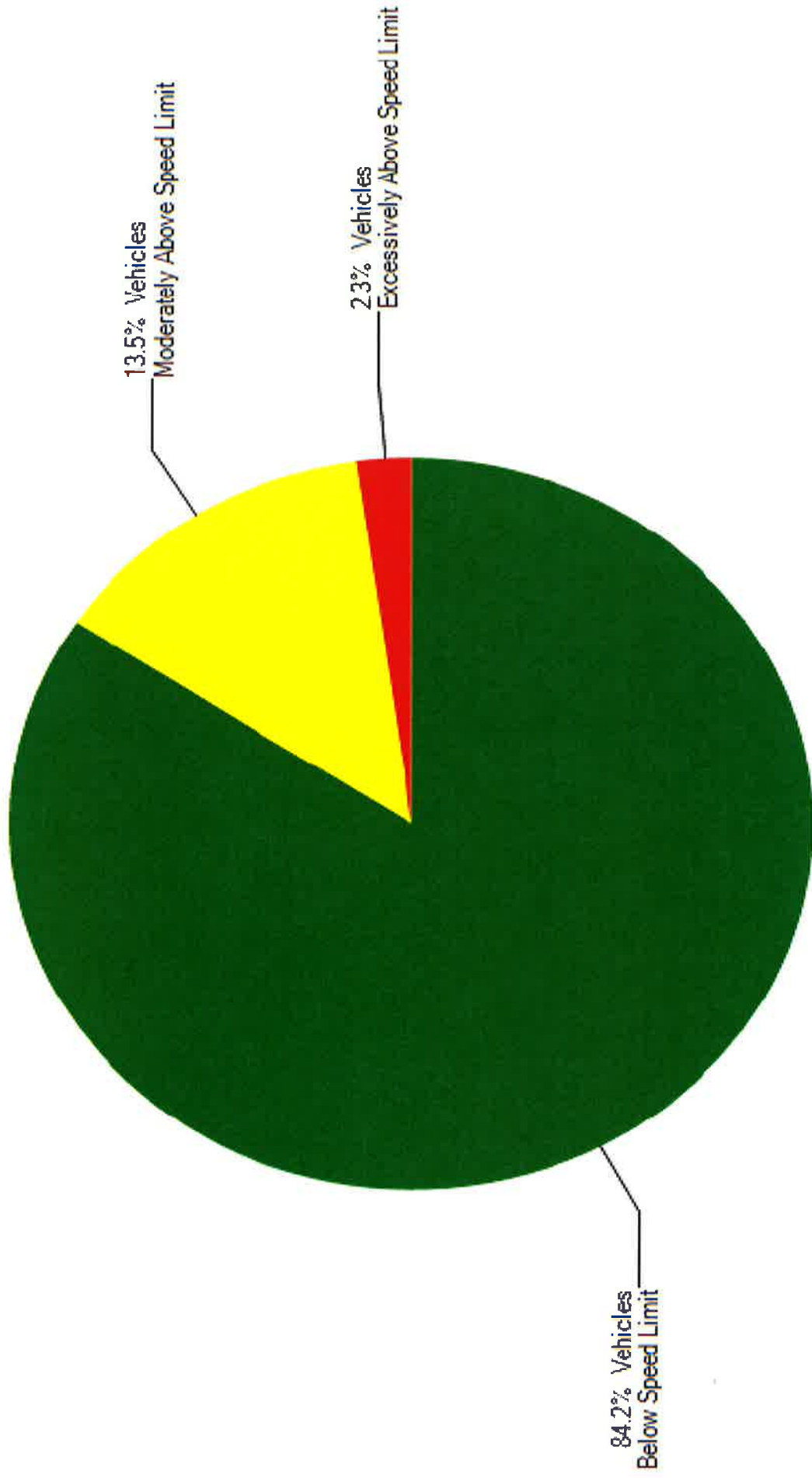
35.4 (mph)

Speed Profile

Average Speed	21.87 (mph)	25.08 (mph)	23.89 (mph)
Minimum Speed	10 (mph)	10 (mph)	10 (mph)
Maximum Speed	46 (mph)	68 (mph)	68 (mph)
85th Percentile Speed	29 (mph)	32 (mph)	31 (mph)
Standard Deviation	8 (mph)	12 (mph)	11 (mph)
10 mph Pace	17-26 (mph)	21-30 (mph)	19-28 (mph)
In Pace Count	541	912	1481

Speed Study Results – CTM / EB

6 Days of Monitoring – 11/21/2019 – 11/27/2019



Conclusion

Combined Results of the Three Studies Conducted:

Traffic Percentage At or Below The Speed Limit: 85.66%

Moderately Over The Speed Limit: 12.73%

Excessively Over The Speed Limit: 1.56%

Average Speed of Traffic: 23.84 mph

Average Speed Over the Limit: 34.79 mph



Conclusion

If Traffic Volume / Speeds Warrants Further Action:

- Traffic data will be evaluated and applied to criteria of Town Traffic Calming Policy
- An Official Traffic Study may be initiated by a Competent Traffic Authority
- Traffic Calming Installation May Be Recommended By Traffic Study
- PBSO will continue to monitor this location and apply enforcement when necessary.



Exhibit "D"

Announcements for TM for 1/29/2020 Commission Mtg.

RICHARD SCHERLE

We are very pleased to announce that on December 30, 2019 the degree of Master of Public Administration was conferred upon our Public Works Director Richard Scherle by the faculty of the College for Design and Social Inquiry of Florida Atlantic University. Congratulations to Mr. Scherle. We are very proud of his accomplishment and the hard work and efforts the he undertook to attain this degree.

SUNSET CELEBRATION

Sunset Celebration is back! The Town of Lake Park will host its monthly Sunset Celebration on Friday, January 31st from 6:00 pm – 9:00 pm at Lake Park Harbor Marina. This month's event will feature live entertainment from *Memory Lane* bringing some of the most popular Motown, soul, and disco songs around! There will be a full cash bar, happy hour prices, and a variety of food and arts & crafts vendors. For more information please contact the Special Events Department at 561-840-0160.

COMMUNITY BBQ/2020 CENSUS

The Town of Lake Park will host a Community BBQ on Saturday, February 29th from 11:00 am – 1:00 pm at Town Hall. This event will also serve as a kick-off to the 2020 Census. Please join us for a fun-filled, family event promoting the 2020 Census to ensure EVERY PERSON GETS COUNTED. Visit the Town website (www.lakeparkflorida.gov) for additional information and look out for a Town-wide mailer with additional Census information. Event attendees can expect live entertainment, free food and drinks, games, activities, raffles and to learn more about the upcoming Census. For more information please contact the Special Events Department at 561-840-0160.

COMMUNITY DEVELOPMENT DEPARTMENT HOURS

The Community Development Department is experiencing higher than normal traffic and this is constantly increasing. In an effort to keep up with the paperwork and permit issuance, the Department is proposing to revise the APPLICATION INTAKE hours to: Monday through Thursday: 8:30am-3:30pm and Friday: 8:30am-12:30pm. All registered contractors will be notified of this change that will become effective Monday, March 2, 2020.

GENERAL ANNOUNCEMENTS

- 1.) Please be advised that Brightline trains will be completing railway upgrades at all railroad crossings in Town, with such work expected to start in March. The crossings at Park Avenue, Silverbeach Road, and Northlake Boulevard will be closed (with staggered timing) for Brightline's contractors to complete their work. The Park Avenue crossing is anticipated to be closed from March 15 through March 20. The Silverbeach Road crossing is anticipated to be closed from March 25 through March 26. The Northlake Boulevard crossing is anticipated to be closed from May 17 through May 23. These upgrades are being made by Brightline to allow an expansion of their service in the coming years. Please exercise caution while traveling the area during these times.

This information will also be posted on the Town's website.

- 2.) Construction has begun for the Bostrom Park playground expansion project. A new shade structure and ADA swing set are being added to the existing playground. Construction is expected to take two weeks and we look forward to the new improvements being available for all to enjoy.

Exhibit "E"

Hello, My name is Michael O'Rourke. I am the mayor in the Town of Lake Park, Florida. For several years I have been attending legislative sessions in Tallahassee and trying to get our state legislators to understand that the best relationship between our state government and our municipal government is one of partnership and cooperation instead of an adversarial relationship. Unfortunately, Representative J. Grant's proposed bill HB 519, which is a major change to the Bert Harris Property Rights Act, is a direct attack on municipal government and the residents of my community.

Thomas Jefferson said, "The will of the people is the only legitimate foundation of any government."

My community understands the heavy hand of both our state and federal government as they govern from afar. I am the face of our residents as their closest servant and representative.

Representative Grant is quick to announce that he is simply trying to protect property rights through the Bert Harris Act.

However, the current law works well without the changes that HB 519 proposes. It allows property owners and municipalities to work out their differences outside of a courtroom through a negotiated settlement process.

Forgive me if my discussion here seems condescending, it is not my intention. I am both a practicing attorney and a former civics teacher, as well as a mayor, and it is from that background that I plead my position. Representative Grant has stated in prior committee meetings that he is not a practicing lawyer and does not bring this bill to the House understanding the legal pitfalls in the proposed new legislation. So, here is why this proposed bill is not good legislation. Through HB 519, any settlement in a Bert Harris Claim becomes the law, just as if there was a trial with a finding of fact. That is because new language is inserted that allows for a nebulous "similarly situated" standard to apply. I will now list the problems that creates:

- "Similarly situated" removes the requirement for any claimant to establish standing. (That is a constitutionally unacceptable position.)

- Settlements will go away and municipalities will be forced into litigate to prevent any settlement offer from becoming the “law of the land.”
- The new law instead of protecting residents, grants the short term rental industry great power to change residential neighborhoods into commercial business districts. (This seems to be Mr. Grant’s main objective.)
- This law will create a tax burden to local residents based on the anticipated lawsuits it will create.
- This law would directly benefit the short term rental industry and members of the legal litigation profession while penalizing any residents who may have an issue that would have been resolved through settlement through the current Bert Harris Act.
- This law penalizes municipalities for trying to protect our citizens through an attorney’s fee provision that is for Plaintiff’s attorneys only and not the prevailing party.

If any of those bullet points make sense to you then vote for this unnecessary legislation. However, if our legislative state government wants to truly serve our citizens, our residents, then vote against this bill and remember this message from Thomas Jefferson.

“[In] predict[ing] future happiness for Americans [we must] prevent the government from wasting the labors of the people under the pretense of taking care of them.”



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 1/27/20

Cards must be submitted before the item is discussed!!
*****Three (3) minute limitation on all comments**

Name: Irene Malanga
Address: 538 TEAK DR

If you are interested in receiving Town information through Email, please provide your E-mail address: IRENE.MALANGA

I would like to make comments on the following Agenda Item:
SPEED BUMP RESULTS,
TEAK DR.

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

Quasi- Judicial Hearing Resolution

TAB 3



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2020

Agenda Item No. Tab 3

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE AND SITE PLAN FOR A PRESCRIBED PEDIATRIC EXTENDED CARE FACILITY KNOWN AS THE TENDER CARE CENTER; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SPECIAL EXCEPTION USE; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS CONSENT AGENDA
 BOARD APPOINTMENT OLD BUSINESS
 PUBLIC HEARING ORDINANCE ON ___ READING
 NEW BUSINESS
 OTHER: RESOLUTION - QUASI JUDICIAL PUBLIC HEARING

Approved by Town Manager *[Signature]* Date: 1-29-2020

[Signature]
 Nadia Di Tommaso/Community Development Director
 (will be presented by Karen Golonka, Planner)

Originating Department: Community Development	Costs: \$ Legal Review / Legal Ad / Consultant(s) Review / Certified Mail Funding Source: Applicant Escrow Acct. # 5335 – Tender Care Center <input type="checkbox"/> Finance <u><i>[Signature]</i></u>	Attachments: <ul style="list-style-type: none"> • Resolution <u>14</u>-02-20 • Staff Report • Applicant Submittal **see Dropbox for complete set of pans** • Legal Ad • Certified letter
Advertised: Date: <u>12/27/19</u> Paper: <u>Palm Beach Post</u> <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 the agenda.	Yes I have notified everyone <u>KJG</u> or Not applicable in this case ___ Please initial one.

Summary Explanation/Background:

Tender Care Centers Inc. is requesting **Special Exception approval**, under the medical clinic category of the C-1 Business District, Town Code Section 78-71 (2) (d), to open a **prescribed pediatric extended care facility** (outpatient pediatric rehabilitation facility) at 1015 10th Street.

The Tender Care Center will operate as a “skilled nursing service for the profoundly medically fragile, medically complex, and technologically dependent pediatric population”. At the center the children will receive physical, occupational, speech, behavior, and respiratory therapy. The center will be licensed by Florida’s Agency for Healthcare Administration (AHCA) as a prescribed pediatric extended care facility, with strict operational guidelines. Tender Care is a well-established company, and currently operates five centers in Florida.

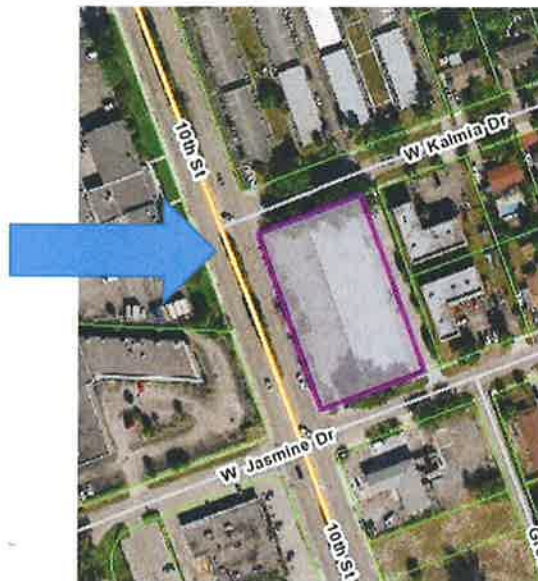
The applicant has indicated that the facility anticipates to average 20 patients/day in year one, and 30 patients/day in year two. It is expected to generate approximately 43 full time employees, with 4-5 part-time contractual employees (therapists).

Tender Care will be purchasing the building at 1015 10th Street, from National Land Corporation. The building was constructed in 1983 and has been used as a bank and offices. Currently it is predominantly vacant and has been underutilized for years. Tender Care Centers Inc. proposes to utilize the existing structure and upgrade the site exterior.

Aerial View of Site :

1015 10th St.

The site is bordered by apartments to the east and north, which are non-conforming uses, and commercial businesses to the south and west.



The applicant has requested an administrative waiver from the requirement to provide a loading zone given their enclosed justification explaining that the operation does not necessitate one. The administrative waiver is enabled pursuant to Town Code Section 78-143 (o) (1) (a). **Staff supports the waiver and the approval of this waiver is reflected as condition of approval 2 in the enclosed Resolution.**

Planning and Zoning Board Recommendation

The Planning and Zoning Board held a Public Hearing on the requested Special Exception on January 6, 2020. Listed below are the main discussion points raised by Planning and Zoning Board, along with Staff and Applicant responses:

- ***Would there be sufficient parking if enrollment increased and there were more employees?*** Staff indicated that while currently as proposed, the site meets the parking requirements, that the Town must sign off on the state license and any changes (if changes occur in the future). Therefore, we would be aware of an increase, and would review for any impacts. The operator indicated that if additional parking is needed for the operation, they would need to address this as well since an overflow lot is not available.
- ***Is there sufficient security?*** Staff indicated that by Code there are certain requirements, and we have included the recommendations of the Sheriff's Department regarding CPTED. (Crime Prevention through Environmental Design). Additionally the vice-president of the company indicated he has previously been in the security business and it is a priority for him and explained the integration of cameras, door locks and alarms.
- ***Would noise from the playground disturb adjacent apartment dwellers?*** The applicant indicated that the playground would not be used throughout the day even when used, it will be fenced and the noise will be limited.
- ***There was also discussion between the different licensing required for day cares and this facility.*** The applicant explained how it is highly regulated by the state. (This is also described in the applicant narrative).
- ***Condition of existing rosewood trees?*** Applicant's landscape architect must certify that all landscaping is in accordance with the approved plans (this is also a condition of approval on the Resolution). In addition, the landscape architect will further review the planting selections pursuant to their existing conditions and final installations during the permitting stage as well.

The Board unanimously recommended approval with the conditions, which have been incorporated into the enclosed Resolution.

RECOMMENDED MOTION: I MOVE TO APPROVE RESOLUTION 14-02-20 for the Tender Care Center Inc. Special Exception to be located at 1015 10th Street.

RESOLUTION NO. 14-02-20

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE AND SITE PLAN FOR A PRESCRIBED PEDIATRIC EXTENDED CARE FACILITY KNOWN AS THE TENDER CARE CENTER; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SPECIAL EXCEPTION USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the National Land Corporation is the owner (“Owner”) of the property legally described in Exhibit “A”, which is attached hereto and incorporated herein; and

WHEREAS, the property is generally located at 1015 10th Street (the Site); and

WHEREAS Tender Care, Inc. is the contract purchaser of the Site, and will be the owner/operator of the prescribed pediatric care facility; and

WHEREAS, Brian Vermette, acting as the Owner’s authorized agent (“Applicant”) has submitted an application for Special Exception Use a Site Plan and other associated plans proposing to develop a prescribed pediatric extended care facility (“the Project”); and

WHEREAS, the Site has a future land use designation of Commercial; and

WHEREAS, the Site is located within C-1 Business District; and

WHEREAS, the C-1 Business District includes medical clinics as a special exception use; and

WHEREAS, at a public hearing on January 6, 2020, the Town’s Planning and Zoning Board reviewed the plans for the proposed Project and has recommended to the Town Commission that it approve the Project, subject to the Owner’s compliance with certain conditions; and

WHEREAS, the Town Commission conducted a quasi-judicial hearing on February 5, 2020 to consider the Project; and

WHEREAS, at this quasi-judicial hearing, the Town Commission considered the evidence presented by the Town Staff, the Applicant, and other interested parties and members of the public, regarding whether the Project, as proposed meets the criteria for approval of a special exception use; and

WHEREAS, the Town Commission considered whether the Project, as proposed would be consistent with the Town’s Comprehensive Plan and would meet the Town’s Land Development Regulations; and

WHEREAS, the Town Commission has determined that certain conditions are necessary in order for the Project to be consistent with the Town’s Comprehensive Plan and to meet its Land Development Regulations, including the criteria for approval of a special exception use.

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

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

Section 2. The Town Commission hereby approves a Special Exception Use and a Site Plan for the Project subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans and Information:

Name	Sheet	Sign/ Seal	Received on
COVER SHEET	A-0	1-17-2020	1-24-20
SITE PLAN	SP-1	1-17-2020	1-24-20
INTERIOR RENOVATION	A-1	1-17-2020	1-24-20
ELEVATIONS	A-2	1-17-2020	1-24-20
COLOR RENDERING	CE-1	NA	1-24-20
LANDSCAPE PLAN	L-1	1-17-2020	1-24-20
PHOTOMETRIC PLAN	LP-191203V5	1-23-2020	1-27-20
SURVEY	SU-19-2230	10-9-2019	1-24-20
NARRATIVE AND JUSTIFICATION	Tender Care Centers, 64 pages	NA	1-24-20

- 1) One loading zone, per “Required Parking and Loading Table”, section 78-142-1 is administratively waived by the Community Development Director, as is authorized pursuant to section 78-143 (o) (1) (a) of the Town Code.
- 2) Prior to the issuance of a building permit, the Applicant shall obtain a final approval pertaining to utilities for the Site from Seacoast Utilities, and shall submit a copy of the approval to the Community Development Department (the Department).
- 3) Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations and existing plantings for the Project are in accordance with the approved Site Plan and the Landscaping Plan.
- 4) All landscaping shown on the Site Plan and the Landscaping Plan shall be maintained in perpetuity from the date of its installation and the issuance of the Certificate of

Occupancy by the Town. The Owner shall replace any and all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.

- 5) The following security and safety measures shall be in place prior to the issuance of a Certificate of Occupancy:
 - Security illumination which is protected by vandal-resistant globes and is activated from dusk until dawn. The lighting shall be provided from dusk until 30 minutes after the termination of business' operating day.
 - Install high-definition surveillance cameras, which capture clear facial features to the parking areas adjacent to both sides of building, the lobby, and the exterior façade of the building. The cameras shall be placed at an appropriate height to capture as much detail of activity in these areas as possible. The camera recordings shall be cloud based with internet recovery and back up and made available to law enforcement upon request. The location of the installation of the camera(s) shall be subject to the Department's review and approval.
 - Provide convex mirrors for the dumpster enclosure to eliminate blind 90 degree corners and hiding places.
- 6) Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, Statement of Use, photometric plan, improvements, colors, materials, structures or other details shall be submitted to the Department, and shall be subject to its review and approval. The Department shall determine whether or not the proposed revision is material enough to require further review by the Town Commission.
- 7) Construction associated with the Project is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless an exception is approved in writing by the Department's Director.
- 8) All fees and costs, including legal fees incurred by the Town in reviewing the Application and preparing the Resolution billed to the Owner shall be paid to the Town within 30 days of receipt of an invoice from the Town. Failure by an Owner to reimburse the Town within the 30 days may result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

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

Section 4. This Resolution shall become effective upon execution.

EXHIBIT A – LEGAL DESCRIPTION

Kelsey City, Lots 19 to 30, inclusive, Block 76 as contained in the Plat of Kelsey City, PB 8 pages 15-18, 8, 23, 27, & 34-37.



REQUEST:

**SPECIAL EXCEPTION SUBMITTED BY TENDER CARE CENTERS INC., BRIAN VERMETTE AGENT, FOR A PRESCRIBED PEDIATRIC EXTENDED CARE FACILITY TO BE LOCATED AT 1015 10TH STREET, LAKE PARK, FLORIDA. THE FACILITY WILL PROVIDE OUTPATIENT PEDIATRIC PHYSICAL REHABILITATION.
(Special Exception Category of Medical Clinic in the C-1 Business District)**

BACKGROUND INFORMATION:

Applicant: Tender Care Centers, Inc. (Brian Vermette, agent)
Owner: First National Land Corp.
Site: 1015 10th Street
Net Acreage: 37,500 square feet
Legal Description: KELSEY CITY LOTS 19 TO 30 INC BLK
Property Control Number: 36-43-42-20-01-076-0190

Current Zoning: C-1 Business District (CRA District)

**Future Land Use Map (FLUM)
land use category:** Commercial

Adjacent Zoning Designation

North: C-1 Business District

South: C-1 Business District

East: C-1 Business District

West: C-2 Business District

Adjacent Land Use Designation

North: Commercial

South: Commercial (non-conforming apartments)

East: Commercial (non-conforming apartments)

West: Commercial



Planning and Zoning Board Recommendation

The Planning and Zoning Board held a Public Hearing on the requested Special Exception on January 6, 2020. Listed below are the main discussion points raised by Planning and Zoning Board, along with Staff and Applicant responses:

- ***Would there be sufficient parking if enrollment increased and there were more employees?*** Staff indicated that while currently as proposed, the site meets the parking requirements, that the Town must sign off on the state license and any changes (if changes occur in the future). Therefore, we would be aware of an increase, and would review for any impacts. The operator indicated that if additional parking is needed for the operation, they would need to address this as well since an overflow lot is not available.
- ***Is there sufficient security?*** Staff indicated that by Code there are certain requirements, and we have included the recommendations of the Sheriff's Department regarding CPTED. (Crime Prevention through Environmental Design). Additionally the vice-president of the company indicated he has previously been in the security business and it is a priority for him and explained the integration of cameras, door locks and alarms.
- ***Would noise from the playground disturb adjacent apartment dwellers?*** The applicant indicated that the playground would not be used throughout the day even when used, it will be fenced and the noise will be limited.
- ***There was also discussion between the different licensing required for day cares and this facility.*** The applicant explained how it is highly regulated by the state. (This is also described in the applicant narrative).
- ***Condition of existing rosewood trees?*** Applicant's landscape architect must certify that all landscaping is in accordance with the approved plans (this is also a condition of approval on the Resolution). In addition, the landscape architect will further review the planting selections pursuant to their existing conditions and final installations during the permitting stage as well.

The Board unanimously recommended approval with the conditions, which have been incorporated into the enclosed Resolution.



FIGURE 1: Aerial View



Figure 2: Panoramic view of site, looking east from 10th St.





Figure 3: View from W. Jasmine Drive



Figure 4: Looking south, from W. Kalmia Drive



Figure 5: Rear view, adjacent alley





Figure 6: Town Zoning Map



Lake Park Zoning Map



Legend

TOWN BOUNDARY	C1 BUSINESS DISTRICT	CLIC CAMPUS LIGHT INDUSTRIAL & COMMERCIAL	R1 SINGLE FAMILY RESIDENCE DISTRICT	R2A MULTIPLE FAMILY RESIDENCE DISTRICT
Palm Beach Development Overlay	C2 BUSINESS DISTRICT	CONSERVATION	R1A SINGLE FAMILY RESIDENCE DISTRICT	R3 MULTIPLE FAMILY RESIDENCE DISTRICT
NBOD Overlay	C3 BUSINESS DISTRICT	MIXED USE	R1AA RESIDENCE DISTRICT	RND TRADITIONAL NEIGHBORHOOD DEVELOPMENT
CRA Overlay	C4 BUSINESS DISTRICT	P PUBLIC DISTRICT	R1B SINGLE FAMILY RESIDENCE DISTRICT	
PMUOD Special Home, Mixed Use District Overlay	PADD PARK AVENUE DOWNTOWN DISTRICT	R2 MULTIPLE FAMILY RESIDENCE DISTRICT		

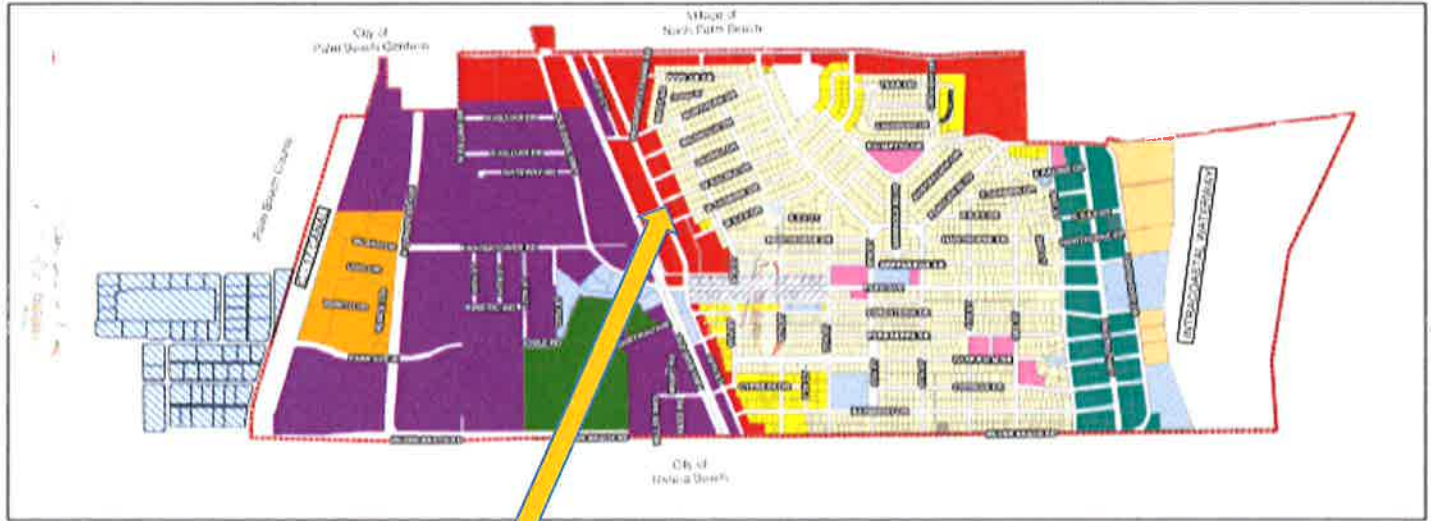
Location of
site



Figure 7: Town Future Land Use Map (FLUM)



Lake Park Future Land Use Map



Legend

TOWN BOUNDARY	COMMERCIAL	COMMERCIAL AND LIGHT INDUSTRIAL	PUBLIC BUILDINGS & GROUNDS	RESIDENTIAL LOW DENSITY
DOWNTOWN	CONSERVATION	MIXED RESIDENTIAL AND COMMERCIAL	RECREATION OVERLAY	RESIDENTIAL MEDIUM DENSITY
AMPLIFIED	FEDERAL HIGHWAY MIXED USE DISTRICT	OTHER PUBLIC FACILITIES	SINGLE-FAMILY RESIDENTIAL	RESIDENTIAL HIGH DENSITY
Other				

Location of site



SUMMARY OF REQUEST:

Tender Care Centers Inc. is requesting Special Exception approval, under the medical clinic category of the C-1 Business District, Town Code Section 78-71 (2) (d), to open an outpatient pediatric rehabilitation facility at 1015 10th Street. They intend to utilize the existing building, and are the contract purchaser for the property.

Description of Use

The Tender Care Center will operate as a “skilled nursing service for the profoundly medically fragile, medically complex, and technologically dependent pediatric population”. The applicant’s statement of intent indicates that, “At the center the children will receive physical, occupational, speech, behavior, and respiratory therapy”. Tender Care Center will be licensed by Florida’s Agency for Healthcare Administration (AHCA) as a prescribed pediatric extended care facility.

The applicant has indicated that the facility anticipates to average 20 patients/day in year one, and 30 patients/day in year two. It is expected to generate approximately 43 full time employees, with 4-5 part-time contractual employees (therapists).

Tender Care Inc. currently operates five centers in Florida.

Exterior Improvements

The building was constructed in 1983 and has been used as a bank and offices. Currently it is predominantly vacant and has been underutilized for years.

The applicant proposes to utilize the existing structure and upgrade the site. The building will be reroofed and repainted. The bank drive-thru on the north end will be removed, and a play area is proposed under the roof. Landscaping will be brought to code to the extent possible, and the parking lot will be repaved. A new dumpster area, with fence and landscaping will be installed. The applicant is proposing a four foot high fencing along the front of the building, which is not typical. The application indicates it is needed for security.

Interior Improvements

The interior of the existing 10,231 square foot building will undergo minimal changes, as the current office set up lends itself to be used for the proposed use. Rooms will mainly be used as offices, or for care and therapy.

Operation

The center will be open Monday through Saturday, from 9 am to 5 pm. Children will arrive and depart via vans. Therefore, other than employees, traffic will be minimal. A letter from the Palm



Beach County Traffic Division has been received stating that the change in use meets Palm Beach County Traffic Performance Standards.

No major changes are proposed regarding water and sewer service. The applicant has contacted Seacoast Utilities and will be submitting plans to them for minor changes. **A condition of approval will be added regarding this.**

Loading Zone Waiver Request

Under the “Required Parking and Loading Table”, section 78-142-1, a clinic falls into category “C” which requires one space for the first 10,000 square feet of gross floor area, plus one space for each additional 100,000 square feet. At 10,231 square feet of floor area, one such zone would be required. Currently the site does not have a designated loading zone.

Tender Care is requesting a waiver to this loading zone requirement, per code section 78-143 (o) (1) (a). According to the application the facility does not stock inventory or provide medical devices, and therefore it does not receive any deliveries that would require a loading zone.

The code states that the number of required loading berths may be reduced by the Community Development Director in the following circumstances:

“a. *Change in use.* The number of loading spaces may be proportionately reduced if the space is not needed is a result of a reduction in size or change in the nature of the land use to which loading spaces are served.

b. *Administrative reduction.* For uses which contain less than 10,000 square feet of total floor area, the community development director may waive or reduce the loading requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities and where such provision would impose an unreasonable hardship upon the use of the lot.”

Based on the applicant’s explanation, and the fact that there is no loading zone currently on site, the Community Development Director will allow the waiver.

Further information and details regarding the project can be found in the applicant’s submittal, as well as the staff “Analysis of Special Exception Criteria” which follows.



ANALYSIS OF SPECIAL EXCEPTION CRITERIA

The six criteria required for the granting of a Special Exception and staff comments to each are as follows:

Criteria 1

The proposed special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

Applicable Goals and Objectives:

Chapter 3 Future Land Use, Objective 1, Policy 1.1, j and l:

j. Encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas;
l. Facilitates the achievement of economic development, historic preservation, resource preservation, and other key goals.

Chapter 3 Future Land Use, Objective 5:

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

Chapter 3 Future Land Use, Objective 5, Policy 5.1

The Town shall protect, preserve, maintain and improve its core residential neighborhoods and historic resources, and protect them from physical degradation and the intrusion of incompatible uses.

Staff Comments

The proposed special exception use is consistent with the Comprehensive Plan as it will facilitate economic development and renewal by making use of an underutilized building. The new use is projected to generate approximately 43 full-time employees and 4-5 part-time contractual therapists.

The site will be improved with landscaping and exterior improvements, helping to enhance the appearance of the commercial corridor. The use is compatible with the residential uses to its east, and no negative impacts are anticipated.

FINDING: CRITERIA MET



Criteria 2:

The proposed special exception is consistent with the land development and zoning regulations and all other portions of this code.

Staff Comments

Setbacks:	No expansion of the building is proposed. The existing building meets the C-1 district setbacks, with the exception of the street side setback on Jasmine, which is 14.8 feet instead of the required 15 feet.
Minimum building floor area and building depth	Complies with the C-1 zoning district regulations in Town Code Section 78-71 (3) & (4)
Height	Complies with C-1 Commercial zoning regulations 78-71 (2)
Parking and loading	The project will provide 52 spaces, as required by Code for medical clinic. This includes 4 longer parking spaces to accommodate the vans. Loading area: Waiver requested, as no loading area currently exists on site, and applicant has indicated they will not be receiving items that would require this area. (See page 7 of staff report) Based on applicant's justification, waiver will be granted by the Community Development Director.
Landscaping:	Landscape plans show that the existing landscaping will be augmented, to bring the site up to code where feasible. This includes adding additional trees along 10 th Street, replacing hedge material where needed, adding sod and shrubs on the north end of the site, landscaping the new dumpster location.
Drainage	No changes proposed. There are no noted drainage issues with the site.
Signage:	No freestanding signage is proposed. Applicant intends to utilize window signage.
Traffic	Meets Palm Beach County Traffic Performance Standards. Letter Submitted from the County.

FINDING: CRITERIA MET with conditions of approval regarding waiver



Criteria 3

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

Staff Comments

Function and Impact	The Site is located in the C-1 Business District, which provides for a wide variety of commercial uses including offices, appliance stores, grocers, personal service uses. The proposed use is compatible with the surrounding commercial area, as well as the apartments to the east, which are buffered by an alley and hedge.
Hours of Operation:	Tender Care proposes to operate from 8:00 am -5:00 pm Monday through Saturday. These hours and days of operation are consistent with the days and business hours of neighboring businesses in the district. The use is predominantly indoors and will not negatively impact the residential use to the east.
Traffic:	Palm Beach County has issued a Traffic Performance Standards approval letter, included in the applicant's packet. Access to the building is from either West Jasmine Drive or West Kalmia Drive; no changes are proposed.
Location\Mass\Height Setbacks:	The existing building is compatible with the surrounding area and has been in existence since 1983.
Future Land Use:	The Site's future land use is designated as <i>Commercial</i> which is defined by the Comprehensive Plan as "Lands and structures devoted primarily to the delivery, sale or otherwise transfer of goods or services on a retail basis, with a maximum F.A.R. of 2.0. This category also includes personal and professional services.

The proposed special exception use is compatible and complimentary to the existing and future uses and character of the surrounding properties.

FINDING: CRITERIA MET



Criteria 4

The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

Staff Comments

There are currently no similar uses in the area. Proliferation is unlikely as State mandated requirements are extremely rigorous. Applicant indicates that there are less than 100 such facilities in the State.

In fact, children needing this type of rehabilitation are often underserved in communities because of the complexity involved in managing their care.

FINDING: CRITERIA MET



Criteria 5

The proposed special exception use does not have a detrimental impact on surrounding properties based on: (a) The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and, (c) The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

Staff Comments

- a. The applicant has indicated that they expect to average 20 patients/day in year one, and 30 patients/day in year two. Patients will arrive via four vans. Employee hours will generally be 8 am to 5 pm, with contractual therapists coming throughout the day. No detrimental impact to the surrounding residential or commercial uses is anticipated.
- b. Staff has reviewed the proposed use for impacts including noise, odor, and lighting. Most of the activity will be indoors, with the exception of a small covered, supervised play area at the north end of the building. Therefore, the use is not anticipated to negatively impact the adjacent apartments to the east, which are also separated by an alley.

The Applicant has submitted a Site Lighting Plan. However, it must be revised to demonstrate compliance with the requirements of Town Code Section 54-36 which requires at least 1 foot-candle at active entrances to the building and access ways to the building, or parking areas, and a minimum of 1/3 foot-candle throughout the parking areas. Per the Town Code: *Security illumination shall be protected by vandal-resistant globes and activated from dusk until dawn; and minimum-maintained lighting shall be provided from dusk until 30 minutes after the termination of business each operating day; and minimum-maintained lighting shall be provided from dusk until dawn. A condition of approval has been added to insure compliance.*

- c. The applicant has received a letter of approval from the Palm Beach County Traffic Division. The letter indicates that medical office will result in an increase in traffic from the previous professional office use. (While the proposed use is a clinic, it falls under the county classification of medical office.) However, given the unique nature of the facility, traffic counts will be less than a typical medical office, as patients are not arriving individually throughout the day. The application indicates that there will be approximately 43 full time employees and 4-5 contractual therapists. All patients arrive by the facility's vans.

The proposed special exception, if approved, is not anticipated to create a nuisance, nor have any detrimental impacts on surrounding properties.

FINDING: CRITERIA MET



Criteria 6

That the proposed special exception use: (a) Does not significantly reduce light and air to adjacent properties, (b) Does not adversely affect property values in adjacent areas, (c) Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations, (d) Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces, (e) Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

Staff Comments

Staff findings for Criteria 6 are as follows:

- (a) The proposed special exception use **will not** reduce light or air to adjacent properties since the application does not propose any additions or exterior renovations that will alter building height and mass.
- (b) The proposed special exception use **will not** adversely affect property values in the surrounding areas. The proposed commercial use is located in a commercial corridor, and will provide a specialized service to the community and surrounding area. The site will be upgraded, and will result in an overall improvement.
- (c) The proposed special exception use **will not** be a deterrent to the improvement, development or redevelopment of surrounding properties. It may help to encourage new business location in the area.
- (d) The proposed special exception use **will not** have a negative impact on adjacent natural systems or public facilities as there are no adjacent natural areas or public facilities.
- (e) A bike rack is being provided for employees. As a specialized medical facility there will not be customers that require pedestrian amenities outside such as benches or trash cans.

FINDING: CRITERIA MET



***A public notice was advertised in the Palm Beach Post on December 27, 2019 and certified letters to all property owners within 300 feet of the Subject Property were mailed on December 23, 2019*

In addition to Community Development, the application and plans were reviewed by the Palm Beach County Fire Department, Palm Beach County Sheriff Department, Palm Beach County Traffic Division, and the Town’s consultant Enginuity Engineering.

FINDINGS OF FACT AND STAFF RECOMMENDATION

The Special Exception request affords the Town the opportunity to bring to this location an established, viable business and upgrade the site’s appearance.

Staff finds that this application for a special exception use meets each of the six criteria required for the granting of a special exception use. Staff recommends **APPROVAL** with the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans and Information:

Name	Sheet	Sign/ Seal	Received on
COVER SHEET	A-0	1-17-2020	1-24-20
SITE PLAN	SP-1	1-17-2020	1-24-20
INTERIOR RENOVATION	A-1	1-17-2020	1-24-20
ELEVATIONS	A-2	1-17-2020	1-24-20
COLOR RENDERING	CE-1	NA	1-24-20
LANDSCAPE PLAN	L-1	1-17-2020	1-24-20
PHOTOMETRIC PLAN	LP-191203V5	1-23-2020	1-27-20
SURVEY	SU-19-2230	10-9-2019	1-24-20
NARRATIVE AND JUSTIFICATION	Tender Care Centers, 64 pages	NA	1-24-20

2. One loading zone, per “Required Parking and Loading Table”, section 78-142-1 is administratively waived by the Community Development Director, as is authorized pursuant to section 78-143 (o) (1) (a) of the Town Code.



3. Prior to the issuance of a building permit, the Applicant shall obtain a final approval pertaining to utilities for the Site from Seacoast Utilities, and shall submit a copy of the approval to the Community Development Department (the Department).
4. Prior to the issuance of the Certificate of Completion/Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations and existing plantings for the Project are in accordance with the approved Site Plan and the Landscaping Plan.
5. All landscaping shown on the Site Plan and the Landscaping Plan shall be maintained in perpetuity from the date of its installation and the issuance of the Certificate of Occupancy by the Town. The Owner shall replace any and all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
6. The following security and safety measures shall be in place prior to the issuance of a Certificate of Occupancy:
 - Security illumination which is protected by vandal-resistant globes and is activated from dusk until dawn. The lighting shall be provided from dusk until 30 minutes after the termination of business' operating day.
 - Install high-definition surveillance cameras, which capture clear facial features to the parking areas adjacent to both sides of building, the lobby, and the exterior façade of the building. The cameras shall be placed at an appropriate height to capture as much detail of activity in these areas as possible. The camera recordings shall be cloud based with internet recovery and back up and made available to law enforcement upon request. The location of the installation of the camera(s) shall be subject to the Department's review and approval.
 - Provide convex mirrors for the dumpster enclosure to eliminate blind 90 degree corners and hiding places.
7. Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, Statement of Use, photometric plan, improvements, colors, materials, structures or other details shall be submitted to the Department, and shall be subject to its review and approval. The Department shall determine whether or not the proposed revision is material enough to require further review by the Town Commission.



Town of Lake Park

TOWN COMMISSION

Meeting Date: February 5, 2020

8. Construction associated with the Project is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless an exception is approved in writing by the Department's Director.

9. All fees and costs, including legal fees incurred by the Town in reviewing the Application and preparing the Resolution billed to the Owner shall be paid to the Town within 30 days of receipt of an invoice from the Town. Failure by an Owner to reimburse the Town within the 30 days may result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

Tender Care Centers, Inc.



1015 10th St., Lake Park, FL 33409
Application for Special Exception

Table of Contents

Agent Authorization Form	3
Statement of Interest/ Application Questions	6
Property Owners List	20
Pending Sales Contract	23
Traffic Analysis	36
Location Map	47
Loading Demand Letter	50
Fence Sample	52
Playground Equipment Sample	54
Tender Care Facility Pictures	56
Release of Easement	59
Seacoast Utilities Change of Use Application	62



TOWN OF LAKE PARK
COMMUNITY DEVELOPMENT DEPARTMENT

AGENT AUTHORIZATION FORM

Owner(s) of Record:
First National Land Corp

BEFORE ME, the undersigned authority, personally appeared:

GREGORY S. HALL, AS TRUSTEE FOR FIRST NATIONAL LAND CORP.
Property Owner Name

Who first being duly sworn upon Oath and personal knowledge state they are the Owner(s) of Record of the following described real property:
KELSEY CITY LTS 19 TO 30 INC BLK 76

the street address of which is 1015 10th St., Lake Park, FL 33403

AND DO HEREBY DESIGNATE:

Name: Brian Vermette
Address: 1821 SE 4th Ave., Fort Lauderdale, FL 33316
Telephone: 954.763.5444
E-mail Address: bvermette@tendercarecenters.com

To act as Authorized Agent, to file Applications and papers with the Town of Lake Park, and to represent Owner(s) of Record at any Public Hearing regarding the property of interest.

[Signature]
Owner of Record Signature

Owner of Record Signature

STATE OF FLORIDA ~~TEXAS~~
COUNTY OF PALM BEACH ~~Gauchos~~

[Signature]

NOTARY PUBLIC



NOTARY STAMP



TOWN OF LAKE PARK
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Applicant/Agent: Brian Vermette /Tender Care Centers, Inc.

Address: PO Box 5159, Spring Hill, FL 34611

Telephone: 352 683 6895 Fax: 352 533 2335

E-mail : bvermette@tcms.care

- Owner
 Agent (Attach Agent Authorization Form)

Owner's Name
(if not Applicant): First National Land Corp

Address: 1015 10th St., Lake Park, FL 33403

Telephone: 772-708-1518 Fax: _____

E-Mail : melvrobinson@comcast.net

Property Location: 1015 10th St., Lake Park, FL 33403

Legal Description: KELSEY CITY LTS 19 TO 30 INC BLK 76

Property Control Number: 36-43-42-20-01-076-0190

Future Land Use: _____ Zoning: C-1 Business District

Acreage: 8604 Square Footage of Use: 10,192 sq ft

Proposed Use: Medical Clinic - Prescribed Pediatric Extended Care Facility

PLEASE DO NOT DETACH FROM APPLICATION.



SIGNATURE REQUIRED BELOW.

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

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

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

I, Brian Vermette, have read and understand the regulations above regarding cost recovery.

[Signature]
Property Owner Signature

12-23-2019
Date

Statement of Interest/ Application Questions





Tender Care Centers, Inc.



Statement of Interest

Tender Care Centers, Inc. is a skilled medical care facility for children with special needs. Tender Care was founded in 1988 in Fort Lauderdale, Florida. We have facilities located in Broward, Hernando, Dunnellon, Putnam, and St. Johns County, Florida. We hope to bring the next facility to the Town of Lake Park. We are currently under contract to purchase 1015 10th St., Lake Park, FL 33403.

Tender Care is legally licensed by Florida's Agency for Healthcare Administration ("AHCA") as a Prescribed Pediatric Extended Care Facility ("PPEC"). Our centers operate as a skilled nursing service for the profoundly medically fragile, medically complex, and technologically dependent pediatric population (from birth to 21 years of age). Our nursing staff to patient ratio is 3:1.

To attend our center, children must be prescribed the service by a licensed physician, and pass eligibility screenings administered by the state of Florida. At our centers, children receive physical, occupational, speech, behavioral, and respiratory therapy. We also work with local school districts to ensure that our children receive the education (Hospital Homebound Services) that they are entitled to despite the complexity of their health needs.

Our specially equipped transport buses provide transport to and from the center. The majority of our children are picked up in the morning and dropped off at the end of the day. We are open from 8:00 am to 5:00 pm, 6 days a week, Monday through Saturday.

Tender Care is funded by Medicaid. We do not charge our children's parents anything for the service or transportation. Ultimately, Tender Care not only provides the necessary medical treatment for our children but offers support for the parents, who are often left with very little options for helping care for their children.

In addition to this request for special exception, Tender Care requests that the loading zone requirement be waived as our use is "rarely in need of a loading zone." Please see the attached Loading Demand State Request letter dated December 6, 2019, which is attached to this application.

We humbly ask that the Lake Park Zoning Board approve the request for the special exception.

Thank you,

Philip Mazucco
President

Tender Care Centers, Inc

Zoning/Existing Use of Adjacent Properties:

North:	36434220010770130	R2	South:	36434220010750170	C1
	36434220011230040	C2		36434220010760320	R2
East:	36434220190000010	C2	West:	36434220010760130	R2

APPLICATION REQUIREMENTS:

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

Please see attached documentation.

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

Please see attached documentation.

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

Please see attached documentation.



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

Please see attached documentation.

- 5. Please explain how the Special Exception use does not have a detrimental impact on surrounding properties based on; (a) The number of persons anticipated to be using, residing, or working on the property as a result of the Special Exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception use; (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use.

Please see attached documentation.

- 6. Please explain how the proposed Special Exception use meets the following requirements; (a) does not significantly reduce light and air to adjacent properties; (b) does not adversely affect property values in adjacent areas; (c) would not be deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations; (d) does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

Please see attached documentation.

Section 1

Tender Care will contribute to the goals listed in Lake Park’s comprehensive plan. Very often, medically dependent children are among the most underserved in local communities, not because of a lack of support from the communities, but because of the complexities involved in managing their care. Traditional daycare centers cannot service our patients because of the medical expertise necessary to fulfill their daily care.

Tender Care’s rigid staffing ratio ensures that children are cared for by knowledgeable, experienced, and licensed health care practitioners. Our nursing staff is required to have at least two years of pediatric experience and undergo thorough AHCA background and drug screenings.

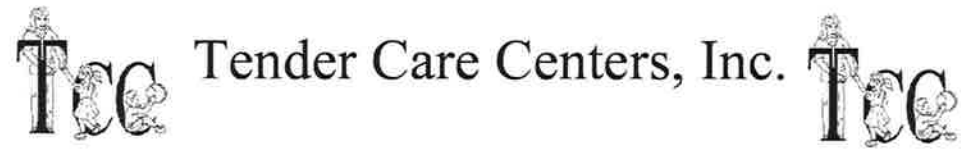
Tender Care operates as a community facility in order to give back to the local stakeholders. Part of our license mandates that we educate parents and patients. Tender Care often hosts educational trainings on pediatric health-related topics. Tender Care employees serve on community boards, including the Early Learning Coalition for Marion County and the Hernando County Education Foundation. The facility in Dunnellon is hosting a special needs resources expo in January, where all proceeds will be donated to the Outreach Autism Services Network. Our facilities have received multiple awards from local communities including the state of Florida Friends of EMS award.

Town of Lake Park – Goals, Objectives, and Policies

Objective 5 – “As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.”

Policy 5.1: “The Town shall protect, preserve, maintain and improve its core residential neighborhoods and historic resources, and protect these areas from physical degradation and the intrusion of incompatible uses.”

According to Objective 5, the comprehensive plan seeks to promote redevelopment and Policy 5.1 accomplishes this objective by preventing “physical degradation and the intrusion of incompatible uses.” First, related to physical degradation, the 1015 building is only being partially occupied and is used primarily as a storage facility. Physical degradation is more likely to occur when buildings sit unused and unmaintained. Based on the property inspection, the roof is in dire need of repair. Aerial photos attached to the previous submission show where the roof was previously patched in a piecemeal manner.



Tender Care will be using the entire building, Tender Care prides itself on the upkeep of the exterior elements of its facilities. Please see the attached photographs of Tender Care's other facilities. Operating maintenance ensures that the physical degradation of the existing property will be mitigated. In addition, Tender Care will employ a full-time maintenance staff member and a full-time housekeeper.

Based on the zoning committees' feedback, there are existing code violations that put the building out of compliance with the comprehensive plan and town ordinances. Tender Care has worked to modify the proposed site plan to ensure that the building will comply with both local ordinances and with the comprehensive plan. For more information, please see the updated landscaping plan attached to this resubmission.

Tender Care will be reroofing the entire building with an aluminum roof. Tender Care will also be painting the exterior of the building. Please see the color photos attached to this resubmission for a sample color palate and a color elevate plan. Tender Care will also be adding an outdoor playground area to the Northern side of the building. A model substantially similar to what will be installed has been attached to this application.

A fence will also be installed on the front and Northern sides of the building. The fence is designed as a security device to protect the safety of our patients. The fence will be attached to the sidewalk via boring holes in the concrete. Steel poles will be cemented in the holes and a PVC sleeve will be slid over the steel poles. A white PVC fence will be attached in between and flush with the existing columns. As the fence will be installed on the sidewalk, there will be no encroachment into the parking area. For more detail, please see the submitted elevation plan. Two sample designs for the fence have also been attached.

As of this submittal, no façade sign will be installed, Signage will be limited to a window graphic that is limited to 25% of the selected window.

Finally, Tender Care's proposed use is consistent with the intent outlined in the Comprehensive Plan. According to the Zoning Determination Letter dated August 19, 2019, and attached to this application, the building is zoned in the C-1 Business District. While our use is not specifically listed under permitted C-1 uses, Section 78-71 (2) allows for special exceptions for "d. hospitals, sanitariums, or medical clinics." The requested zoning special exception is consistent with the possible envisioned special excepted uses for the area. Therefore, the use of the building as a medical clinic ensures that another incompatible use with not be introduced to the area.

Section 2

Tender Care is seeking to open the facility at 1015 10th St., Lake Park, FL 33403. Per the Zoning Determination Letter dated August 19, 2019, and attached to this application, the

building is zoned in the C-1 Business District. While our use is not specifically listed under permitted C-1 uses, Section 78-71 (2) allows for special exceptions for "d. hospitals, sanitariums, or medical clinics." Therefore, the zoning is consistent with the possible envisioned special excepted uses for the area.

Section 3

The property being purchased currently has a building that was previously used for banking and office use. Tender Care does not plan to substantially modify the building or the property, except for those uses disclosed herein. Therefore, building location, building height, and setback will remain unchanged; thus, in line with the zoning provisions.

The facility will be open during normal operating hours, 8:00 am to 5:00 pm, Monday through Saturday. As the facility was previously used for banking and office purposes, Tender Care's intended use is consistent with the existing character of the facility.

For more information on traffic, see section 5 and the Traffic Analysis attached to this application. Tender Care does not foresee a need to add any additional parking.

The only significant change from the previous use is the desire to move from a general office and banking setting to a medical facility. Because of the nature of the work generally being conducted indoors, and the normal operating hours of the facility, granting the special exception is compatible with the existing and future use of the facility.

Section 4

Tender Care is a very specific facility with extremely stringent licensure requirements. There are less than 100 of these facilities that operate throughout the entire state of Florida. AllCA mandated financial and safety requirements impose significant barriers to entry. The threat of proliferation in the area is minimal. Tender Care currently has 5 locations operating in 5 counties around the state.

Section 5

- (a) When fully operational, the facility is expected to employ roughly 48 employees: including approximately 43 paid employees and 4-5 contracted independent therapists. Employees generally arrive at 8:00 am and leave at 5:00 pm. Contracted therapists may come and go outside those hours. The facility is equipped with 52 parking spaces. There is sufficient parking to meet the needs of the facility without burdening the vicinity property owners.



Tender Care Centers, Inc.



Tender Care Centers, Inc.



Our goals/projections for Patients being served by this facility:

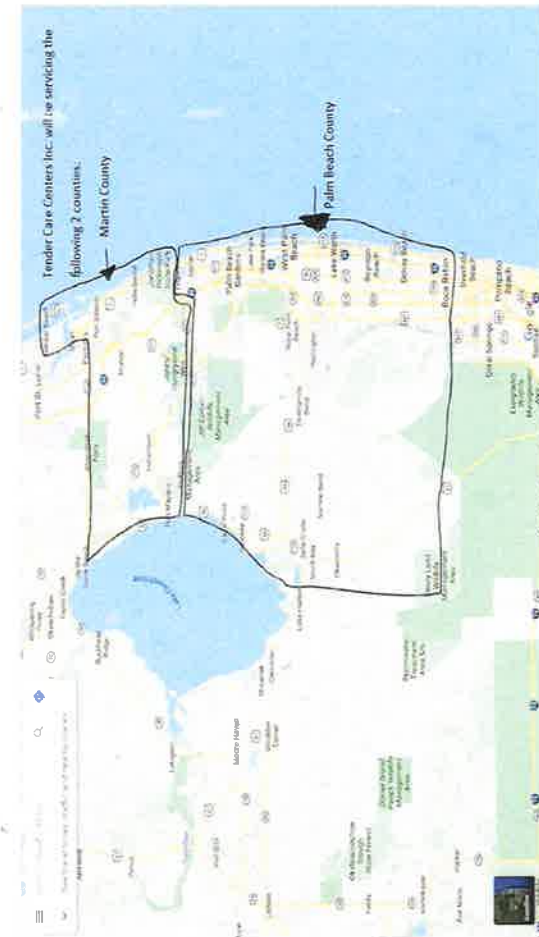
Year 1

We will be opened 6 days per week averaging **20 patients per day.***

Year 2

We will be opened 6 days per week averaging **30 patients per day.***

***Total units arrived at by taking the total average of prior new facility openings and increasing by a multiplier based on higher population density. The calculation is propriety.**



Service Area Map Follows on Next Page

A Pediatric Extended Care Facility
PPEC Facility: 1821 SE 4th Avenue Fort Lauderdale, FL 33316
Tel: 954-763-5444 Fax: 954-516-0095

A Pediatric Extended Care Facility
PPEC Facility: 1821 SE 4th Avenue Fort Lauderdale, FL 33316
Tel: 954-763-5444 Fax: 954-516-0095



Tender Care Centers, Inc.



- (b) Noise will be limited as the majority of the business activity is conducted inside the building.
- (c) As previously stated, Tender Care provides transportation for most of the children that attend the facility. In the first year, we anticipate 3-4 vans. Tender Care exclusively purchases Mercedes Sprinter vans for transportation. Tender Care picks the child up in the morning and drops the child off at night. Therefore, patient traffic will be limited to the vans dropping the children off at roughly 9:00 am and leaving to take the children home at roughly 4:00 pm.

Vans are a Mercedes Sprinter 2500 with a 170" wheelbase. The length of the van is 274.3" or 22.86 feet. The current parking stalls have been increased to 18.5 feet per Lake Park ordinance. Four parking spots are being added to the Northwest side of the property near where the playground will be constructed. These spots will be 23 feet in length which will accommodate parking the vans.

Section 6

- (a) The facility is open during normal business hours on a site zoned in the C-1 Business District. As such, there will be no change to light or air affecting the adjacent properties. The exterior of the current building located on the property will not be substantially changed or modified, with the exception of adding a new roof and an outdoor playground for the children.
- (b) Additionally, due to the age of the building, leaving the building without a significant repair investment will have an adverse effect on the property values of the adjacent areas. Tender Care plans to invest roughly \$350,000.00 in improving and maintaining the building. In addition, the building is currently being underutilized with only about 1/3 of the space being used. All of this should have a net positive effect on adjacent property values.
- (c) Tender Care will not substantially modify the existing structure located on the property; therefore, any deterrent to the improvement, development, or redevelopment of adjacent properties will not increase, and, should decrease. Tender Care prides itself on designing an aesthetically pleasing and functional facility. In effect, this will decrease economic blight caused by the aging nature of the building. This should spur subsequent improvement, development, or redevelopment of the adjacent properties.
- (d) Tender Care will not negatively impact adjacent natural systems or public facilities. Per AHCA and state guidelines, Tender Care will have an outdoor playground that will be used for our children. Because of the individualized and specific needs of the children, the Company policy dictates no children be



Tender Care Centers, Inc.



- removed from the facility. The facility is specifically designed to care for these children. Tender Care also provides a dedicated break room for employees. As such, the facility will not utilize the adjacent public facilities, parks, or open spaces.
- (e) A bike rack will be added to the building per the Town's request. Trash container facilities will be located around the exterior of the center in an effort to beautify the property.



Community
Development
Department

Brian Vermette
Tender Care Centers Inc.
1821 SE 4th Avenue
Ft Lauderdale, FL 33316

August 22, 2019

Re: 1015 10th St. Lake Park, FL (Property Control Number 36-43-42-20-01-076-0190)

Mr. Vermette:

The Town is in receipt of your Zoning Determination Letter request for 1015 10th Street, submitted August 19, 2019. In that letter you requested a determination as to whether Tender Care Centers, Inc., "a Prescribed Pediatric Extended Care Facility", would be permitted at 1015 10th Street.

Your application specifically describes the use as: "Skilled Medical Facility offering nursing services up to 12 hours per day. Children are transported to and from our facility During the day they receive physical, occupational, and speech therapy, along with education services. We also do outpatient rehab therapy services".

The response from our Department follows:

The building at 1015 10th Street is located in the C-1 Business District and regulations for that district are contained in Section 78-71 of the Town Code. Section 78-71 (2) lists uses that may be permitted by Special Exception. Within this list are "d. hospitals, sanitariums, or medical clinics".

Your intended use, as described, would fall under this category, as the code states "Hospital, sanitarium or medical center means a facility for humans or animals, which provides primary, secondary, or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions."

Therefore the use as proposed by Tender Care Center is not an outright permitted use, but is a use that may be approved as a Special Exception.

The *Special exception* process is intended for uses that would generally not be appropriate throughout the entire zoning district. However, special exception uses may be compatible based on an applicant's compliance with the criteria established by the code.

535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3318
Fax: (561) 881-3323

www.lakeparkflorida.gov



Community
Development
Department

In brief, this process involves submitting the necessary plans and supporting documents, along with a fee, to the Town for review and consideration. Special Exceptions are reviewed in Public Hearings by the Planning and Zoning Board, and Town Commission which has final approval. The Commission may approve, deny or approve with conditions. Information on the process and criteria is attached and can also be found at:

https://library.municode.com/fl/lake_park/codes/code_of_ordinances?nodeId=SPBLADERE_CH78ZO_ARTVIRESEX.

We have also included the application for Special Exception, which provides further information about the process.

Should you decide to proceed with the Special Exception, we are available to review the process with you.

Respectfully,

Karen J Golonka

PLANNER
COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF LAKE PARK
535 Park Avenue
Lake Park, FL 33403
561-881-3320
561-881-3323 (Fax)
kgolonka@lakeparkflorida.gov



535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3318
Fax: (561) 881-3323

www.lakeparkflorida.gov

EGOVPLUS ONLINE SERVICES

- My Info
- Owner Records
- Property Search
- Contractor Search
- Check Permit Status
- Schedule Inspections
- Permit Sample
- Business Tax
- Code Enforcement
- Code Case Tracker
- GIS Home
- Fire Safety
- Alarm Account Info
- Alarm Registration
- Contact Us
- Building Services Home
- Building Services Alerts
- Zoning and Developments
- Log Out

BUSINESS TAX INFO

Business Tax Detail Detail

Tax Number	428391	Issue Date	10-05-2001
Category	421313	Expire Date	09-30-2020
Description	SKILLED MEDICAL SERVICE FACILITY 1600-FIN090909-B101	Business ID	428391
Status	Printed	Business Name	TENDER CARE CENTER INC
Business Tax Balance	\$0.00	Business Address	1821 SE 4 AVE
		Owner Name	TENDER CARE CENTER INC

[Back](#) [Inspections](#) [History](#)

10/11/2011



Property Owners List

Parcel Owners within 300 Feet of 1015 10th St., Lake Park, FL 33403

Owner	Address	Mailing Address
Florida Power and Light Co	1001 10th St., Lake Park, FL 33403	PSX/JB C/O 700 UNIVERSE BLVD JUNO BEACH, FL 33408-2683
TOPPER AUTO DEALER SUPPLIES INC	1001 W Jasmine Dr, Suite A, West Palm Beach FL 33403	1001 W JASMINE DR SUITE A LAKE PARK FL 33403-2119
TOPPER AUTO DEALER SUPPLIES INC	1001 W Jasmine Dr, Suite B, West Palm Beach FL 33403	1001 W JASMINE DR SUITE A LAKE PARK FL 33403-2119
Fraternal Order of the Eagles Gateway	1001 W Jasmine Dr, Suite C, West Palm Beach FL 33403	1001 W JASMINE DR SUITE C LAKE PARK FL 33403-2119
Fraternal Order of the Eagles Gateway	1001 W Jasmine Dr, Suite D, West Palm Beach FL 33403	1001 W JASMINE DR SUITE C LAKE PARK FL 33403-2119
HULISMA ARNOUX	1001 W Jasmine Dr, Suite E, West Palm Beach FL 33403	8255 BOB OTTINK DR WEST PALM BEACH FL 33412 2408
SEYMOUR MICHAEL	1001 W Jasmine Dr, Suite F, West Palm Beach FL 33403	PO BOX 531652 LAKE PARK FL 33403 8917
LANG LIFE AGENCY INC	1001 W Jasmine Dr, Suite G, West Palm Beach FL 33403	1001 W JASMINE DR SUITE G LAKE PARK FL 33403-2119
LATUBERNE ANNE MARIE LATUBERNE PIERRE &	1001 W Jasmine Dr, Suite H, West Palm Beach FL 33403	307 KELSEY PARK CIR PALM BEACH GARDENS FL 33410 3260
1001 JASMINE J LLC	1001 W Jasmine Dr, Suite I, West Palm Beach FL 33403	745 JACANA WAY NORTH PALM BEACH FL 33408 4707
1001 JASMINE K LLC	1001 W Jasmine Dr, Suite J, West Palm Beach FL 33403	1001 W JASMINE DR STE J LAKE PARK FL 33403 2119
1001 JASMINE L LLC	1001 W Jasmine Dr, Suite K, West Palm Beach FL 33403	1001 W JASMINE DR STE J LAKE PARK FL 33403 2119
DEGLER MARI, SYL BROWER GILBERT C &	1001 W Jasmine Dr, Suite L, West Palm Beach FL 33403	238 BRAVADO LN RIVIERA BEACH FL 33404 6244
BENNINGS JEFFREY KEITH TRUST	1001 W Jasmine Dr, Suite M, West Palm Beach FL 33403	11702 LANDING PL NORTH PALM BEACH FL 33408 3240
909 10TH STREET LLC	909 10th St., Lake Park, FL 33403	909 10111 ST LAKE PARK FL 33403 2424
LAKE WORTH PROPERTY ENTERPRISE	909 10th st., Lake Park, FL 33403	PO BOX 1110 BRANDON FL 33509 1110
CARIBBEAN MEAT MARKET CORP	910 10th St., Lake Park, FL 33403	549 GAZETTA WAY WEST PALM BEACH FL 33413 1053
CERBIERUS SER HOLDINGS LP	911 W Jasmine Dr., West Palm Beach FL 33403	1850 PARKWAY PL, STE 900 MARIBETTA GA 30067 8261
BEDFORD HOLDINGS LLC	912 W Kalmia Dr., Lake Park, FL 33403	PO BOX 3031 PALM BEACH FL 33480 1231
KRAMMER ERIC	912 W Jasmine Dr., West Palm Beach FL 33403	912 W JASMINE DR LAKE PARK FL 33403 2108
LAKE WORTH PROPERTY ENTERPRISE DONAGHY GABRIEL DONAGHY MARK H &	912 10th st., Lake Park, FL 33403	PO BOX 1110 BRANDON FL 33509 1110
MCFARLANE KIRCALDY	919 W Kalmia Dr., Lake Park, FL 33403	919 W JASMINE DR LAKE PARK FL 33403 2107
TOMLINSON CASTRO A & TOMLINSON LOVELETTE	919 W Kalmia Dr., Lake Park, FL 33403	919 W KALMIA DR LAKE PARK FL 33403 2115
CLEM REGINALD J	920 W Kalmia Dr., Lake Park, FL 33403	920 W KALMIA DR LAKE PARK FL 33403 2116
DIAZ LESLIE FISHER KATHILEEN &	920 Laurel Dr., Lake Park, FL 33403	920 LAUREL DR LAKE PARK FL 33403 2125
ZAHALATAKA	920 W Jasmine Dr., West Palm Beach FL 33403	2503 NE 1ST TER FORT LAUDERDALE FL 33334 1010
DUVAL HELEN R DUVAL KARL O &	923 W Ilex Dr., West Palm Beach FL 33403	923 W ILEX DR LAKE PARK FL 33403 2416
REYLS MARLENE REYLS RALPH &	926 W Kalmia Dr., Lake Park, FL 33403	926 KALMIA DR LAKE PARK FL 33403 2116
926 W JASMINE DR LAND TRUST CLEMENTS GABRIEL TR	926 Laurel Dr., Lake Park, FL 33403	926 LAUREL DR LAKE PARK FL 33403 2125
	926 W Jasmine Dr., West Palm Beach FL 33403	4527 VENTURA DR DELRAY BEACH FL 33484 8387

SUTHERLAND IRENE SUTHERLAND LINCOLN &	927 W Jasmine Dr., West Palm Beach FL 33403	927 W JASMINE DR LAKE PARK FL 33403 2107
MOORE ULYSSES JR	931 W Ilex Dr., West Palm Beach FL 33403	931 W ILEX DR LAKE PARK FL 33403 2416
LAUREL PARK HOLDINGS LLC	932 Laurel Dr., Lake Park, FL 33403	938 NORTHERN DR UNIT L LAKE PARK FL 33403 2047
ALFRFT BRIAN II	932 W Jasmine Dr., West Palm Beach FL 33403	815 GRACE AVE LAKE WORTH FL 33461 2755
MAH CONSTRUCTION ENTERPRISES INC	932 W Kalmia Dr., Lake Park, FL 33403	PO BOX 925 WEST PALM BEACH FL 33402 0925
MAH CONSTRUCTION ENTERPRISES INC	933 W Jasmine Dr., West Palm Beach FL 33403	PO BOX 925 WEST PALM BEACH FL 33402 0925
DUVAL HELEN R DUVAL KARL O &	926 W Kalmia Dr., Lake Park, FL 33403	926 KALMIA DR LAKE PARK FL 33403 2116
LOUIS MELANDEU	927 W Kalmia Dr., Lake Park, FL 33403	927 W KALMIA DR LAKE PARK FL 33403 2115

In Witness Whereof, the Grantor has hereunto set he/she and seal the day and year first above written.

Signed, sealed, and delivered in our presence:

Saratoga Consulting LLC, a Florida Limited Liability Company

By: [Signature]
By: Randall Simoes, Manager

Witness MJ CAWE

Witness Trend Hayes

State of Florida
County of Palm Beach, s.s.

The foregoing instrument was acknowledged before me this 31st day of December, 2015, by RANDALL SIMOES, MANAGER who is personally known to me or who has produced _____ as identification.

MJ2
Notary Public
In and for the State of Florida
My commission expires: _____



Commercial Contract

1. PARTIES AND PROPERTY: Tender Care Centers Inc ("Buyer")
 2 agrees to buy and FIRST NATIONAL LAND CORP ("Seller")
 3 agrees to sell the property at:
 4 Street Address: 1015 10th St
 5 Lake Park FL 33403
 6 Legal Description: KELSEY CITY LTS 19 TO 30 INC BLK 76
 7 _____
 8 and the following Personal Property: _____
 9 _____
 10 (all collectively referred to as the "Property") on the terms and conditions set forth below.

11 2. PURCHASE PRICE: \$ _____
 12 (a) Deposit held in escrow by: First International Title ("Escrow Agent") (checks are subject to actual and final collection) \$ _____
 13 _____
 14 Escrow Agent's address: 1930 Commerce Ln Ste 2 Jupiter, FL 33458 Phone: 561-354-1055
 15 (b) Additional deposit to be made to Escrow Agent
 16 within _____ days (3 days, if left blank) after completion of Due Diligence Period or
 17 within _____ days after Effective Date \$ _____
 18 (c) Additional deposit to be made to Escrow Agent
 19 within _____ days (3 days, if left blank) after completion of Due Diligence Period or
 20 within _____ days after Effective Date \$ _____
 21 (d) Total financing (see Paragraph 5) \$ _____
 22 (e) Other \$ _____
 23 (f) All deposits will be credited to the purchase price at closing.
 24 Balance to close, subject to adjustments and prorations, to be paid
 25 via wire transfer. \$ _____
 26 For the purposes of this paragraph, "completion" means the end of the Due Diligence Period or upon delivery of
 27 Buyer's written notice of acceptability.

28 3. TIME FOR ACCEPTANCE; EFFECTIVE DATE; COMPUTATION OF TIME: Unless this offer is signed by Seller
 29 and Buyer and an executed copy delivered to all parties on or before 08/10/2019, this offer
 30 will be withdrawn and the Buyer's deposit, if any, will be returned. The time for acceptance of any counter offer will be
 31 3 days from the date the counter offer is delivered. The "Effective Date" of this Contract is the date on which the
 32 last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter offer or
 33 _____ Calendar days will be used when computing time periods, except time periods of 5
 34 days or less. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal
 35 holidays. Any time period ending on a Saturday, Sunday, or national legal holiday will extend until 5:00 p.m. of the next
 36 business day. Time is of the essence in this Contract.

37 4. CLOSING DATE AND LOCATION:
 38 (a) Closing Date: This transaction will be closed on OCT 11, 2019 (Closing Date), unless
 39 specifically extended by other provisions of this Contract. The Closing Date will prevail over all other time periods
 40 including, but not limited to, Financing and Due Diligence periods. In the event insurance underwriting is suspended

Buyer (BU) and Seller (GR) acknowledge receipt of a copy of this page, which is Page 1 of 8 Pages.

CC-5 Rev. 9/17

©2017 Florida Realtors®

This software is licensed to Melvin Robinson - Landmark Investments & Real E.
www.transactiondesk.com.

Instone

41 on Closing Date and Buyer is unable to obtain property insurance, Buyer may postpone closing up to 5 days after
42 the insurance underwriting suspension is lifted.

43 (b) Location: Closing will take place in Palm Beach County, Florida. (If left blank, closing will take place in the
44 county where the property is located.) Closing may be conducted by mail or electronic means.

45 5. THIRD PARTY FINANCING:

46 BUYER'S OBLIGATION: On or before _____ days (5 days if left blank) after Effective Date, Buyer will apply for third
47 party financing in an amount not to exceed 80 % of the purchase price or \$ _____, with a fixed
48 interest rate not to exceed 6.5 % per year with an initial variable interest rate not to exceed Prev %, with points or
49 commitment or loan fees not to exceed Prev % of the principal amount, for a term of Prev years, and amortized
50 over 25 years, with additional terms as follows:

51 Buyer will timely provide any and all credit, employment, financial and other information reasonably required by any
52 lender. Buyer will use good faith and reasonable diligence to (i) obtain Loan Approval within _____ days (45 days if left
53 blank) from Effective Date (Loan Approval Date), (ii) satisfy terms and conditions of the Loan Approval, and (iii) close
54 the loan. Buyer will keep Seller and Broker fully informed about loan application status and authorizes the mortgage
55 broker and lender to disclose all such information to Seller and Broker. Buyer will notify Seller immediately upon
56 obtaining financing or being rejected by a lender. CANCELLATION: If Buyer, after using good faith and reasonable
57 diligence, fails to obtain Loan Approval by Loan Approval Date, Buyer may within _____ days (3 days if left blank)
58 deliver written notice to Seller stating Buyer either waives this financing contingency or cancels this Contract.
59 If Buyer does neither, then Seller may cancel this Contract by delivering written notice to Buyer at any time thereafter.
60 Unless this financing contingency has been waived, this Contract shall remain subject to the satisfaction, by closing, of
61 those conditions of Loan Approval related to the Property. DEPOSIT(S) (for purposes of Paragraph 5 only): If Buyer
62 has used good faith and reasonable diligence but does not obtain Loan Approval by Loan Approval Date and
63 thereafter either party elects to cancel this Contract as set forth above or the lender fails or refuses to close on or
64 before the Closing Date without fault on Buyer's part, the Deposit(s) shall be returned to Buyer, whereupon both
65 parties will be released from all further obligations under this Contract, except for obligations stated herein as surviving
66 the termination of this Contract. If neither party elects to terminate this Contract as set forth above or Buyer fails to use
67 good faith or reasonable diligence as set forth above, Seller will be entitled to retain the Deposit(s) if the transaction
68 does not close. For purposes of this Contract, "Loan Approval" means a statement by the lender setting forth the terms
69 and conditions upon which the lender is willing to make a particular mortgage loan to a particular buyer. Neither a pre-
70 approval letter nor a prequalification letter shall be deemed a Loan Approval for purposes of this Contract.

72 6. TITLE: Seller has the legal capacity to and will convey marketable title to the Property by statutory warranty deed
73 special warranty deed other _____, free of liens, easements and
74 encumbrances of record or known to Seller, but subject to property taxes for the year of closing; covenants,
75 restrictions and public utility easements of record; existing zoning and governmental regulations; and (list any other
76 matters to which title will be subject) _____

77 _____
78 provided there exists at closing no violation of the foregoing and none of them prevents Buyer's intended use of the
79 Property as _____

80 (a) Evidence of Title: The party who pays the premium for the title insurance policy will select the closing agent
81 and pay for the title search and closing services. Seller will, at (check one) Seller's Buyer's expense and
82 within _____ days after Effective Date or at least 5 days before Closing Date deliver to Buyer (check one)
83 (i) a title insurance commitment by a Florida licensed title insurer setting forth those matters to be discharged by
84 Seller at or before Closing and, upon Buyer recording the deed, an owner's policy in the amount of the purchase
85 price for fee simple title subject only to exceptions stated above. If Buyer is paying for the evidence of title and
86 Seller has an owner's policy, Seller will deliver a copy to Buyer within 15 days after Effective Date. (ii) an
87 abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an existing firm.
88 However, if such an abstract is not available to Seller, then a prior owner's title policy acceptable to the proposed
89 insurer as a base for reinsurance of coverage may be used. The prior policy will include copies of all policy
90 exceptions and an update in a format acceptable to Buyer from the policy effective date and certified to Buyer or

Buyer (BU) _____ and Seller (SEL) _____ acknowledge receipt of a copy of this page, which is Page 2 of 8 Pages.

91 Buyer's closing agent together with copies of all documents recited in the prior policy and in the update. If such
92 an abstract or prior policy is not available to Seller then (i) above will be the evidence of title.

93 (b) Title Examination: Buyer will, within 15 days from receipt of the evidence of title deliver written notice to Seller
94 of title defects. Title will be deemed acceptable to Buyer if (1) Buyer fails to deliver proper notice of defects or (2)
95 Buyer delivers proper written notice and Seller cures the defects within 30 days from receipt of the notice
96 ("Curative Period"). Seller shall use good faith efforts to cure the defects. If the defects are cured within the
97 Curative Period, closing will occur on the latter of 10 days after receipt by Buyer of notice of such curing or the
98 scheduled Closing Date. Seller may elect not to cure defects if Seller reasonably believes any defect cannot be
99 cured within the Curative Period. If the defects are not cured within the Curative Period, Buyer will have 10 days
100 from receipt of notice of Seller's inability to cure the defects to elect whether to terminate this Contract or accept
101 title subject to existing defects and close the transaction without reduction in purchase price.

102 (c) Survey: (check applicable provisions below)

103 (i.) Seller will, within _____ days from Effective Date, deliver to Buyer copies of prior surveys,
104 plans, specifications, and engineering documents, if any, and the following documents relevant to this
105 transaction:
106 _____

107 prepared for Seller or in Seller's possession, which show all currently existing structures. In the event this
108 transaction does not close, all documents provided by Seller will be returned to Seller within 10 days from the
109 date this Contract is terminated.
110 Buyer will, at Seller's Buyer's expense and within the time period allowed to deliver and examine
111 title evidence, obtain a current certified survey of the Property from a registered surveyor. If the survey reveals
112 encroachments on the Property or that the improvements encroach on the lands of another, Buyer will
113 accept the Property with existing encroachments such encroachments will constitute a title defect to be
114 cured within the Curative Period.

115 (d) Ingress and Egress: Seller warrants that the Property presently has ingress and egress.

116 7. PROPERTY CONDITION: Seller will deliver the Property to Buyer at the time agreed in its present "as is" condition,
117 ordinary wear and tear excepted, and will maintain the landscaping and grounds in a comparable condition. Seller
118 makes no warranties other than marketability of title. In the event that the condition of the Property has materially
119 changed since the expiration of the Due Diligence Period, Buyer may elect to terminate the Contract and receive a
120 refund of any and all deposits paid, plus interest, if applicable, or require Seller to return the Property to the required
121 condition existing as of the end of Due Diligence period, the cost of which is not to exceed \$ _____ (1.5% of
122 the purchase price, if left blank). By accepting the Property "as is", Buyer waives all claims against Seller for any
123 defects in the Property. (Check (a) or (b))

124 (a) As is: Buyer has inspected the Property or waives any right to inspect and accepts the Property in its "as is"
125 condition.

126 (b) Due Diligence Period: Buyer will, at Buyer's expense and within 41 days from Effective Date ("Due
127 Diligence Period"), determine whether the Property is suitable, in Buyer's sole and absolute discretion. During
128 the term of this Contract, Buyer may conduct any tests, analyses, surveys and investigations ("inspections") which
129 Buyer deems necessary to determine to Buyer's satisfaction the Property's engineering, architectural,
130 environmental properties; zoning and zoning restrictions; flood zone designation and restrictions; subdivision
131 regulations; soil and grade; availability of access to public roads, water, and other utilities; consistency with local,
132 state and regional growth management and comprehensive land use plans; availability of permits, government
133 approvals and licenses; compliance with American with Disabilities Act; absence of asbestos, soil and ground
134 water contamination; and other inspections that Buyer deems appropriate. Buyer will deliver written notice to
135 Seller prior to the expiration of the Due Diligence Period of Buyer's determination of whether or not the Property
136 is acceptable. Buyer's failure to comply with this notice requirement will constitute acceptance of the Property in
137 its present "as is" condition. Seller grants to Buyer, its agents, contractors and assigns, the right to enter the
138 Property at any time during the term of this Contract for the purpose of conducting inspections, upon reasonable
139 notice, at a mutually agreed upon time; provided, however, that Buyer, its agents, contractors and assigns enter
140 the Property and conduct inspections at their own risk. Buyer will indemnify and hold Seller harmless from
141 losses, damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from
142 liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer
143 will not engage in any activity that could result in a mechanic's lien being filed against the Property without
144 Seller's prior written consent. In the event this transaction does not close, (1) Buyer will repair all damages to the

Buyer (BU) _____ and Seller (SEL) _____ acknowledge receipt of a copy of this page, which is Page 3 of 8 Pages.

145 Property resulting from the Inspections and return the Property to the condition it was in prior to conduct of the
146 Inspections, and (2) Buyer will, at Buyer's expense release to Seller all reports and other work generated as a
147 result of the Inspections. Should Buyer deliver timely notice that the Property is not acceptable, Seller agrees that
148 Buyer's deposit will be immediately returned to Buyer and the Contract terminated.

149 (c) Walk-through Inspection: Buyer may, on the day prior to closing or any other time mutually agreeable to the
150 parties, conduct a final "walk-through" inspection of the Property to determine compliance with this paragraph and
151 to ensure that all Property is on the premises.

Buyer
Seller

152 8. OPERATION OF PROPERTY DURING CONTRACT PERIOD: Seller will continue to operate the Property and any
153 business conducted on the Property in the manner operated prior to Contract and will take no action that would
154 adversely impact the Property after closing, as to tenants, lenders or business, if any. Any changes, such as renting
155 vacant space, that materially affect the Property or Buyer's intended use of the Property will be permitted only with
156 Buyer's consent or without Buyer's consent.

157 9. CLOSING PROCEDURE: Unless otherwise agreed or stated herein, closing procedure shall be in accordance with
158 the norms where the Property is located.

159 (a) Possession and Occupancy: Seller will deliver possession and occupancy of the Property to Buyer at
160 closing. Seller will provide keys, remote controls, and any security/access codes necessary to operate all locks,
161 mailboxes, and security systems.

162 (b) Costs: Buyer will pay Buyer's attorneys' fees, taxes and recording fees on notes, mortgages and financing
163 statements and recording fees for the deed. Seller will pay Seller's attorneys' fees, taxes on the deed and
164 recording fees for documents needed to cure title defects. If Seller is obligated to discharge any encumbrance at or
165 prior to closing and fails to do so, Buyer may use purchase proceeds to satisfy the encumbrances.

166 (c) Documents: Seller will provide the deed; bill of sale; mechanic's lien affidavit; originals of those assignable
167 service and maintenance contracts that will be assumed by Buyer after the Closing Date and letters to each
168 service contractor from Seller advising each of them of the sale of the Property and, if applicable, the transfer of its
169 contract, and any assignable warranties or guarantees received or held by Seller from any manufacturer,
170 contractor, subcontractor, or material supplier in connection with the Property; current copies of the condominium
171 documents, if applicable; assignments of leases, updated rent roll; tenant and lender stoppels letters (if
172 applicable); tenant subordination, non-disturbance and attornment agreements (SNDAs) required by the Buyer or
173 Buyer's lender; assignments of permits and licenses; corrective instruments; and letters notifying tenants of the
174 change in ownership/rental agent. If any tenant refuses to execute an estoppels letter, Seller, if requested by the
175 Buyer in writing, will certify that information regarding the tenant's lease is correct. If Seller is an entity, Seller will
176 deliver a resolution of its governing authority authorizing the sale and delivery of the deed and certification by the
177 appropriate party certifying the resolution and setting forth facts showing the conveyance conforms to the
178 requirements of local law. Seller will transfer security deposits to Buyer. Buyer will provide the closing statement,
179 mortgages and notes, security agreements, and financing statements.

180 (d) Taxes and Prorations: Real estate taxes, personal property taxes on any tangible personal property, bond
181 payments assumed by Buyer, interest, rents (based on actual collected rents), association dues, insurance
182 premiums acceptable to Buyer, and operating expenses will be prorated through the day before closing. If the
183 amount of taxes for the current year cannot be ascertained, rates for the previous year will be used with due
184 allowance being made for improvements and exemptions. Any tax proration based on an estimate will, at request
185 of either party, be readjusted upon receipt of current year's tax bill; this provision will survive closing.

186 (e) Special Assessment Liens: Certified, confirmed, and ratified special assessment liens as of the Closing Date
187 will be paid by Seller. If a certified, confirmed, and ratified special assessment is payable in installments, Seller will
188 pay all installments due and payable on or before the Closing Date, with any installment for any period extending
189 beyond the Closing Date prorated, and Buyer will assume all installments that become due and payable after the
190 Closing Date. Buyer will be responsible for all assessments of any kind which become due and owing after Closing
191 Date, unless an improvement is substantially completed as of Closing Date. If an improvement is substantially
192 completed as of the Closing Date but has not resulted in a lien before closing, Seller will pay the amount of the last
193 estimate of the assessment. This subsection applies to special assessment liens imposed by a public body and
194 does not apply to condominium association special assessments.

195 (f) Foreign Investment in Real Property Tax Act (FIRPTA): If Seller is a "foreign person" as defined by FIRPTA,
196 Seller and Buyer agree to comply with Section 1445 of the Internal Revenue Code. Seller and Buyer will
197 complete, execute, and deliver as directed any instrument, affidavit, or statement reasonably necessary to comply

Buyer (Buyer) and Seller (Seller) acknowledge receipt of a copy of this page, which is Page 4 of 8 Pages.

198 with the FIRPTA requirements, including delivery of their respective federal taxpayer identification numbers or
199 Social Security Numbers to the closing agent. If Buyer does not pay sufficient cash at closing to meet the
200 withholding requirement, Seller will deliver to Buyer at closing the additional cash necessary to satisfy the
201 requirement.

202 10. ESCROW AGENT: Seller and Buyer authorize Escrow Agent or Closing Agent (collectively "Agent") to receive,
203 deposit, and hold funds and other property in escrow and, subject to collection, disburse them in accordance with the
204 terms of this Contract. The parties agree that Agent will not be liable to any person for misdelivery of escrowed items to
205 Seller or Buyer, unless the misdelivery is due to Agent's willful breach of this Contract or gross negligence. If Agent
206 has doubt as to Agent's duties or obligations under this Contract, Agent may, at Agent's option, (a) hold the escrowed
207 items until the parties mutually agree to its disbursement or until a court of competent jurisdiction or arbitrator
208 determines the rights of the parties or (b) deposit the escrowed items with the clerk of the court having jurisdiction over
209 the matter and file an action in interpleader. Upon notifying the parties of such action, Agent will be released from all
210 liability except for the duty to account for items previously delivered out of escrow. If Agent is a licensed real estate
211 broker, Agent will comply with Chapter 475, Florida Statutes. In any suit in which Agent interpleads the escrowed items
212 or is made a party because of acting as Agent hereunder, Agent will recover reasonable attorney's fees and costs
213 incurred, with these amounts to be paid from and out of the escrowed items and charged and awarded as court costs
214 in favor of the prevailing party.

215 11. CURE PERIOD: Prior to any claim for default being made, a party will have an opportunity to cure any alleged
216 default. If a party fails to comply with any provision of this Contract, the other party will deliver written notice to the non-
217 complying party specifying the non-compliance. The non-complying party will have _____ days (5 days if left blank) after
218 delivery of such notice to cure the non-compliance. Notice and cure shall not apply to failure to close.

219 12. FORCE MAJEURE: Buyer or Seller shall not be required to perform any obligation under this Contract or be liable
220 to each other for damages so long as performance or non-performance of the obligation, or the availability of services,
221 insurance, or required approvals essential to Closing, is disrupted, delayed, caused or prevented by Force Majeure.
222 "Force Majeure" means: hurricanes, floods, extreme weather, earthquakes, fire, or other acts of God, unusual
223 transportation delays, or wars, insurrections, or acts of terrorism, which, by exercise of reasonable diligent effort, the
224 non-performing party is unable in whole or in part to prevent or overcome. All time periods, including Closing Date, will
225 be extended a reasonable time up to 7 days after the Force Majeure no longer prevents performance under this
226 Contract, provided, however, if such Force Majeure continues to prevent performance under this Contract more than
227 30 days beyond Closing Date, then either party may terminate this Contract by delivering written notice to the other
228 and the Deposit shall be refunded to Buyer, thereby releasing Buyer and Seller from all further obligations under this Contract.

229 13. RETURN OF DEPOSIT: Unless otherwise specified in the Contract, in the event any condition of this Contract is
230 not met and Buyer has timely given any required notice regarding the condition having not been met, Buyer's deposit
231 will be returned in accordance with applicable Florida Laws and regulations.

232 14. DEFAULT:

233 (a) In the event the sale is not closed due to any default or failure on the part of Seller other than failure to make
234 the title marketable after diligent effort, Buyer may elect to receive return of Buyer's deposit without thereby
235 waiving any action for damages resulting from Seller's breach and may seek to recover such damages or seek
236 specific performance. If Buyer elects a deposit refund, Seller may be liable to Broker for the full amount of the
237 brokerage fee.

238 (b) In the event the sale is not closed due to any default or failure on the part of Buyer, Seller may either (1)
239 retain all deposit(s) paid or agreed to be paid by Buyer as agreed upon liquidated damages, consideration for the
240 execution of this Contract, and in full settlement of any claims, upon which this Contract will terminate or (2) seek
241 specific performance. If Buyer fails to timely place a deposit as required by this Contract, Seller may either (1)
242 terminate the Contract and seek the remedy outlined in this subparagraph or (2) proceed with the Contract without
243 waiving any remedy for Buyer's default.

244 15. ATTORNEY'S FEES AND COSTS: In any claim or controversy arising out of or relating to this Contract, the
245 prevailing party, which for purposes of this provision will include Buyer, Seller and Broker, will be awarded reasonable
246 attorney's fees, costs, and expenses.

247 16. NOTICES: All notices will be in writing and may be delivered by mail, overnight courier, personal delivery, or
248 electronic means. Parties agree to send all notices to addresses specified on the signature page(s). Any notice,
249 document, or item given by or delivered to an attorney or real estate licensee (including a transaction broker)
250 representing a party will be as effective as if given by or delivered to that party.

Buyer (Buyer) and Seller (Seller) acknowledge receipt of a copy of this page, which is Page 5 of 8 Pages.

251 17. DISCLOSURES:

252 (a) Commercial Real Estate Sales Commission Lien Act: The Florida Commercial Real Estate Sales
253 Commission Lien Act provides that a broker has a lien upon the owner's net proceeds from the sale of
254 commercial real estate for any commission earned by the broker under a brokerage agreement. The lien upon the
255 owner's net proceeds is a lien upon personal property which attaches to the owner's net proceeds and does not
256 attach to any interest in real property. This lien right cannot be waived before the commission is earned.

257 (b) Special Assessment Liens Imposed by Public Body: The Property may be subject to unpaid special
258 assessment lien(s) imposed by a public body. (A public body includes a Community Development District.) Such
259 liens, if any, shall be paid as set forth in Paragraph 9(e).

260 (c) Radon Gas: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in
261 sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that
262 exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon
263 and radon testing may be obtained from your county public health unit.

264 (d) Energy-Efficiency Rating Information: Buyer acknowledges receipt of the information brochure required by
265 Section 553.996, Florida Statutes.

266 18. RISK OF LOSS:

267 (a) If, after the Effective Date and before closing, the Property is damaged by fire or other casualty, Seller will
268 bear the risk of loss and Buyer may cancel this Contract without liability and the deposit(s) will be returned to
269 Buyer. Alternatively, Buyer will have the option of purchasing the Property at the agreed upon purchase price and
270 Seller will credit the deductible, if any and transfer to Buyer at closing any insurance proceeds, or Seller's claim to
271 any insurance proceeds payable for the damage. Seller will cooperate with and assist Buyer in collecting any
272 such proceeds. Seller shall not settle any insurance claim for damage caused by casualty without the consent of
273 the Buyer.

274 (b) If, after the Effective Date and before closing, any part of the Property is taken in condemnation or under the
275 right of eminent domain, or proceedings for such taking will be pending or threatened, Buyer may cancel this
276 Contract without liability and the deposit(s) will be returned to Buyer. Alternatively, Buyer will have the option of
277 purchasing what is left of the Property at the agreed upon purchase price and Seller will transfer to the Buyer at
278 closing the proceeds of any award, or Seller's claim to any award payable for the taking. Seller will cooperate
279 with and assist Buyer in collecting any such award.

280 19. ASSIGNABILITY; PERSONS BOUND: This Contract may be assigned to a related entity, and otherwise is not
281 assignable is assignable. If this Contract may be assigned, Buyer shall deliver a copy of the assignment agreement to
282 the Seller at least 5 days prior to Closing. The terms "Buyer," "Seller" and "Broker" may be singular or plural. This
283 Contract is binding upon Buyer, Seller and their heirs, personal representatives, successors and assigns (if
284 assignment is permitted).

285 20. MISCELLANEOUS: The terms of this Contract constitute the entire agreement between Buyer and Seller.
286 Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound.
287 Signatures, initials, documents referenced in this Contract, counterparts and written modifications communicated
288 electronically or on paper will be acceptable for all purposes, including delivery, and will be binding. Handwritten or
289 typewritten terms inserted in or attached to this Contract prevail over preprinted terms. If any provision of this Contract
290 is or becomes invalid or unenforceable, all remaining provisions will continue to be fully effective. This Contract will be
291 construed under Florida law and will not be recorded in any public records.

292 21. BROKERS: Neither Seller nor Buyer has used the services of, or for any other reason owes compensation to, a
293 licensed real estate Broker other than:

294 (a) Seller's Broker: Landmark Investments and Real Estate Mel Robinson
295 333 Southern Blvd Suite 304 West Palm Beach, FL 33405 Melvrobinson@comcast.net
(Company Name) (Licensee)
(Address, Telephone, Fax, E-mail)

296 who is a single agent is a transaction broker has no brokerage relationship and who will be compensated, by
297 Seller Buyer both parties pursuant to a listing agreement other (specify) 1% of sales price

300 (b) Buyer's Broker: United Real Estate Advisors Matthew Marder
301 1535 Northpark Dr Ste 101 Weston, FL 33326 954-538-2326 mmarder_realestate@gmail.com
(Company Name) (Licensee)
(Address, Telephone, Fax, E-mail)

302 Buyer (BV) and Seller (MW) acknowledge receipt of a copy of this page, which is Page 6 of 8 Pages.

302 who is a single agent is a transaction broker has no brokerage relationship and who will be compensated by
303 Seller's Broker Seller Buyer both parties pursuant to an MLS offer of compensation other (specify)
304 2.5% of the sales price

305 (collectively referred to as "Broker") in connection with any act relating to the Property, including but not limited to
306 inquiries, introductions, consultations, and negotiations resulting in this transaction. Seller and Buyer agree to
307 indemnify and hold Broker harmless from and against losses, damages, costs and expenses of any kind, including
308 reasonable attorneys' fees at all levels, and from liability to any person, arising from (1) compensation claimed which is
309 inconsistent with the representation in this Paragraph, (2) enforcement action to collect a brokerage fee pursuant to
310 Paragraph 10, (3) any duty accepted by Broker at the request of Seller or Buyer, which is beyond the scope of
311 services regulated by Chapter 475, Florida Statutes, as amended, or (4) recommendations of or services provided and
312 expenses incurred by any third party whom Broker refers, recommends, or retains for or on behalf of Seller or Buyer.

313 22. OPTIONAL CLAUSES: (Check if any of the following clauses are applicable and are attached as an addendum to
314 this Contract):

315 Arbitration Seller Warranty Existing Mortgage
316 Section 1031 Exchange Coastal Construction Control Line Buyer's Attorney Approval
317 Property Inspection and Repair Flood Area Hazard Zone Seller's Attorney Approval
318 Seller Representations Seller Financing Other _____

319 23. ADDITIONAL TERMS:

320 -Seller agrees to compensate buyers broker "United Real Estate Advisors"
321 2.5% of the sales price

322 -Seller agrees to leave built in additions in reception area in the
323 north end of the building, "Bank section with drive-thru"

324 -Buyer agrees to allow the seller, "First National Land Corp and or
325 designates" to occupy approximately 2500 SF on the southern portion of
326 the building for 120 days or less post closing.

327 -Buyer agrees to allow the seller, "First National Land Corp and or
328 designates" to utilize the site address, "1015 10th St Lake Park, FL
329 33403" for mail purposes only until Dec 31st 2020.

330 -The property is sold as is. Any modifications are to be buyers
331 discretion and expense.

332 *Seller must maintain all utilities + liability insurance on that
333 section of building.*

334 *#8 on Contract - we do not want the building leased to anyone else
335 we plan to start rehab at closing.*

342 THIS IS INTENDED TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE
343 ADVICE OF AN ATTORNEY PRIOR TO SIGNING. BROKER ADVISES BUYER AND SELLER TO VERIFY ALL
344 FACTS AND REPRESENTATIONS THAT ARE IMPORTANT TO THEM AND TO CONSULT AN APPROPRIATE
345 PROFESSIONAL FOR LEGAL ADVICE (FOR EXAMPLE, INTERPRETING CONTRACTS, DETERMINING THE
346 EFFECT OF LAWS ON THE PROPERTY AND TRANSACTION, STATUS OF TITLE, FOREIGN INVESTOR
347 REPORTING REQUIREMENTS, ETC.) AND FOR TAX, PROPERTY CONDITION, ENVIRONMENTAL AND OTHER

348 Buyer (BV) and Seller (MW) acknowledge receipt of a copy of this page, which is Page 7 of 8 Pages.

348 **ADVICE. BUYER ACKNOWLEDGES THAT BROKER DOES NOT OCCUPY THE PROPERTY AND THAT ALL**
349 **REPRESENTATIONS (ORAL, WRITTEN OR OTHERWISE) BY BROKER ARE BASED ON SELLER**
350 **REPRESENTATIONS OR PUBLIC RECORDS UNLESS BROKER INDICATES PERSONAL VERIFICATION OF**
351 **THE REPRESENTATION. BUYER AGREES TO RELY SOLELY ON SELLER, PROFESSIONAL INSPECTORS AND**
352 **GOVERNMENTAL AGENCIES FOR VERIFICATION OF THE PROPERTY CONDITION, SQUARE FOOTAGE AND**
353 **FACTS THAT MATERIALLY AFFECT PROPERTY VALUE.**

354 Each person signing this Contract on behalf of a party that is a business entity represents and warrants to the other
355 party that such signatory has full power and authority to enter into and perform this Contract in accordance with its
356 terms and each person executing this Contract and other documents on behalf of such party has been duly authorized
357 to do so.

358 [Signature] Date: 8-7-19
(Signature of Buyer)

359 Tender Care Centers Inc "Brian Veremette" Tax ID No.: _____
(Typed or Printed Name of Buyer)

360 Title: _____ Telephone: _____

361 _____ Date: _____
(Signature of Buyer)

362 _____ Tax ID No.: _____
(Typed or Printed Name of Buyer)

363 Title: _____ Telephone: _____

364 Buyer's Address for purpose of notice P.O. Box 5159 Spring Hill, FL 34611

365 Facsimile: _____ Email: _____

366 [Signature] Date: 08/06/2019
(Signature of Seller)

367 FIRST NATIONAL LAND CORP Tax ID No.: _____
(Typed or Printed Name of Seller)

368 Title: _____ Telephone: _____

369 _____ Date: _____
(Signature of Seller)

370 _____ Tax ID No.: _____
(Typed or Printed Name of Seller)

371 Title: _____ Telephone: _____

372 Seller's Address for purpose of notice: 1015 10th St Lake Park FL 33403

373 Facsimile: _____ Email: _____

The Florida Association of REALTORS® makes no representation as to the legal validity or adequacy of any provision of this form in any specific transaction. This standardized form should not be used in complex transactions or with extensive riders or additions. This form is available for use by the entire real estate industry and is not intended to identify the user as a REALTOR®, REALTOR® is a registered collective membership mark which may be used only by real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its Code of Ethics. The copyright laws of the United States (17 U.S. Code) forbid the unauthorized reproduction of this form by any means including facsimile or

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is Page 8 of 8 Pages.



Extension Addendum to Contract

The following date and/or time period(s) of the Contract for Residential Sale and Purchase, Residential Contract for Sale and Purchase, Vacant Land Contract, or Commercial Contract with the Effective Date of 08/07/19 between First National Land Corp ("Seller") and Tender Care Centers Inc ("Buyer") concerning the Property located at 1015 10th Street Lake Park FL 33403 is hereby extended. (check whichever apply)

Closing Date. Seller and Buyer agree to extend the Closing Date until 11/15/19 or sooner.

Financing Period. Seller and Buyer agree to extend the Commitment Period, Loan Approval Date, or Financing Period for an additional _____ days or until _____.

Inspection Period. Seller and Buyer agree to extend the Inspection Period for an additional _____ days or until _____.

Title Cure Period. Seller and Buyer agree to extend the Curative Period or Cure Period for an additional _____ days or until _____.

Short Sale Approval Deadline. Seller and Buyer agree to extend the Approval Deadline for an additional _____ days or until _____.

Feasibility Study Period. Seller and Buyer agree to extend the Feasibility Study Period for an additional _____ days or until _____.

Due Diligence Period. Seller and Buyer agree to extend the Due Diligence Period for an additional 30 days or until 10/17/19.

This extension will be on the same terms and conditions as stated in the original contract except **All prorations for closing shall be calculated on the date of Oct 11th 2019.**

All other non-conflicting terms of the contract remain in full force and effect.

[Signature] 08/05/2019
Date
Seller First National Land Corp

Seller

09/05/2019

Date

[Signature] 9/6/19
Date
Buyer Tender Care Centers Inc

Buyer

Date

Addendum to Contract



Addendum No. 3 to the Contract with the Effective Date of 08/07/2019 between First National Land Corp (Seller) and Tender Care Centers Inc (Buyer) concerning the property described as: 1015 10th St Lake Park FL 33403

Kalasey City LTS 19 to 30 Inc Bk 76 (the "Contract"). Seller and Buyer make the following terms and conditions part of the Contract:

- Buyer agrees to allow post closing occupancy throughout the interior of the building for 2 months. Buyer agrees to allow the seller to occupy the southeast corner "the non window storage office", the three small offices in the middle of the building with use of the shared hallway, the east side small bathroom to remain in service for an additional 2 months. Seller will have the right to lock the said offices and will grant access with reasonable notice. 2,500 SF will be used in calculating utility usage during the initial 2 months of post occupancy.
-The closing date and due diligence period shall be extended until January 3rd 2020 or sooner. All prorations shall be calculated on December 31st 2019 or on the actual closing date if the closing date occurs first. In the event closing is after January 3rd 2020 either party may cancel the contract.
-Matthew Marder with United Real Estate Advisors agrees to adjust his compensation to be 2.1% of the sales price.

Date

Buyer: [Signature]
Tender Care Centers Inc
Seller: [Signature]
First National Land Corp

Date: 10/16/19
Date:
Date: 10/09/2019
Date:

Traffic Analysis





Department of Engineering and Public Works

P.O. Box 21329
West Palm Beach, FL 33410-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

Palm Beach County Board of County Commissioners

Mark Bernard, Mayor
Dave Kerner, Vice Mayor
Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth
Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

An Equal Opportunity Affirmative Action Employer

printed on sustainable and recycled paper

October 2, 2019

Dr. Juan F. Ortega, PE
JFO Group Inc
11924 Forest Hill Blvd, Suite 10A-123
Wellington, FL 33414

RE: 1015 10th Street
Project #: 190907
Traffic Performance Standards Review

Dear Dr. Ortega:

The Palm Beach County Traffic Division has reviewed the 1015 10th Street Development Traffic Impact Statement, revised September 24, 2019, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code (ULDC). The project is summarized as follows:

Municipality: Lake Park
Location: NEC of 10th Street and Jasmine Drive
PCN: 36-43-42-20-01-076-0190
Access: One full access driveway connection onto Jasmine Drive and one full access driveway connection onto Kalmia Drive
Existing Uses: General Office = 10,192 SF
Proposed Uses: Replace existing Gen. Office with: Medical Office = 10,192 SF
New Daily Trips: 215
New Peak Hour Trips: -7 (-5/-2) AM; 20 (7/13) PM
Build-out: December 31, 2022

Based on the review, the Traffic Division has determined that the proposed development meets the Traffic Performance Standards of Palm Beach County. The proposed development does not have significant peak hour traffic impact (as defined in PBC TPS) on the roadway network.

Please note the receipt of a Traffic Performance Standards (TPS) approval letter does not constitute the review and issuance of a Palm Beach County Right-of-Way (R/W) Construction Permit nor does it eliminate any requirements that may be deemed as site related. For work within Palm Beach County R/W, a detailed review of the project will be provided upon submittal for a R/W permit application. The project is required to comply with all Palm Beach County standards and may include R/W dedication.

No building permits are to be issued by the Town after the build-out date specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.



Dr. Juan F. Ortega, PE
October 2, 2019
Page 2

The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development Order has been submitted, or the approval letter has been superseded by another approval letter for the same property.

If you have any questions regarding this determination, please contact me at 561-684-4030 or email QBari@pbcgov.org.

Sincerely,

Quazi Bari

Quazi Bari, P.E.
Senior Professional Engineer
Traffic Division

QB:HA:rb
cc:

Ms. Nadia Di Tommaso, Director of Community Development, Town of Lake Park
Hanane Akif, E.I., Project Coordinator II, Traffic Division
Steve Bohovsky, Technical Assistant III, Traffic Division

File: General - TPS - Mat - Traffic Study Review
F:\TRAFFIC\MUNICIPALITIES\APPROVALS\2019\190907 - 1015 10TH STREET.DOCX



Brian Vermette, RN
Administrator
bvermette@tendercarecenters.com
Tender Care Centers, Inc
Office: (954) 763-5444 / Fax: (954) 516-0095
1821 SE 4th Ave. / Ft. Lauderdale, FL 33316

Re: **1015 10th Street – Traffic Statement**
PCN 36-43-42-20-01-076-0190

Dear Brian,

JFO Group Inc. has been retained to evaluate a traffic impact analysis to determine compliance with the Palm Beach County (PBC) - Traffic Performance Standards (TPS) - Article 12 of the PBC Unified Land Development Code (ULDC). This traffic statement is associated with a change of tenants for the 1015 10th Street property. There is a proposal to change the current General Office use to a Medical Office use. The site is located on the east side of 10th Street just north of Park Avenue in the Town of Lake Park, Florida. Figure 1 shows the project location in relation to the transportation network. Parcel Control Number associated with this project is 36 43-42-20-01-076-0190. A copy of the property appraiser information is included as Exhibit 1.



Figure 1 : Project Location

Project trip generation rates used for this analysis were based on PBC Trip Generation Rates, dated March 26, 2019. Table 1 shows the rates used in order to determine the trip generation for Daily, AM, and PM peak hour conditions. Table 2 summarizes the net Daily, AM, and PM peak trips potentially generated by the proposed development. According to Table 2, the net Daily and PM peak trips potentially generated due to the proposed changes are 233 and 22 trips respectively. According to Table 12.b.2.D-7.3A from the PBC – TPS and given the trip generation characteristics from Table 2, the directly accessed link(s) need to be considered for traffic impact analysis. Figure 2 shows the project trip distribution as well as the signalized intersections and roadway geometry within the RDI used to determine the functional classification of the impacted roadways. Table 3 presents a summary of the project traffic impact as a percentage of the adopted Level of Service (LOS).

Table 1: Trip Generation Rates

Land Use	ITE Code	Daily Trip Gen.	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
General Office	710	$\ln(T) = 0.97 \ln(X) + 2.50$	86%	14%	$T = 0.94(X) + 26.49$	16%	84%	1.15
Medical Office	720	34.8	78%	22%	2.78	28%	72%	3.46

According to provisions in Article 12 of the PBC ULDC – Section 3.B, if a structure or building has not been discontinued or abandoned for five (5) or more years prior to the time of the application, then the project is eligible for an existing use credit against project traffic. Project traffic credit was taken for 10,992 SF of General Office. Exhibit 2 includes a 2013 aerial of the site. Building was built in 1983.

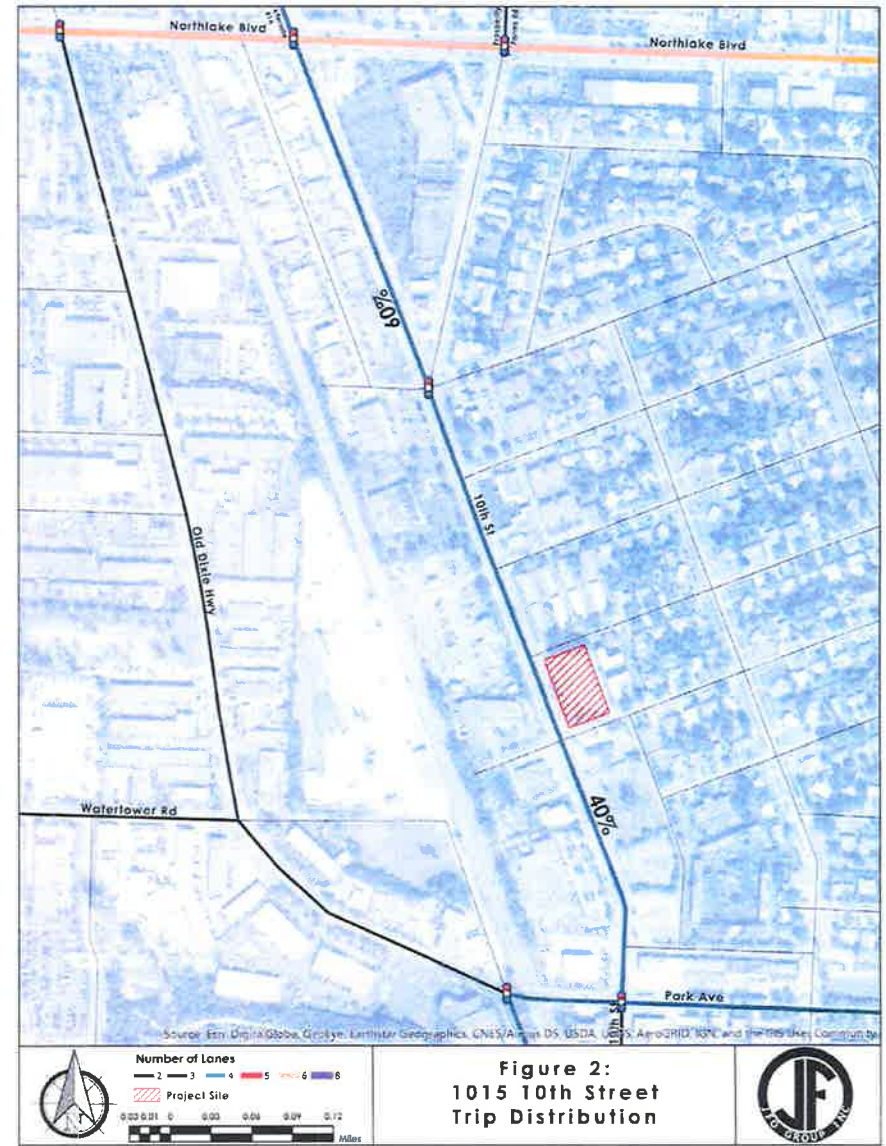


Figure 2:
1015 10th Street
Trip Distribution



Table 2: Trip Generation

Land Use	Intensity	Daily Traffic	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Vested Traffic								
General Office	10,992 SF	125	29	8	37	2	11	13
Pass-By								
General Office	10%	13	3	1	4	0	1	1
Net Vested Traffic		112	26	7	33	2	10	12
Proposed Traffic								
Medical Office	10,992 SF	383	24	7	31	11	27	36
Pass-By								
Medical Office	10%	38	2	1	3	1	3	4
Net Proposed Traffic		345	22	6	28	10	24	34
Net Traffic		233	(4)	(1)	(5)	8	14	22

Based on the PBC – TPS and the Land Development Design Standards Manual, a left-turn lane is required at each driveway where inbound peak hour left-turning traffic is equal or greater than 30 vehicles. A right-turn lane is required at each driveway where street Average Daily Traffic (ADT) volumes exceed 10,000 vehicles per day, and driveway daily volume is greater than 1,000 trips, with inbound peak hour right-turning traffic being at least 75 vehicles. Figure 3 provides Daily, AM and PM peak hour driveway volumes for the 1015 10th Street project. Based on the information presented in Figure 3, PBC – TPS, and the Land Development Design Standards Manual, turn lanes are not warranted at the project driveways.

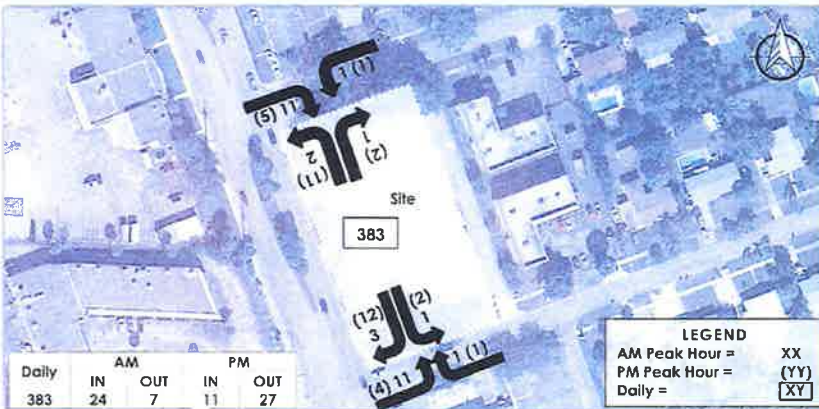


Figure 3: Project Driveway Volumes

As shown in Table 3, the proposed development will potentially generate less than one percent (1%) of the adjacent roadway peak-hour peak-direction LOS in all links included within the RDI. For this reason, the proposed development has an insignificant impact to the existing transportation network.

Table 3: Project Impact

Roadway	From	To	Ln	Number of Existing and Proposed Traffic Signals - 1	Length (miles)	Signalized Intersections per mile	Class	LOS Capacity	Traffic Assignment	Project Traffic	Traffic Impact
10th Street	Northlake Blvd	Site	4D	2	0.68	2.94	II	1,770	60%	8	0.45%
	Site	Park Ave							40%	6	0.34%

AM		PM	
IN	OUT	IN	OUT
(4)	(1)	8	14

The proposed use change from General Office to Medical Office at the 1015 10th Street property will generate less than one percent (1%) of the adjacent roadway peak-hour peak-direction LOS in all links included within the RDI. The proposed 1015 10th Street development has been evaluated following the PBC TPS - Article 12 of the PBC ULDC. This analysis shows that the proposed development will be in compliance with the PBC TPS - Article 12 of the PBC ULDC.

Sincerely,

JFO GROUP INC
COA Number 32276



Enclosures:

- Exhibit 1: Property Appraiser Information
- Exhibit 2: 2013 Aerial

¹ Project is located in a grid network. However, as part of a conservative analysis, for TPS purposes all project traffic was assigned to the closest PBC thoroughfare road. On the other hand, driveway attribution took into account the network grid.

This file is a scanned copy of the original document. It is not a legal document. It is not a substitute for the original document. It is not a substitute for the original document. It is not a substitute for the original document.

Property Detail

Location Address 1015 10TH ST
 Municipality LAKE PARK
 Parcel Control Number 36-43-42 20-01 076-0190
 Subdivision KELSEY CITY IN PB 8 PGS 15 TO 18, 23, 27 & 34 TO 37 INC
 Official Records Book 28026 Page 439
 Sale Date DEC-2015
 Legal Description KELSEY CITY LTS 19 TO 30 INC BLK 76

Owner Information

Owners
 FIRST NATIONAL LAND CORP

Mailing address
 1015 10TH ST
 LAKE PARK FL 33403 2138

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
DEC-2015	\$10	28026 / 00439	QUIT CLAIM	FIRST NATIONAL LAND CORP
APR-2002	\$720,500	13559 / 01475	WARRANTY DEED	SARATOGA CONSULTING LLC
SEP-2001	\$530,000	12959 / 01370	WARRANTY DEED	HOLMES PROPERTIES
AUG-1985	\$1,045,000	04673 / 00533	WARRANTY DEED	
FEB-1983	\$148,900	03882 / 00181	WARRANTY DEED	
JAN-1977	\$57,500	02004 / 00624		
JAN-1970	\$23,900	01867 / 00044	WARRANTY DEED	

Exemption Information

No Exemption information available

Property Information

Number of Units 0
 *Total Square Feet 10192
 Acres 0.8604
 Use Code 1700 - OFFICE ONE STORY
 Zoning C1 - Business (36-LAKE PARK)

This Page Intentionally Left Blank

Appraisals

Tax Year	2019 P	2018	2017
Improvement Value	\$963,142	\$969,696	\$966,297
Land Value	\$283,708	\$275,463	\$262,346
Total Market Value	\$1,246,850	\$1,245,159	\$1,228,643

= Preliminary All values are as of January 1st each year

Assessed and Taxable Values

Tax Year	2019 P	2018	2017
Assessed Value	\$1,246,850	\$1,245,159	\$1,171,940
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$1,246,850	\$1,245,159	\$1,171,940

Taxes

Tax Year	2019 P	2018	2017
Ad Valorem	\$28,073	\$27,353	\$27,252
Non Ad Valorem	\$3,582	\$3,412	\$3,463
Total tax	\$31,655	\$30,765	\$30,715

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA



Exhibit 2
45

This Page Intentionally Left Blank

Location Map



DOROTHY JACKS
Real Estate & Property Services

Search By:

[View Large Photo](#) [Print](#)

Owner's

FIRST NATIONAL LAND CORP

Property Detail

Address: 1511 15TH ST
 Municipality: LAKE PARK
 Parcel No.: 644125000000000
 Subdivision: WILSONS WY & S 1511 ST, 28-27 & 28
 Lot: 10-12-2C
 Area: 48448' Feet
 Use: 400
 Use Code: REC-31A5
 Max Lot: 10000 FT
 Max Lot: 63 1462 FT
 Use Type: 100 - OFFICE ONE STORY
 Temp. System Code: 10180

Sales Information

Sale Date	Price
DEC-2015	10
JUN-2007	720000
MAY-2003	336000
AUG-1988	1952000
FEB-1983	141000

1/2

Loading Demand Letter





Tender Care Centers, Inc.

A Pediatric Extended Care Facility
PPEC Facility: 1821 SE 4th Avenue Fort Lauderdale, FL 33316
Tel: 954-763-5444 Fax: 954-516-0095



December 6, 2019

Nadia DiTommaso
Community Development Director
Town of Lake Park

RE: Loading Demand Statement Request

§ 78-143 (o)(1)(a) states, "The number of loading spaces may be proportionately reduced if the space is not needed is a result of a reduction in size or change in the nature of the land use to which loading spaces are served."

Tender Care requests that the loading zone requirement be waived as our use is "rarely in need of a loading zone." Tender Care operates facilities in five other locations throughout the state of Florida. There are no loading zones at any of the other five facilities. This is due to the nature of the business.

Tender Care provides skilled medical nursing services to Florida's pediatric special needs population. Tender Care does not stock inventory or provide any medical devices. All support items are supplied by the patient's caregiver and returned at the end of the day. Furthermore, Therefore, Tender Care does not receive any deliveries that would require a loading zone.

Thank you,

Brian Vermette
Executive Vice President
Tender Care Centers, Inc.

Fence Sample



Proposed Facility Fencing



MORE VIEWS



4' Tall Closed Picket Fence

Details

- 4' tall x 8' wide panels
- 7/8" x 1.5" pickets with 3.63" spacing
- 2" x 3.5" top and bottom rails
- 5" x 5" x 24" posts
- Stiffener in bottom rail for added support
- Available in white or tan or khaki
- Style #215

WE ARE HERE TO HELP YOU, CONTACT US WITH QUESTIONS OR TO GET HELP WITH YOUR FENCE LAYOUT. YOU CAN BUY ONLINE NOW OR CLICK ON THE LINK FOR HELP WITH YOUR LAYOUT AND TO DETERMINE THE BEST WAY TO SAVE YOU MONEY AND HAVE A SUCCESSFUL PROJECT.

- [View Specifications: Closed Picket Fence - 4' tall x 8' wide #215](#)



MORE VIEWS



4' Tall Scalloped Picket w/ Spade Picket Caps

Details

- 4' tall x 8' wide panels w/ spade picket caps
- 2" x 3.5" top rail 2" x 6" bottom rail
- 7/8" x 3" pickets with 2.875" spacing
- 5" x 5" x 24" posts
- Available in white or tan or khaki
- Style #250

WE ARE HERE TO HELP YOU, CONTACT US WITH QUESTIONS OR TO GET HELP WITH YOUR FENCE LAYOUT. YOU CAN BUY ONLINE NOW OR CLICK ON THE LINK FOR HELP WITH YOUR LAYOUT AND TO DETERMINE THE BEST WAY TO SAVE YOU MONEY AND HAVE A SUCCESSFUL PROJECT.

- [View Specifications: Scalloped Picket - 4' tall x 8' wide #250](#)

Playground Equipment Sample



Drew Vermette

From: Donna Mazzuco <dmazzuco@tendercarecenters.com>
Sent: Wednesday, December 4, 2019 9:26 AM
To: Drew Vermette; Drew Vermette
Subject: FW: Cedarworks Custom Quote 1567378-1

From: Chris - CedarWorks Playsets <chris@cedarworks.com>
Sent: Wednesday, December 4, 2019 9:11 AM
To: mike@tcms.care
Subject: Cedarworks Custom Quote 1567378-1



**Custom Design & Quote for TENDER CARE
MEDICAL SERVICES INC**



Tender Care Facility Pictures



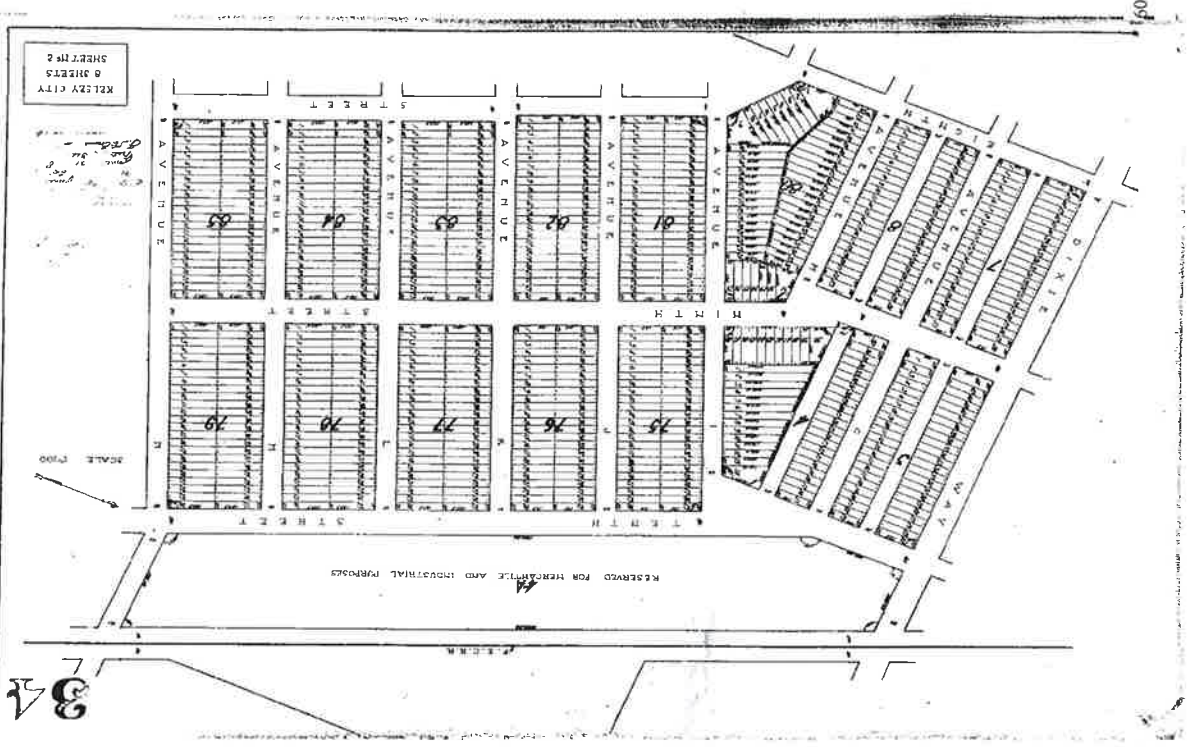


57



58

Release of Easement



REC'D 8666 PAGE 740 JUN 10 3 35 PM '63 1209

RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS that SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY, a New York corporation, for and in consideration of One (\$100) Dollar, receipt whereof is hereby acknowledged, has released and surrendered, and by these presents does release and surrender its right in an easement on the following described property, situate, lying and being in, to-wit: County, Florida.

The Northerly 5' along the rear lot line of lots 28 thru 30 inclusive, and the Southerly 5' along the rear lot line of lot 19 and 20, both as shown on the plat of the same, together with the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8 page 7, Helvany City now known as Lake Park. It being the intent hereby to abandon the Public Utility Easement on the lots referred to above as such easements are set forth in Plat Book 8, Pages 15 & 34.

IN WITNESS WHEREOF, the corporation has had these presents signed by its Vice President and General Manager, and its corporate seal affixed hereto this 25 day of May, 1963.

Michael J. Geller
Joseph J. ...

Southern Bell Telephone and Telegraph Company
 By: *[Signature]* Vice President and General Manager (RSA)

State of Florida | 55:
 County of Duval | 55:
 I hereby certify on 25th day of May, 1963, before me personally appeared Michael J. Geller, Vice President and General Manager of Southern Bell Telephone and Telegraph Company, a corporation under the laws of the state of Florida, to be the person who signed the foregoing instrument, and that he is duly qualified to execute the same for the use and purpose therein mentioned and that the said instrument is the act and deed of the said corporation.

Witness my signature and official seal at Jacksonville, Florida, this day and year last aforesaid.

[Signature]
 Notary Public
 My Commission Expires on 10-2-64
 Notary Commission Expires on 10-2-64

Return to: Quinton C. Vrooman
 626 Cameau Building
 West Palm Beach, Fla.

ESQ. for Palm Beach County, Florida
McConnell
 ATTORNEY

180

Seacoast Utilities Change of Use





Seacoast Utility Authority

4200 Hood Road
Palm Beach Gardens
FL 33410-2174

December 9, 2019

Drew Vermette
PO Box 5159
Spring Hill, FL 34611

Re: 1015 LP, LLC - 1015 10th Street, Lake Park, FL 33410
Account No's: 30902149, 30902157 F/L

Dear Mr. Vermette:

This letter is in response to your property questionnaire regarding the above referenced project. Should the accounts remain active this project is vested for 3,706 ERC's (water & sewer). Based on the information in your property questionnaire for the 10,192 sf medical facility no additional connection fees are due. Please submit two (2) sets of plans for review. The plans will also need to show a dual backflow preventer will be installed at the meter. If fountains or irrigation are planned for this project, additional connection fees will be required.

Administration Fee:

The minimum Administration Fee for this project is \$ 900.00 and is due with plan submittal.

A general list of project requirements can be found on our website www.sua.com under Project Forms (Exhibit A - Project Documentation and Submittal Guidelines). Please call John Callaghan at 561.627.2900, ext. 1413 or email to jcallaghan@sua.com to schedule a pre-engineering meeting to discuss the particular items on this list and other aspects of your project prior to initiating any design work.

Sincerely,

SEACOAST UTILITY AUTHORITY



Jennifer Millette
Engineering Services Specialist



CNY LED LED Canopy/Ceiling Luminaire



Category
Number: CNY LED P0 40K MVOLT WH

Notes: 1015 10th Street Lake Park FL

Type: Canopy Fixture

Specifications

	CNY LED P0/P1/P2	CNY LED P3/P4
Width:	10"	14"
Height:	4.5"	6"
Depth:	10"	14"
Weight:	6.5lbs	13lbs

Introduction

The CNY LED canopy luminaires are energy efficient and budget friendly, perfect for replacing up to 400W metal halide luminaires while saving up to 80% energy costs. Quick mount mechanism significantly reduces the installation time. An LED array and translucent lens create uniform and visually comfortable illumination. CNY LED luminaires are DLC Premium listed and deliver quick payback!

Community
Development
JAN 24 2017

Ordering Information

EXAMPLE: CNY LED P1 50K MVOLT DBB

CNY LED Series	P0 Performance/Fixture	40K Color Temperature	MVOLT ¹ Voltage	WH Finish
CNY LED	P0 3,500 lumens P1 4,500 lumens P2 6,600 lumens P3 11,000 lumens P4 14,000 lumens	40K 4000K 50K 5000K ²	MVOLT ³ 120-277V	DBB Dark bronze WH ⁴ White

Accessories

Ordered and shipped separately

CV8BP 14 Inch x 14 Inch Beauty Cover/Plate

NOTES

1. The combination of P0 50K WH is not available.
2. Not available in 50K.
3. Correlated color temperature (CCT) shown is nominal per ANSI C78, 377-2008.
4. Not available in P1 performance package.
5. MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
6. Available with P0 or P1 only.

FEATURES & SPECIFICATIONS

INTENDED USE

CNY LED luminaires are ideal, energy-efficient replacements for up to 400W MH canopy or ceiling luminaires. The CNY LED provides years of maintenance-free illumination for schools, malls, offices, parking areas, covered walkways and loading docks.

CONSTRUCTION

Cast-aluminum, corrosion-resistant housing with polyester powder paint for lasting durability. Castings are sealed with a one-piece gasket. Rated for outdoor installations. +40°C minimum ambient. Frosted lens is designed for uniform light distribution.

ELECTRICAL

Includes an MVOLT 120-277V driver. LEDs maintain 70% of light output at 50,000 or more hours of service life (L70/50,000 hours).

INSTALLATION

Mounts to a recessed junction box or surface mount with three conduit entry points. Can be pendant mounted with NHP[®] pendant stem provided by others. Quick mount mechanism significantly reduces installation time - no need to open the luminaire for installation.

LISTINGS

UL listed to U.S. and Canadian safety standards for wet locations. Tested in accordance with IESNA LM-79 and LM-80 standards. DesignLights Consortium[®] (DLC) Premium qualified product. Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products list at www.designlights.org/DLP to confirm which versions are qualified. Can be used to comply with California Title 24 Part 6 High-Efficiency LED Light Source Requirements.

WARRANTY

Five-year limited warranty. Complete warranty terms located at:

www.designlights.org/DLP
Notes: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 • www.lithonia.com
 © 2017-2019 Acuity Brands Lighting, Inc. All rights reserved.

CNY LED
Rev. 08/01/19

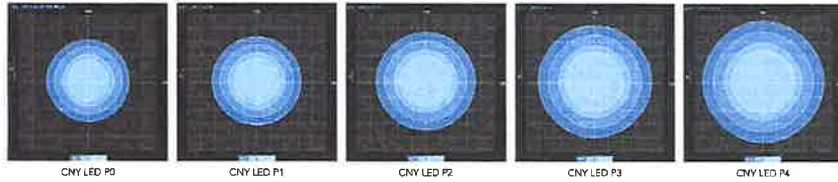
Photometric Diagrams

Full photometric data report available within 2 weeks from request. Contact Acuity Tech Support.

LEGEND

- 0.1 fc
- 0.2 fc
- 0.5 fc
- 1.0 fc

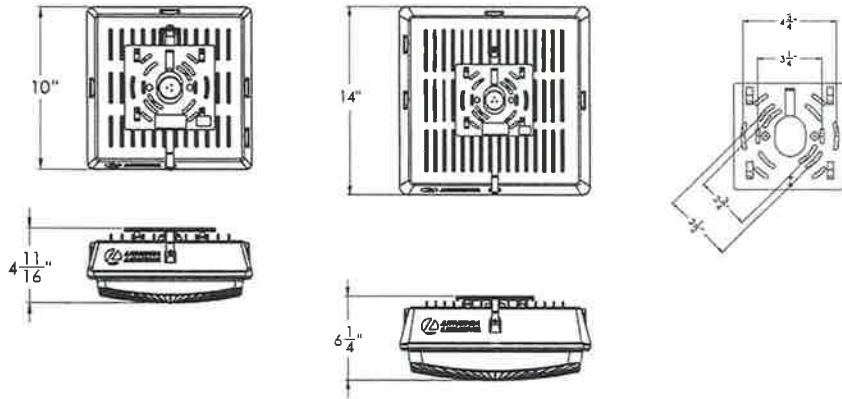
CNY LED - Mounting height = 10'



Performance Data

Performance Package	Lumens	Input Power	Efficiency (lm/W)
CNY LED P0	3,500	27W	130
CNY LED P1	4,500	35W	129
CNY LED P2	6,400	52W	128
CNY LED P3	11,000	86W	128
CNY LED P4	13,900	109W	128

Line Art



One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 •
 © 2017-2019 Acuity Brands Lighting, Inc. All rights reserved.

CNY LED
 Rev. 08/01/19



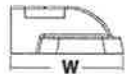
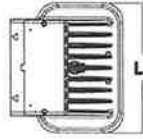
KAXW LED Wall Luminaire



Catalog Number	KAXWLED-P1-40K-R4-MVOLT-DWHXD
Notes	1015 10th Street Lake Park FL
Type	Wall Packs

Specifications

- Length: 14" (354mm)
- Width: 12" (305mm)
- Height: 5" (127mm)
- Weight (max): 19.7 lbs (8.9kg)



Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is A+ Certified when ordered with DTL® controls marked by a shaded background. DTL DLL equipped luminaires meet the A+ specification for luminaire to photocontrol interoperability
- This luminaire is part of an A+ Certified solution for ROAM® or XPoint™ Wireless control networks, providing out-of-the-box control compatibility with simple commissioning, when ordered with drivers and control options marked by a shaded background

To learn more about A+, visit www.acuitybrands.com/aplu.

1. See ordering tree for details.

A+ Capable option indicated by this color background.

Ordering Information

EXAMPLE: KAXW LED P3 40K R3 MVOLT DDBXD

KAXW LED	P1	40K	R4	MVOLT	DWHXD			
Series	Performance package	Color Temperature	Distribution	Voltage	Mounting	Control options	Other options	Finish/Accessories
KAXW LED	P1	30K 3000K	R3 Type 3	MVOLT ¹	Shipped included	Shipped installed	Shipped installed	DDBXD Dark bronze
	P2	40K 4000K	R4 Type 4	120 ²	(Blank) Surface mounting bracket	PER NEMA twist-lock receptacle only (controls ordered separately) ^{3,4}	SF Single fuse (120, 277 or 347V) ⁵	DDBXD Black
	P3	50K 5000K		208 ⁶		PER5 Five-wire receptacle only (controls ordered separately) ⁴	DF Double fuse (208, 240 or 480V) ⁷	DDBXD Natural aluminum
				240 ⁸		PER7 Seven-wire receptacle only (controls ordered separately) ⁴	HS House side shield ⁹	DWHXD White
				277 ⁹		PIR 180° motion/ambient light sensor, <15' mig. lit. ¹⁰	LCE Left Conduit Entry ¹¹	DSSXD Sandstone
				347 ¹⁰		FAO Field adjustable output ¹¹	RCE Right Conduit Entry ¹¹	DDSTXD Textured dark bronze
				480 ¹¹		PIR6 Bi-level, motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 5K ¹²		DDBLXD Textured black
						PIR1FC3V Bi-level, motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1K ¹²	Shipped separately	DDBATXD Textured natural aluminum
						PIR1FC3V Bi-level, motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1K ¹²	BSW Built-in element	DWHGXD Textured white
						PIR1FC3V Bi-level, motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1K ¹²	EGS External glare shield ¹²	DSSTXD Textured sandstone

NOTES

- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz)
- Must specify 120, 277, or 347V option.
- Not available in the P1 performance package.
- Also available as a separate accessory; see Accessories information
- Requires a contractor supplied 1/2" EMT raintight fitting
- Requires luminaire to be specified with PER, PER5 or PER7 option
- Ordered and shipped as a separate line item from Acuity Brands Controls
- Not available with PER5 or PER7 options
- Must specify 120, 240, or 480V option.
- Also available as a separate accessory; see Accessories information
- Requires a contractor supplied 1/2" EMT raintight fitting
- Requires luminaire to be specified with PER, PER5 or PER7 option
- Ordered and shipped as a separate line item from Acuity Brands Controls
- Specify the Sensor Switch MVOLT-DGP control; see Accessories information
- For details, DGP control is required. Not available with PER5 or PER7. Must specify 120V or 277V. Requires PIR or separate unit off.

Accessories

Ordered and shipped separately.

DLL1275 1.5 W	PhotoCell - 5U twist-lock (120-277V) ¹³
DLL1400 1.5 W 30	PhotoCell - 1U twist-lock (120-277V) ¹³
DLL1400 1.5 W 30 30	PhotoCell - 5U twist-lock (480V) ¹³
DIGRANT 06A 0	Shunting cap
KAXW10 0	House-side shield
KAXW10R 0	Built-in element
KAXWEGS 0	External glare shield



One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.275.8041 • www.lithonia.com
 © 2011-2019 Acuity Brands Lighting, Inc. All rights reserved.

KAXW-LED
 Rev. 02/11/19
 Page 1 of 3

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Performance Package	System Watts	IC	MR (100% CCT)				FC (4000 CCT)				SR (100% CCT)						
			Lumen				Lumen				Lumen						
			1	2	3	4	1	2	3	4	1	2	3	4			
P1	29W	RA	1,122	1	0	1	115	2,545	1	0	1	122	3,607	1	0	1	124
		RA	3,415	1	0	1	114	1,643	1	0	1	126	3,797	1	0	1	128
P2	49W	RA	5,211	1	0	1	117	4,115	1	0	1	125	4,224	1	0	1	127
		RA	5,891	1	0	1	120	4,283	1	0	1	128	4,408	1	0	1	131
P3	79W	RA	8,852	1	0	1	117	9,445	2	0	2	120	9,611	2	0	2	122
		RA	9,999	2	0	2	115	5,708	2	0	2	121	6,879	2	0	2	125

Lumen Ambient Temperature

(LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-50°C (32-122°F).
* Shaded cells include active dynamic temperature sensing.

Ambient	Lumen Multiplier		
	P1	P2	P3
0°C	1.05	1.05	1.05
10°C	1.03	1.03	1.03
20°C	1.01	1.01	1.01
25°C	1	1	1
30°C	0.99	0.99	0.99
40°C	0.97	0.97	0.93
45°C	0.94	0.96	0.84
50°C	0.95	0.95	0.74

Electrical Load

Package		120V	208V	240V	277V	347V	480V
P1	Current (A)	0.24A	0.14A	0.11A	0.11A		
	System Watts	29W	29W	29W	29W		
P2	Current (A)	0.41A	0.24A	0.21A	0.18A	0.18A	0.11A
	System Watts	49W	49W	49W	49W	47W	47W
P3	Current (A)	0.66A	0.38A	0.33A	0.29A	0.21A	0.13A
	System Watts	79W	78W	78W	78W	77W	76W

Projected LED Lumen Maintenance

Operating Hours	20,000	50,000	100,000
Lumen Maintenance Factor	>= 94	>= 89	>= 83

Values calculated according to IESNA TM-21-11 methodology and valid up to 40°C.

Control	PER Table				
	PER (3 wires)	PER1 (3 wires)		PER2 (2 wires)	
		Wired to Existing Switch or other	Wired to Existing Switch or other	Wired to Existing Switch or other	Wired to Existing Switch or other
Photocontrol Only (MOTOR)	✓	✓	✓	✓	
0/1-0/1	✓	✓	✗	✗	
0/1-0/1 with Manual Override	✓	✓	✗	✗	
0/1-0/1 with Manual Override	✓	✓	✗	✗	
0/1-0/1 with Manual Override	✓	✓	✗	✗	
0/1-0/1 with Manual Override	✓	✓	✗	✗	

✓ Recommended
✗ Not for use
⚠ Warning
*Turn-boost means: Ability to change controls to the future

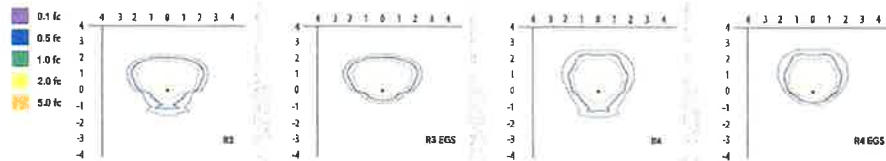


Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit [Lithonia Lighting's KAWW.html](http://LithoniaLighting.com/KAWW.html)

Isocandela plots for the KAWW LED P3 40K. Distances are in units of mounting height (20').

LEGEND



FEATURES & SPECIFICATIONS

INTENDED USE

This feature-rich luminaire embodies the highest level of functionality with extraordinary efficacy which maximizes your application efficiency providing high levels of light for minimal cost specifically for building-mounted roadway and pathway illumination on nearly any type of facility.

CONSTRUCTION

The die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. This modular design allows for ease of maintenance and future light engine upgrades. The LED driver is installed in a separate compartment to thermally isolate it from the light engines for low operating temperature and long life. The housing is completely sealed against moisture and environmental contaminants (IP68).

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermcoat powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mil thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

OPTICS

Individually formed acrylic lenses are engineered for superior application efficiency which maximizes the light in the areas where it is most needed. Light engines are available in 3000 K, 4000 K or 5000 K (minimum 70 CRI) configurations. The KAWW has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL

Light engine(s) configurations consist of high-efficiency LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to >100,000 hours). Class 1 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours.

INSTALLATION

Included wall mount plate facilitates a quick and easy installation. Mounting bolts feature a 1000-hour salt fog finish. Optional bi-level motion sensor and NEMA 3, 5 or 7 pan w/tilt lock photocontrol receptacle are also available.

LISTINGS

CSA listed for wet locations. Light engines and electrical compartment are IP66 rated. Rated for temperatures as low as -40°C minimum ambient.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.dlc.com/qualified to confirm which versions are qualified.

WARRANTY

5-year limited warranty. Complete warranty terms located at: www.lithonia.com/Products/LED/P3/P3andP3EGS

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 • www.lithonia.com
© 2011-2019 Acuity Brands Lighting, Inc. All rights reserved.

KAWW-LED
Rev. 02/11/19
Page 3 of 3

SCL2 Series

SOLAR LED INTEGRATED COMMERCIAL AREA LIGHT

Project: 1015 10th Street Lake Park FL

Type: SCL2-SPMS-BK-T4-NW-09

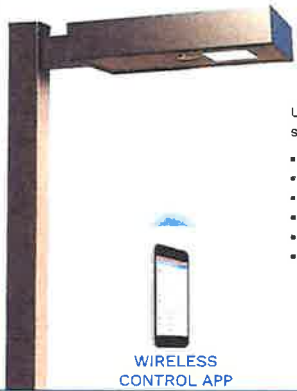
Quantity:

The SCL2 Series solar LED luminaire is a great fit for commercial, parking lot, recreational bikeway/pathway and public space lighting applications. The self-contained, unobtrusive design integrates its solar power, adaptive control and LED technologies into a compact and efficient form. With robust construction, and unequalled performance the SCL2 series is an excellent fit wherever cost effective, full cutoff lighting is required.

Utilizing solar power and LEDs, the SCL2 series is completely self-contained and offers significant benefits:

- Cost effective design ships fully assembled and installs in minutes
- Smart Connect provides wireless control & communication with your light
- Low installation cost and minimal site impact with no trenching, cabling or wiring
- Minimal ongoing costs with no electrical bills or bulbs to change
- Operates entirely independent from the grid and is immune to power outages
- A sustainable choice without recurring carbon emissions

All of our solar powered lights are enabled by our innovative Solar Lighting Controller (SLC). The SLC in each light is "self-learning" and allows the lights to predictively adapt to their surroundings, providing an unsurpassed level of lighting performance and reliability.



WIRELESS
CONTROL APP

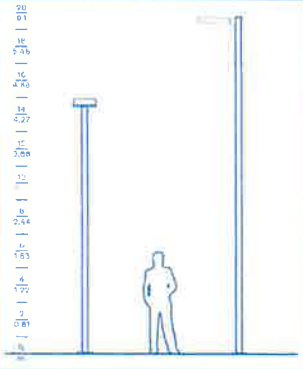
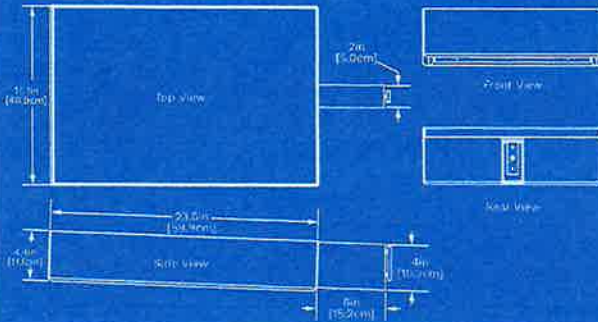
TECHNICAL SPECIFICATIONS

Solar Module:	<ul style="list-style-type: none"> • High-efficiency mono-crystalline cells • Inconspicuously integrated into the top of luminaire • Used for day/night detection (no photocell required) 	LEDs and Optics:	<ul style="list-style-type: none"> • 100,000 hour L70 lifetime • Warm (3000K) and neutral (4500K) white color temperatures available • High efficiency Type 2, 3, 4 and 5, full cut-off optics • Typical lumen output from 2250 to 2630 lumens
Solar Lighting Controller (SLC):	<ul style="list-style-type: none"> • High-efficiency, temperature compensated maximum power point tracking (MPPT) • Micro-controller based technology • Includes high-efficiency LED driver • Multiyear data logging • Integrated into luminaire housing • Designed to automatically and adaptively manage lighting performance based on environmental conditions and lighting requirements • Patent Pending 	Mechanical Construction:	<ul style="list-style-type: none"> • Extruded and formed, low copper aluminum enclosure, and mounting arm • Stainless fasteners with security fastener option • Architectural grade, super durable, TGIC powder coat • Four standard colors with custom colors available
Battery:	<ul style="list-style-type: none"> • High performance lithium (LiFePO₄) • Exceptional 8 – 10 year life cycle • High temperature tolerance • Contained within luminaire housing • Designed for easy battery changes when required 	Factory Set Lighting Profiles:	<ul style="list-style-type: none"> • 11 standard duration profiles available • Real-time lighting profile options available • See lighting profile sheet for all options • Lighting profiles and motion sensing options are field configurable with app • Motion sensing capabilities optimise performance based on usage
		Wireless Controls:	<ul style="list-style-type: none"> • Bluetooth low energy interface with iOS app • Provide configuration and control of lighting profiles • Adjustment over dusk and dawn thresholds

SCL2 Series

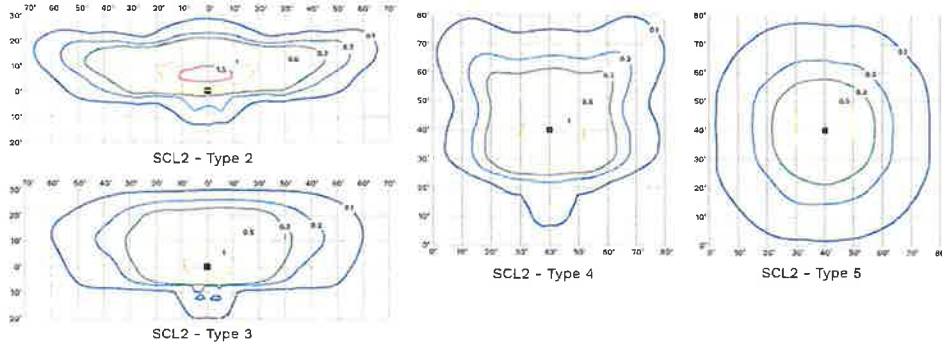
SOLAR LED INTEGRATED COMMERCIAL AREA LIGHT

EPA - 0.39ft² (0.03m²) | Weight: 34 lbs (15.4kg) including battery



PHOTOMETRICS (IES files available on request)

If you have any questions, please don't hesitate to call us toll free at 1-844-279-8754 (USA & Canada).



ORDER MATRIX

Series	Mounting	Finish	Distribution	LED Color	Lighting Profiles (See Profile Sheet)	Options
SCL2	SPMS - Side Pole Mount Square	BK - Black	T2 - Type 2	WW - 3000K	00 - Dusk till dawn	SEC - Security Fasteners
	SPMR - Side Pole Mount Round	BZ - Bronze	T3 - Type 3	NW - 4500K	08 - On at dusk, 100% for 3 hours, dim to 30%, brighter to 100% one hour before dawn, off at dawn (DEFAULT)	M50 - Motion Sense Off
	NMNT - No Mount	SV - Silver	T4 - Type 4		TX0000 - On at dusk until time between 1800 & 0600. X = 0 (Off) or D (Dim). 0000 = time to dim or turn off.	
		WH - White	T5 - Type 5			
		CC - Custom				

Notes:
 * Photometrics based on 20 ft mounting height
 * All spec sheets in feet - angles (ft) with 4000K color temperature and 2000 lumen output
 * For conversion to lux multiply light level by 10.7
 * Contact RFL for photo capturing IES light lighting profile
 * Motion sensing on by default
 * Specifications subject to change without notice



**LEGAL NOTICE OF PUBLIC HEARING
REQUEST FOR SPECIAL EXCEPTION
TOWN OF LAKE PARK, FLORIDA**

Please take notice and be advised that the Town of Lake Park has received a request for Special Exception submitted by Tender Care Centers Inc. for a Prescribed Pediatric Extended Care Facility to be located at 1015 10th Street, Lake Park, Florida. (PCN: 36-43-42-20-01-076-0190) Said facility will provide outpatient pediatric physical rehabilitation, and be considered as a medical clinic, pursuant to Town Code section 78-71 (2) d, under "special exception uses", in the C-I Business District.

Public Hearings to consider the Special Exception request will be held as follows:

The Planning and Zoning Board will hold a Public Hearing **on Monday, January 6, 2020**, at 6:30 p.m. or as soon thereafter as can be heard.

The Town Commission will hold a Quasi-Judicial Public Hearing on **Wednesday, February 5, 2020**, at 6:30 p.m. or as soon after as the matter can be heard.

All meetings will be held in the Lake Park Town Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, 33403.

If a person decides to appeal any decision made by any of the Planning and Zoning Boards or the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Records relating to the item may be inspected by visiting the Community Development Department at Town Hall (535 Park Ave.) For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Town Clerk: Vivian Mendez

PUB: The Palm Beach Post – Friday, December 27, 2019



Community
Development
Department

535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3318
Fax: (561) 881-3323

www.lakeparkflorida.gov

Notification of Public Hearings

December 23, 2019

Dear Property Owner:

You are receiving this Notice of Public Hearings because you are the legal owner of record for of a parcel that is within three hundred (300) feet of the property for which a Special Exception has been requested, and a certified notice is required pursuant to Town Code.

Should you wish to attend the meetings to comment on the application please take note of the date, time, and location. If you do not wish to attend the meetings and do not have any comments, you may disregard this notice.

SPECIAL EXCEPTION – AGENDA ITEM

Please take notice and be advised that the Town of Lake Park has received a request for Special Exception submitted by Tender Care Centers Inc. for a Prescribed Pediatric Extended Care Facility to be located at 1015 10th Street, Lake Park, Florida. (PCN: 36-43-42-20-01-076-0190) Said facility will provide outpatient pediatric physical rehabilitation. Use will be considered as a medical clinic, pursuant to Town Code section 167 78-71 (2) d, under “special exception uses”, in the C-1 Business District.

PUBLIC HEARINGS

Public Hearings to consider the Special Exception request will be held as follows:

The Planning and Zoning Board will hold a Public Hearing on Monday, January 6, at 6:30 p.m. or as soon thereafter as can be heard.

The Town Commission will hold a Quasi-Judicial Public Hearing on February 5, 2020 at 6:30 p.m. or as soon after as the matter can be heard.

All meetings will be held in the Lake Park Town Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, 33403.



Community
Development
Department



LOCATION MAP

If a person decides to appeal any decision made by the Planning & Zoning Board or Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information, or to review any documents related to the proposal described herein, please visit the Community Development Department at 535 Park Avenue, Lake Park, FL 33403, or contact the Planner, Karen Golonka at 561-881-3320 or kgolonka@lakeparkflorida.gov.

535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3318
Fax: (561) 881-3323

www.lakeparkflorida.gov

Ordinance on Second Reading

TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2020

Agenda Item No. *Tab 4*

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 78 OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 78-154 PERTAINING TO THE IMPLEMENTATION OF SECURITY MEASURES FOR CERTAIN TYPES OF BUSINESSES; PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Approved by Town Manager *[Signature]* **Date:** *1-30-2020*

Nadia Di Tommaso / *Community Development Director*
 Name/Title *ND*

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ Town Attorney Review Funding Source: Legal Acct. # 108 <input type="checkbox"/> Finance <u><i>[Signature]</i></u>	Attachments: → Ordinance 01-2020 → Florida Statute 812.173
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>ND</u> Please initial one.

Summary Explanation/Background:

FIRST READING: The Town Commission approved Ordinance 01-2020 on first reading at their January 29, 2020 meeting.

In furtherance of the public's health, safety and general welfare, the Palm Beach County's Sheriff's Office (PBSO) has requested that the Community Development Department bring forward an

ordinance that would require the future installation of security cameras for the protection of employees and patrons of convenience type businesses from robbery, burglary, injury, credit card theft, or other violent crimes. Businesses that already require these security cameras pursuant to Florida State Statute 812.173 (enclosed) are not required to comply with this proposed Ordinance since they will already comply having security cameras on their property. The ordinance is not retroactive therefore, it will not have any impact on existing businesses or properties thereby not warranting any direct mail notifications however, if a convenience business (define below) undergoes a change in ownership, change in name, or is new to the town, it would require the installation of security cameras per the proposed Ordinance.

Convenience business shall mean a place of business that is primarily engaged in the retail sale of limited groceries and/or gasoline, and that is open for business at any time between the hours of 11:00 p.m. and 5:00 a.m. A Convenience Business shall not include:

- (1) A business that is solely or primarily a restaurant.
- (2) A business that always has at least five employees on the premises after 11:00 p.m. and before 5:00 a.m.
- (3) A business that has at least 10,000 square feet of retail floor space.

PBSO has indicated that this is a common practice for counties and municipalities as an added deterrent to crime and to increase safety.

Recommended Motion: I move to ADOPT Ordinance 01-2020 on second reading.

ORDINANCE NO 01-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 78 OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 78-154 PERTAINING TO THE IMPLEMENTATION OF SECURITY MEASURES FOR CERTAIN TYPES OF BUSINESSES; PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN; 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 as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town's law enforcement agency the Palm Beach County Sherriff's Office (PBSO) has in the furtherance of the public's health, safety and general welfare, recommended that the Commission adopt regulations pertaining to certain business categories which are operating or may operate in the Town ; and

WHEREAS, a public hearing before the Town Commission was held at which the Commission considered this ordinance and invited public comment from businesses or individuals regarding it; and

WHEREAS, the Town Commission has determined that the PBSO's recommended amendments to the Town Code would further the public's health, safety and general welfare.

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

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

SECTION 2. Chapter 78, Article V, entitled "Supplemental Regulations" is hereby amended to create a new Section 78-154, entitled, "Business Security," to read as follows:

Sec. 78-154 — Business Security.

- (a) Purpose and intent. It is the purpose and intent of this section to protect the public's health, safety, and welfare of residents and visitors to the Town by requiring that certain businesses in the town which are open to the public and have a Point-of-Sale Terminal or cash registers, and which are exempt from the standards in F. S. § 812.173, to use security cameras for the protection of employees and the invitees to those businesses from robbery, burglary, injury, other violent crimes, and credit card theft.
- (b) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Convenience business shall mean a place of business that is primarily engaged in the retail sale of limited groceries and/or gasoline, and that is open for business at any time between the hours of 11:00 p.m. and 5:00 a.m. A Convenience Business shall not include:

- (1) A business that is solely or primarily a restaurant.
- (2) A business that always has at least five employees on the premises after 11:00 p.m. and before 5:00 a.m.
- (3) A business that has at least 10,000 square feet of retail floor space.

Late night business shall mean a place of retail or commercial business that is open for business to the public at any time between the hours of 11:00 p.m. and 5:00 a.m. and which does not meet the definition for a Convenience Business.

Point of sale shall mean the "point" where a transaction is finalized or the moment where a customer tenders payment in exchange for a good or service.

Secured building shall mean a building operated with 24-hour on-site security or 24-hour camera monitoring of the building, including parking areas.

(c) Required security measures for Businesses with a Point-of-Sale Terminal or cash registers. The following security measures are required for all Point-of-Sale Terminals equipped businesses and Late-night businesses, except for Late-night Businesses located within Secured Buildings.

(1) Every business that is open to the public with a Point-of-Sale Terminal or cash registers shall maintain a video or security camera system that is capable of monitoring, recording and retrieving clear and identifiable images and videos to assist law enforcement personnel in offender identification and apprehension. Said system shall comply with all of the following standards:

- i. Be operable at all times;
- ii. Be readily available for viewing by employees;
- iii. At least one camera shall be maintained on site which is capable of surveilling the interior of the business;
- iv. At least one camera shall be maintained on site which is capable of surveilling the business' parking areas; and
- v. Retain and produce upon the request of law enforcement any recording for a period of 72 hours from the date of recording;

(2) All Late-night businesses shall maintain a clear and unobstructed view from outside of the building of the cash register and sales transaction area.

(3) Establishments that meet the requirements of a Convenience Business as set forth in F. S. § 812.171, are hereby exempt from the requirements of this section.

(d) Compliance. All new businesses applying for a Town business tax receipt (BTR), which are required by this section to have a security camera system, shall comply with the regulations set forth in this section prior to the issuance of their BTR.

(e) Failure to comply. Failure to comply with the provisions of this section by a property owner whose property is subject to this section shall constitute a violation of the town code. The Town Magistrate is authorized to enforce the terms of this section.

Section 3. 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 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. **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 6. **Effective date.** This Ordinance shall take effect immediately upon execution.

Select Year: 2019

The 2019 Florida Statutes

[Title XLVI](#)[Chapter 812](#)[View Entire Chapter](#)

CRIMES

THEFT, ROBBERY, AND RELATED CRIMES

812.173 Convenience business security. –

- (1) Every convenience business shall be equipped with the following security devices and standards:
- (a) A security camera system capable of recording and retrieving an image to assist in offender identification and apprehension.
 - (b) A drop safe or cash management device for restricted access to cash receipts.
 - (c) A lighted parking lot illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface.
 - (d) A conspicuous notice at the entrance which states that the cash register contains \$50 or less.
 - (e) Window signage that allows a clear and unobstructed view from outside the building and in a normal line of sight of the cash register and sales transaction area.
 - (f) Height markers at the entrance of the convenience business which display height measures.
 - (g) A cash management policy to limit the cash on hand at all times after 11 p.m.
- (2) A convenience business shall not have window tinting that reduces exterior or interior view in a normal line of sight.
- (3) Every convenience business shall be equipped with a silent alarm to law enforcement or a private security agency, unless application for an exemption is made to and granted by the Attorney General. An application for exemption must be in writing and must be accompanied by an administrative fee of \$25 for each store for which an exemption would apply.
- (4) If a murder, robbery, sexual battery, aggravated assault, aggravated battery, or kidnapping or false imprisonment, as those crimes are identified and defined by Florida Statutes, occurs or has occurred at a convenience business since July 1, 1989, and arises out of the operation of the convenience business, that convenience business shall implement at least one of the following security measures:
- (a) Provide at least two employees on the premises at all times after 11 p.m. and before 5 a.m.;
 - (b) Install for use by employees at all times after 11 p.m. and before 5 a.m. a secured safety enclosure of transparent polycarbonate or other material that meets at least one of the following minimum standards:
 - 1. American Society for Testing and Materials Standard D3935 (classification PC110 B 3 0800700) and that has a thickness of at least 0.375 inches and has an impact strength of at least 200 foot pounds; or
 - 2. Underwriters Laboratory Standard UL 752 for medium power small arms (level one), Bullet Resisting Equipment;
 - (c) Provide a security guard on the premises at all times after 11 p.m. and before 5 a.m.;
 - (d) Lock the business premises throughout the hours of 11 p.m. to 5 a.m., and only transact business through an indirect pass-through trough, trapdoor, or window; or
 - (e) Close the business at all times after 11 p.m. and before 5 a.m.

(5) For purposes of this section, any convenience business that by law implemented any of the security measures set forth in paragraphs (4)(a)-(e) and has maintained said measures as required by the Department of Legal Affairs without any occurrence or incidence of the crimes identified by subsection (4) for a period of no less than 24 months immediately preceding the filing of a notice of exemption, may file with the department a notice of exemption from these enhanced security measures. In no event shall this exemption be interpreted to preclude full compliance with the security measures set forth in subsection (4) should any occurrence or incidence of the crimes identified by subsection (4) cause subsection (4) to be statutorily applicable. As of the date this act becomes law, the Department of Legal Affairs will provide notice to any convenience business to which a subsection (4) incident has previously occurred. In no event shall the state or the Department of Legal Affairs incur any liability for the regulation and enforcement of this act.

History.—s. 5, ch. 90-346; s. 5, ch. 92-103.

Copyright © 1995-2020 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)

**LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, February 5, 2020 at 6:30 p.m. or soon thereafter, the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 01-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 78 OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 78-154 PERTAINING TO THE IMPLEMENTATION OF SEWERAGE TREATMENT PLANTS AND SEWER LINES PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE PROVIDED FOR THE REPEAL OF ORDINANCES IN CONFLICT; HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-481-3311.

Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida
1-26/2020

000549065-01

TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2020

Agenda Item No. *Tab 5*

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 2nd READING
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: *1-30-2020*

Nadia Di Tommaso / Community Development Director
Name/Title

Originating Department: Community Development	Costs: \$ 0 Funding Source: Acct. <input type="checkbox"/> Finance <u><i>Raised</i></u>	Attachments: → Ordinance 02-2020, with Exhibit "A" → WRMA select project additional descriptions
Advertised: Date: Paper: <input checked="" type="checkbox"/> Not Required on 1 st reading	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 ND Please initial one.

Summary Explanation/Background:

FIRST READING: Town Commission approved Ordinance 02-2020 on first reading at their January 29, 2020 meeting.

This is our annual update to the Town's Capital Improvements Schedule. Community Development handles the updates to the Capital Improvements Schedule however, the capital projects listed are derived from various Town Departments and are a result of internal discussions with these Departments to determine the details and associated funding sources for the capital projects listed on the schedule.

As a reminder, this is the **annual** update to the Town's Capital Improvements Schedule in the Town's Capital Improvements Element of the Comprehensive Plan. We have an opportunity to update the schedule once every year. Staff was hoping to bring this forward in December 2019 however, it was delayed due to other pending priorities.

HISTORY

Beginning in 2005, local governments were required to update their five-year Capital Improvements Schedule (CIS) as an annual amendment to the Comprehensive Plan to demonstrate a financially feasible schedule. Per House Bill (HB) 7207, the "Community Planning Act", adopted on June 2, 2011, the five-year schedule of capital improvements is no longer required to demonstrate that the CIS is financially feasible; however, local governments must still review and update their CIS by the adoption of an ordinance. This ordinance is no longer subject to the review of the Department of Economic Opportunity (formerly the Department of Community Affairs). Such modifications to update the five-year CIS are not deemed amendments to the local Comprehensive Plan and therefore, do not need to adhere to the comprehensive plan amendment process. Due to the fact that such an update is still accomplished by the adoption of an ordinance by the Town Commission, a public hearing is required.

In accordance with the legislation enacted by the Community Planning Act, all local governments must review and update the Five-Year Capital Improvement Schedule of their Comprehensive Plan Capital Improvements Element consistent with the requirements of Section 163.3177 and Section 163.3180, Florida Statutes. The Capital Improvements Element identifies capital projects needed to maintain, or promote, Level of Service (LOS) standards. The Schedule of Capital Improvements includes Town projects which may be funded by federal, state or local money sources.

A CIS allows for:

- *A systematic evaluation of all potential projects at the same time.*
- *The ability to stabilize debt and consolidate projects.*
- *A public relations and economic development tool.*
- *Focus on preserving a governmental entity's infrastructure while ensuring the efficient use of public funds.*
- *An opportunity to foster cooperation among departments and an ability to inform other units of government of the entity's priorities. For examples, a State grant looks highly on applications for projects that are included in the CIS.*

The proposed CIS includes the following capital projects:

→ Lake Shore Drive Drainage Improvements

This is an ongoing initiative that requires a drainage overhaul along Lake Shore Drive. The estimated total project cost that includes the necessary pump station is \$8.2M. \$5.6M will come from Local Mitigation Strategy (LMS) and Hazard Mitigation grant programs (HMGP). \$600K will be appropriated through the State, along with \$1.2M required from the One Cent Sales Tax revenue.

→ Replacement of all emergency generators

The Public Works Department will be replacing the generators at Town Hall, Public Works and at the PBSO building for a total estimated cost of \$750,000. These are needed to enhance the ability to meet Level of Service.

→ 10th Street south of Park Avenue – drainage, lighting, paving, trees – Green Infrastructure Project

This stretch of roadway requires a complete overhaul due to its deteriorating conditions. The cost is estimated at \$4.1M which is anticipated to be split in future years between potential grant funds and a stormwater utility assessment. See additional details from WRMA (enclosed).

→ FEC Railroad Intersection/pedestrian connections for quiet zone improvements

Moving forward, there may be a need to install improvements at the Park Avenue/10th Street railroad connection in order to accommodate increased medians; extended yard arms; better signalization and pedestrian connections to encourage a quiet zone environment. Just this month (January 2020), Brightline's (Virgin Trains) contractor submitted right-of-way permits to the Public Works Department for review. Since these are in progress, they will be reviewed with these improvements in mind. We are hopeful they will incorporate the necessary improvements and assuming this will be the case, the Town will eliminate this project from the schedule in next year's update.

→ Park Avenue from Federal Highway to 7th Street (improved sidewalks; landscape medians; striping and signalization – complete street design)

A complete street design plan that would extend the existing improvements along Park Avenue to US-1 was previously prepared by the Town. There may be an opportunity moving forward to improve these plans by incorporating a linear park to maximize the corridor's connection to US-1 and ultimately the Marina area. The estimated overall cost is \$4.2M.

→ Records Retention Room

The Town's records are in transition. They will be moving out of our existing facility in the PBSO building and moving, as well as scanned in order to eliminate as many paper records as possible and transition to electronic records. Certain records will still need to remain such as official signed and sealed building plans, embossed documents and others that were unable to convert and destroy per the record retention laws. Having our own records room would eliminate the need to utilize and Town-owned building that can be more appropriately repurposed. Consequently, building a small records retention facility between the existing Town Hall and Library at an estimated cost of \$500,000 will be explored further.

→ Town Hall Renovations

The following renovations have been identified as being needed: Town Hall Roof; Exterior Painting; Ceiling Clerk's Office; Exterior Doors; Digital Marquee Sign in front of Town Hall; ADA accessible entry ramp to the back of the Commission Chambers (French doors; east side). The estimated overall cost is \$500K.

→ Sanitary Sewers in Tri-City Industrial Park; Lake Park Public Works; and Water Tower Road/Old Dixie Highway (north of Water Tower, east of Old Dixie) commercial property; Gateway Road Reconstruction and Sanitary Sewer along the south side (approx. 1,250 linear feet)

This project is also carried over from prior years and the estimates were previously provided from Seacoast Utility Authority. Estimates cost is \$1.325M.

→ Outfall to C-17 Canal/Berm Improvement Project

A preliminary investigation of the FEMA AND SFWMD C-17 Technical Report indicates that the C-17 berm elevations at the Town are lower than the predicted 100-year Base Flood Elevation of 11 feet NAVD.

The purpose of the canal berm improvements project would be to raise the C-17 Top of Berm elevation above 11.0 feet NAVD to avoid the canal overflow condition and remove the SFHA's from the Town's FEMA Digital Flood Insurance Rate Maps. This would have a double effect. It would lower the flood insurance premiums of Town businesses and Town residents located in the existing flood hazard areas (from mandatory to voluntary, hence lower cost), and improve the Town's CRS rating (lower premiums overall for all Town of Lake Park residents).

The implementation of this project would have to be coordinated with the adjacent jurisdiction, as raising only one side of the Canal 17 berm would have the effect on increasing the flood on the opposite side of the canal. The C-17 canal is within the

*boundaries of the Town of Palm Beach Gardens.
See additional details from WRMA (enclosed).*

- Coastal Link/Tri-Rail/Palm Tran Extension Improvements for parking and feeder system improvements on the Town-owned property behind Fire Station 68 – including green infrastructure

Moving forward, there may be a need to improve the area behind Fire Station with additional parking and possibly an improved feeder system distribution hub station, whether or not the Town is slated to receive a train station stop. A conceptual plan prepared for the Town identifies a potential for 68 surface parking spaces, along with green infrastructure techniques to be incorporated (micro-bioretenion, permeable pavers, underground chambers for water filtration, etc.). Estimated total cost for all potential improvements is \$1.1M contingent on grant funds in future years. See additional details from WRMA (enclosed).

- Bert Bostrom Park Improvements (Master Plan for future improvements)

The Special Events Department previously identified the need for a Master Plan for Bert Bostrom Park which is anticipated to cost \$30K and is contingent on grant funds.

- Complete Streets Initiative/Safe Streets Program (Federal Highway – approx. 4,100 linear feet)

In conjunction with the US-1 Mixed Use plans that were adopted in April 2018, street design plans were also created and included with the regulating documents. A complete street design along US-1 is envisioned and is estimated to cost \$6M. Grant funds are needed however, the Town is working with FDOT and the TPA (Transportation Planning Authority) on the median plans we previously discussed at a public workshop with the Town Commission. FDOT and the TPA have committed to assist with some of the additional funding necessary to incorporate green infrastructure along the corridor in order to improve water quality which is a requirement. Public improvement dollars have also recently been contributed to the Town however, these have not yet been allocated.

- Community Development Security

The Community Development Department experiences a high level of foot traffic and deals heavily with the general public. Given the delicate nature of certain items that filter through the Department its three Divisions and the need to provide adequate security, a bullet proof

glass enclosure and door is required. The estimated cost is \$50K and this will be paid through the Town's general fund this fiscal year. An invitation to bid is being advertised currently.

→ Town-wide green infrastructure improvements

The Town is working with WRMA to make the Town sustainable for years to come. Green infrastructure includes a wide array of practices, including infiltrating, evapotranspiring, or harvesting and using stormwater. On the local scale, green infrastructure consists of site and neighborhood-specific practices, such as bioretention, trees, green roofs, permeable pavements and cisterns. Green infrastructure is an important component of sustainable urban communities. See additional details from WRMA (enclosed).

→ Library Improvements (includes technology; security; carpets & lighting; shelving; 2nd floor; exterior renovations and marquee)

These improvements have been identified by the Library Director – see schedule for details provided.

→ CRA Parking Garage

Originally, the intent was to provide additional surface parking within the area previously occupied by the Community Garden. The original estimate was \$420K however, the estimate was further refined by the Town's consulting Engineer and became close to \$780K. The new desire (and need) is to construct a parking garage on the site (contingent on available funds since this is estimated in the \$7.5M) however, in the interim the Public Works Department has installed temporary parking to accommodate for the some of the existing shortage.

→ Lamda Rail Improvements (Fiber Optic) –

Phase I has been completed. The Phase 2 portion of connecting Town Hall to Kelsey Park and Kelsey Park to the Marina are needed at a cost of \$180,000 which will come from One Cent Sales Tax Revenue.

ENCLOSED IS THE PROPOSED ORDINANCE AND UPDATED CAPITAL IMPROVEMENTS SCHEDULE (EXHIBIT "A" OF THE ORDINANCE). THERE IS AN OPPORTUNITY TO MAKE MODIFICATIONS TO THE SCHEDULE ON AN ANNUAL BASIS.

Recommended Motion: I move to ADOPT Ordinance No. 02-2020 on second reading.

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature originally required local governments to annually amend their comprehensive plans to update the Capital Improvements Element, including the Five Year Schedule of Capital Improvements contained therein; and

WHEREAS, pursuant to House Bill 7207 the Florida Legislature repealed the requirement that local governments annually amend their comprehensive plans thereby removing the obligation of the state land planning agency's review of the plan amendments of local governments; and

WHEREAS, local governments are now only required to review their Capital Improvements Element and adopt any update thereto pursuant to an Ordinance which is not subject to review by the State land planning agency; and

WHEREAS, the Town staff has prepared an Ordinance which amends the Schedule in the Capital Improvements Element of its comprehensive plan; and

WHEREAS, the Town Commission of the Town of Lake Park has held the duly required public hearings to adopt this update to its Comprehensive Plan.

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

Section 1: The whereas clauses are incorporated herein as the Commission's legislative findings.

Section 2: **Exhibit "A"** which is attached hereto and incorporated herein contains the text of the 2019/20 Update to the Town of Lake Park Comprehensive Plan Capital Improvements Element's Five Year Capital Improvements Schedule.

Section 3: A copy of the current Comprehensive Plan, as amended from time to time, shall be kept on file in the Office of the Town Clerk.

Section 4: A copy of the current Comprehensive Plan, as amended from time to time shall also be maintained in the Department of Community Development.

Section 5: All Ordinances or parts of Ordinances in conflict are hereby repealed.

Section 6: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7: The Ordinance shall become effective upon adoption.

EXHIBIT "A"

**TOWN OF LAKE PARK FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE¹,
FY 2018/19 — 2022/23 2019/20 – 2023/24**

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	<u>23/24</u>	Funding Source
4	Mirror Ballroom Doors	\$120,000						\$60K (General Fund)/ \$60K (State Historic Preservation Grant)
2, 4	Lake Shore Drive Drainage Improvements		\$8,200,000					Grants (\$5.6M LMS and HMGP) / \$600K State Appropriations Fund / \$2M One Cent Sales
2	<u>Replacement of all emergency generators (Town Hall; Public Works and PBSO building)</u>		<u>\$750,000</u>					<u>Public Works – Facilities (General Fund)</u>

¹ Note: The Town's ability to implement certain projects in accordance with this schedule is contingent upon the receipt of grant funds as identified in the "Funding Source" column.

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2, 4	10 th Street south of Park Avenue – drainage, lighting, paving, trees – Green Infrastructure Project			<u>\$4,000,000</u>				Grant (LMS), Stormwater Utility Assessment (50/50 split each FY)
2,4	FEC Railroad Intersection/pedestrian connections for quiet zone improvements			\$100,000				CRA Funding
2, 4	Park Avenue from Federal Highway to 7 th Street (improved sidewalks; landscape medians; striping and signalization – complete street design)			\$4,200,000				Grant (\$3.36M)/ One-Cent Sales Tax (\$840K)
<u>2, 4</u>	<u>Records Retention Building</u>			<u>\$500,000</u>				<u>General Fund</u>

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
4	Town Hall Renovations (Town Hall Roof, Exterior Painting, Ceiling Clerk's Office, Exterior Doors, Community Development Flooring/Painting/Reco nfiguration/Digital Marquee Sign in front of Town Hall/ADA accessible entry and ramp to the back of the Commission Chambers (French doors, east side)			\$500,000 (including required assessments)				General Fund Grant – (\$28K for Clerk's ceiling and exterior doors assessment already appropriated) / One Cent Sales Tax – \$432K / General Fund (Community Development Improvements –\$40K)

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2	Sanitary Sewers in Tri-City Industrial Park; Lake Park Public Works; and Water Tower Road/Old Dixie Highway (north of Water Tower, east of Old Dixie) commercial property; Gateway Road Reconstruction and Sanitary Sewer along the south side (approx. 1,250 linear feet)			\$1,325,000				Special Assessment
2	Outfall to C-17 Canal – <u>Berm Improvement Project</u>	\$200,000		<u>\$537,000</u>				<u>Grant</u> Stormwater Fund
<u>2</u>	<u>Southern Outfall Retrofit Project</u>					<u>\$3,500,000</u>		<u>Grant</u>

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2	Coastal Link/Tri-Rail/Palm Tran Extension Improvements for parking and feeder system improvements on the Town-owned property behind Fire Station 68 – including green infrastructure				\$1,100,000 \$700,000			Grant
2	Bert Bostrom Park Improvements (Master Plan for future improvements)		\$30,000					Grant
2	Complete Streets Initiative/Safe Streets Program (Federal Highway – approx. 4,100 linear feet)		\$6,000,000					Grant (TPA, FDOT, other)
1	Community Development Security (bullet proof glass, door, slots, hearing device)		\$50,000					General Fund
2, 4	Town-wide green infrastructure improvements			\$26,600,000				Grant

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2,4	Library Improvements (includes technology; security; carpets & lighting; shelving; 2 nd floor; exterior renovations and marquee)		\$85,000 (\$70,000 Grants/ \$15,000 General Fund)	\$45,000 (\$25,000 General Fund; \$20,000 Grants)	\$30,000 (\$20,000 General Fund; \$10,000 Grants)	\$1,110,000 (\$110,000 General Fund, \$1,000,000 Grants)		General Fund; Grant
2,4	Library Improvements <u>Upgrade of Public Computers to Laptop Kiosk – Two 12 slot kiosk with a single card reader</u> <u>Replacement of shelving; Eight 21 lf fixed stacks; \$1,000. Per stack. \$8,000. Thirty five 72 lf modular mobile units. At 1,000 per unit. \$35,000</u> <u>Carpet with vinyl flooring 9200sf. \$37,000. @\$4.00 pf including install</u> <u>>Replace worn, damaged seating.</u> <u>Approximate cost for bench, chair seating approximately \$16,000. 30 seats, benches</u>		\$40,000					General Fund; LSTA Grant (split 50/50) General Fund

	<p>combination seating throughout. <u>Large bench grouping: \$5,000 per nine grouping.</u> <u>Two computer power lounge chairs with tablet table: \$2 per \$1000.</u> <u>Four bench grouping: \$2,000. Per grouping</u></p> <p><u>Addition of ADA compliant second level loft above east wing (addition of elevator) and patio enclosure</u> <u>Interior renovation:</u> <u>>Second level loft above east wing with glass wall (addition of elevator) and patio enclosure</u> <u>approximately \$1,920,000</u> <u>>Elevator install – 2 story commercial - new: approximately \$70,000.</u> <u>>Annual Maintenance cost for elevator: \$5000.or less</u></p> <p><u>Exterior renovations: entrances</u></p>			<p>\$50,000</p>	<p>\$2,440,000</p>			<p><u>General Fund: Grant (30/70 split)</u></p> <p><u>General Fund: Grant (50/50 split)</u></p>
--	---	--	--	-----------------	--------------------	--	--	---

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
2	Community Garden Area CRA Parking Garage (Permanent) "Temporary" Improvements (millings, enclosure, striping and signage)	\$10,000		\$7,500,000				\$5M Appropriations /\$2.5M Grant CRA
2	Lamda Rail Improvements (Fiber Optic) – PHASE 1 (approx. \$80K) Town Hall to 10 th \$61,082; Town Hall to Library \$6,347; 10 th Sreet Fire Station to Public Works \$10,755 PHASE 2 (approx. \$136K) Town Hall to Kelsey Park \$85,442; AND Kelsey Park to Marina \$50,882 – (sub-total of three items in blue = approx. \$80,000)	\$80,000	\$136,000 \$180,000					One Cent Sales Tax

Project Category	Project Name	18/19	19/20	20/21	21/22	22/23	23/24	Funding Source
4	Johnson Controls-- (LED Lighting Retrofit; Domestic Water Conservation; Building Automation Upgrades; HVAC Upgrades/Replacement s)	(\$1.5M total cost over 16 years)- Cash outlay commitment of approximately \$121K per year, principal and interest, for a 16 year financing plan with a 3.2% interest rate assumption	\$121,000	\$121,000	\$121,000	\$121,000		General Fund
	Total	\$531,000	<u>\$15,346,000</u> \$14,572,000 0	<u>\$45,312,000</u> \$10,291,000	<u>\$3,540,000</u> \$851,000	<u>\$3,500,000</u> \$1,231,000	<u>\$0</u>	

Project Category Codes

- 1 – Project necessary to achieve Level of Service
- 2 – Project will enhance ability to continue to meet Level of Service
- 3 – Project will enhance ability to meet Level of Service for Optional Element
- 4 – Project will further the achievement of Comprehensive Plan goals, objectives and policies.

TOWN OF LAKE PARK ESTIMATED FUNDING SOURCES FOR CAPITAL IMPROVEMENTS FY 2018/19 – 2022/23

Funding Source	18/19	19/20	20/21	21/22	22/23
General Fund	\$181,000	<u>\$916,000</u> \$136,000	<u>\$1,025,000</u> \$186,000	<u>\$1,220,000</u> \$141,000	\$231,000
Stormwater Utility Assessment			\$2,000,000		
Grants	\$60,000	<u>\$11,650,000</u> \$11,700,000	<u>\$33,387,000</u> \$5,408,000	<u>\$2,320,000</u> \$710,000	<u>\$3,500,000</u> \$1,000,000
Special Assessment			\$1,325,000		
CRA Funding	\$10,000		\$100,000		
Streets and Roads					
Stormwater Fund	\$200,000				
State Funds		\$600,000	<u>\$5,000,000</u>		
One Cent Sales Tax	\$80,000	<u>\$2,180,000</u> \$2,136,000	\$1,272,000		
Total	\$531,000	<u>\$15,346,000</u> \$14,572,000	<u>\$45,312,000</u> \$10,291,000	<u>\$3,540,000</u> \$851,000	<u>\$3,500,000</u> \$1,231,000



**PRELIMINARY COST OF IMPLEMENTING GREEN INFRASTRUCTURE LOW IMPACT DEVELOPMENT
BEST MANAGEMENT PRACTICES**

10TH Street South of Park Avenue Green Infrastructure Project

Note: The 10TH Street Project development is not at the point where a detailed cost of GI/LID BMP implementation can be estimated. The following cost is a conservative estimate based on some key assumptions:

Drainage

- The application of approximately 51, 000 SF of bio-retention
- The application of approximately 2,200 LF of bio-detention, bio-swales and planters
- The application of approximately 300 feet of underground stormchambers
- The application of approximately 11,000 SF of pervious pavement
- The application of 10 Rain Trees

Utility Relocation

- Approximately 40% of existing utilities will be relocated to accommodate GI/LID fixtures

Lighting

- Approximately 40% of existing lighting facilities will be relocated to accommodate GI/LID fixtures

Paving

- Milling and resurfacing of existing road

Cost

Per these assumptions the **Total Construction Cost is approximately \$2.9 million.** Adding design at 20%, permitting at 7.5%, MOT at 5%, and contingency at 7%, a **Total Cost of \$4.1 million (With Design Engineering and Permitting)** is obtained.

As stated earlier, this conservative cost has a variability of approximately 30% because of the lack of specific project information. The range would be: \$2.7 million to \$4.1 million.

The timetable for implementation will be:

- Project: January 2020
- Grant Application: March 2020
- Project Design: Third quarter 2020 (assuming grant funds are available for design estimated at \$350,000 to \$450,000).

C-17 Canal Berm Improvements Project

Project Background and Description

Figure 1 shows the location of the FEMA/DFIRM Special Flood Hazard (SFHA) within the Town of Lake Park. Per FEMA studies, the SFHA's are created by the C-17 overflowing the eastern bank along the Town boundaries.

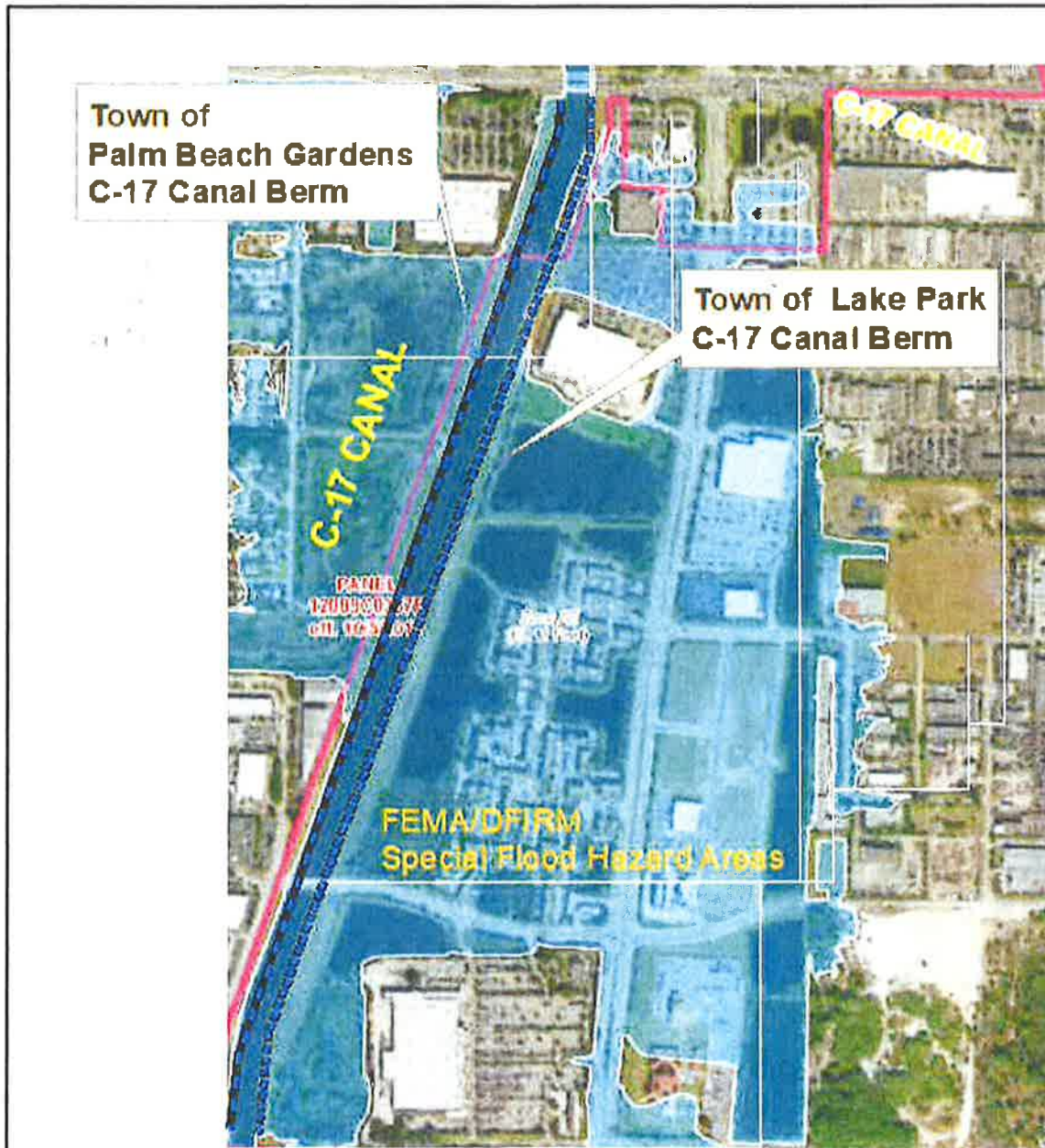


Figure 1: FEMA DFIRM Special Flood Hazard Areas and the C-17 Canal Berms

A preliminary investigation of the FEMA AND SFWMD C-17 Technical Report indicates that the C-17 berm elevations at the Town are lower than the predicted 100-year Base Flood Elevation of 11 feet NAVD.

The purpose of the canal berm improvements project would be to raise the C-17 Top of Berm elevation above 11.0 feet NAVD to avoid the canal overflow condition and remove the SFHA's from the Town's FEMA Digital Flood Insurance Rate Maps. This would have a double effect. It would lower the flood insurance premiums of Town businesses and Town residents located in the existing flood hazard areas (from mandatory to voluntary, hence lower cost), and improve the Town's CRS rating (lower premiums overall for all Town of Lake Park residents).

The implementation of this project would have to be coordinated with the adjacent jurisdiction, as raising only one side of the Canal 17 berm would have the effect on increasing the flood on the opposite side of the canal. **Figure 2** shows that the C-17 canal is within the boundaries of the Town of Palm Beach Gardens.

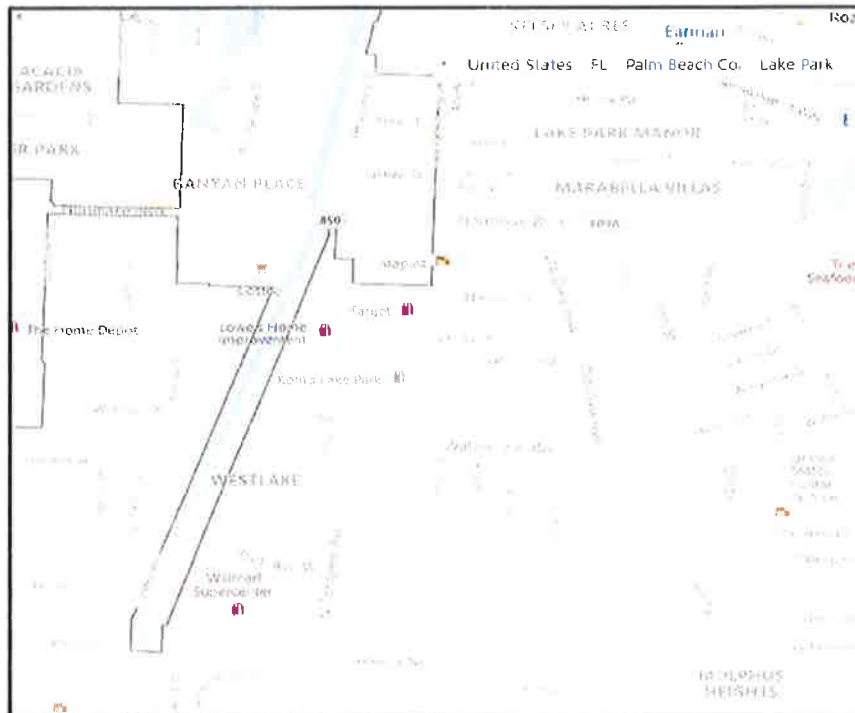


Figure 2: Town of Palm Beach Gardens Boundaries and the C-17 Canal

Assuming that the project can be coordinated with the SFWMD/NPBCID and the Town of Palm Beach Gardens, the cost of raising the berm by four (feet) for a length of 5,500 feet and an approximate berm width of 100 feet would be as follows.



Total Construction Cost: \$366,675 (Construction)

Adding design engineering cost at 20%, permitting at 7.5%, MOT at 5%, and contingency at 7% a **Total Cost of \$537,000 (With Design Engineering and Permitting)** is estimated.

If both East (Town side) and West (non-Town side) berms are elevated simultaneously, a Total Cost of \$1.1 million would apply.

The funding source for his project would be FEMA, via a Hazard Mitigation Grant Program (HMGP) grant through the Palm Beach County LMS. Most likely, both the Town of Lake Park and the Town of Palm Beach Gardens would have to apply together.

The application would be for the 2020-2021 grant cycle and implementation, if the HMGP grant is successful, implementation would occur in 2022.

Future Tri-Rail Site with Green Infrastructure/Low Impact Development BMP Application

Note: As with the 10TH Street Project, concept development of this site is not at the point where a detailed cost of GI/LID BMP implementation can be estimated. The following cost is a conservative estimate based on some key assumptions.

Figure 1 shows that approximate location of a proposed Tri Rail Station. The figures also show the preliminarily selected location of a bio-detention facility. This facility would be connected via additional bio-swales through the site. Trees would be planted, and pervious pavement and or pavers would be installed.



Figure 3: Proposed Tri Rail Site and GI/LID facilities

Based on this preliminary concept the following GI/LID features would apply:

- 4,200 SF of bio-detention
- Approximately 45,000 SF of pervious pavement
- Approximately 350 feet of bio-swales
- A minimum of 4 Rain Trees



The construction cost of these GI/LID facilities has been estimated at:

Total Construction Cost: \$788,400 (Construction)

Adding design engineering at 20%, permitting at 7.5%, MOT at 5%, and contingency at 7% a

Total Cost of \$1.1 million (With Design Engineering and Permitting) is estimated.

Note: 50% of the cost is attributed to pervious pavement. The cost would be reduced significantly if more traditional pavement methods are used due to the higher cost of pervious pavement.

The funding source could be a grant from FDEP, FDOT /FHA or the SFWMD.

It is not estimated that these facilities would be constructed before the 10th Street project in the 2020-2021 FY, but the application could be made concurrently with the 10th Street project depending on the Tri-Rail project being shortlisted for implementation by the SFRTA/FDOT.



Implementation of Green Infrastructure/Low Impact Development Infrastructure Town-Wide

Note: The Stormwater Masterplan has not advanced to the point that the location of these proposed GI/LID fixtures is known. The proposed cost estimate is based on a very preliminary concept of Town-wide application. The following assumptions apply:

- The system of GI/LID facilities would be implemented during a SWMP planning horizon of 25 years.
- There are approximately 64 miles or 337,920 feet of roads within the Town. Bioswales and bio-planters are estimated to be implemented conservatively for 15% of this total.
- There are approximately 21 acres of open space available (at various locations) for implementation of bio-detention or bio-retention of runoff (This needs to be verified).
- A minimum of 100 Rain Trees will be installed throughout the Town.

Applying the industry standard unit costs for these type of GI/LID facilities a very preliminary construction cost of **\$19.1 million (Construction)** is obtained.

Adding design engineering at 20%, permitting at 7.5%, MOT at 5%, and contingency at 7% a cost of approximately **\$26.6 million (With Design Engineering and Permitting)** is obtained.

As stated earlier this is a conservative estimate based on implementing roadside swales for 9.6 miles of roads (15% of total roads). If a smaller roadside swale percentage is used this estimate changes as follows:

at 15% of roads (9.6 miles of bio-swales) \$ 26.6 million or \$1.1 per year (Over 25 years)

at 10 % of roads (6.4 miles of bio-swales) \$ 23.6 million or \$0.95 per year (Over 25 years)

at 5 % of roads (3.2 miles of bio-swales) \$ 20.5 million or \$0.82 per year (Over 25 years)

Likewise, the proposed 21 acres of bio-retention accounts for almost 50% of the total cost. The total could also change significantly if the number of bio-retention acres is decreased. This will not be known until later during the SWMP Alternative design task which will identify the acreage available Town-wide.

Based on these early approximated costs, it is estimated that the SWMP GI/LID implementation will require \$0.5 to \$ 1.1 million per year for implementation over a 25-year planning horizon.

GI/LID funding by regulatory agencies (FDEP/SFWMD/ EPA/LWL, etc.) is available for multi-year program funding (i.e. one grant would satisfy 2-3 years at the time).

The first year of funding required will be for the 2020-2021 planning period.

Regards,

Raul M. Mercado, PE, CFM

**LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, February 3, 2020 at 8:30 p.m. or soon thereafter, the Town Commission, of the Town of Lake Park, Florida, will meet in the meeting room at the Chamber, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances, on second reading and proposed adoption there-
of:

ORDINANCE NO. 01-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE V OF CHAPTER 78 OF THE TOWN CODE TO CREATE NEW SUPPLEMENTARY REGULATIONS AT SECTION 78-154 PERTAINING TO THE IMPLEMENTATION OF SECURITY MEASURES FOR CERTAIN TYPES OF BUSINESSES, PROVIDING FOR PENALTIES FOR THOSE BUSINESSES WHICH FAIL TO COMPLY WITH THE PROVISIONS CONTAINED HEREIN, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS SCHEDULE SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida
1-26/2020
-0000549045-01

New Business

TAB 6



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: 02/5/2020

Agenda Item No. Tab 6

Agenda Title: **FISCAL YEAR 2019/2020 BUDGET**
AMENDMENT FOR THE GENERAL FUND

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

Approved by Town Manager *[Signature]* **Date:** 1-30-2020
Lourdes Cariseo Finance Director *Lourdes Cariseo*
Name/Title

Originating Department: FINANCE	Costs: \$28,300 Funding Source: Budget Amendment <input checked="" type="checkbox"/> Finance <i>LCariseo</i>	Attachments: Resolution, 15-02-20
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 _LC Please initial one.

Summary Explanation/Background:

The Town of Lake Park has received unanticipated code violations fines during the month of January 2020. A presentation was made to the Commission on January 29, 2020 by O'Rourke Engineering and Planning for professional engineering services associated with the Study of Town speed limits and the development of a town-wide traffic calming policy. The cost is \$28,300. The increase to the General Fund amends the 2019/2020 budget to a total of \$ 8,755,013. .

The staff recommends adjusting the following revenue/expenditure items:

Increase Revenue Budget in - Fines /Code Violations 001-354.100 in the amount of \$28,300

Increase Expenditure Budget – Professional Services 001-500-34000 in the amount of \$28,300

Recommended Motion:

I move to adopt Resolution 15-02-20

RESOLUTION NO. 15-02-20

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2019-2020 AS PREVIOUSLY ADOPTED BY RESOLUTION 77-09-19; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR 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, 2019 and ending September 30, 2020; 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 Resolution No. 76-09-19 a final millage rate for Fiscal Year 2019-2020; and

WHEREAS, the Town Commission deems it necessary and advisable to amend the budget for the Town of Lake Park for Fiscal Year 2019-2020, which was adopted by Resolution 77-09-19.

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

Section 1. The whereas clauses are incorporated herein as true and correct and are supported herein.

Section 2. The Town Manager is hereby authorized to amend/transfer between departmental accounts provided, however, that total appropriated expenditures by fund do not exceed Commission authorized amounts.

Section 3. If any section, subsection, sentence, clause, phase or portion of this Resolution 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. This Resolution shall become effective immediately upon adoption.

TAB 7



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2020

Agenda Item No. *Tab 7*

Agenda Title: Authorization by the Commission to the Town Manager to Proceed with Accepting the Traffic Engineering Proposal from the Firm of O'Rourke Engineering and Planning, for the Provision of Professional Traffic Engineering Services Associated with the Analysis of Town Speed Limits and Traffic Calming Policy Development .

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager

[Signature]

Date:

1-30-2020

1/30/2020
Richard Scherle / Public Works Director

<p>Originating Department: Public Works</p>	<p>Costs: \$28,300.00 Funding Source: 001-52524-500-31000 Acct. <input type="checkbox"/> Finance <i>[Signature]</i></p>	<p>List of Exhibits: 1. Full Proposal from Traffic Engineering Firm of O'Rourke Engineering and Planning.</p>
<p>Advertised: Date: Paper: <input checked="" type="checkbox"/> Not Required</p>	<p>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.</p>	<p>Yes I have notified everyone _____ OR Not applicable in this case _____ Please initial one.</p>

Summary Explanation/Background:

At the January 29, 2020 Regular Commission Meeting, the attached traffic engineering proposal from O'Rourke Engineering and Planning was discussed in-depth. This proposal includes the provision of traffic engineering services which will be used to study Town

speed limits (for the ultimate purpose of implementing possible speed limit reductions) as well as to assist the Town with the development of a Town-wide traffic calming policy. Subsequent to the Commission and Town Manager discussing the proposal with Susan O'Rourke P.E. (who attended the meeting to answer questions and provide a general overview of her firm's proposal), the consensus of the Commission was that the proposal should be pursued. Because the \$28,300.00 cost associated with the proposal was not budgeted, the Commission directed the Town Manager to identify the needed funding. The Town Manager explained that funding would be identified so that the proposal could be authorized to proceed at the next Commission meeting. The purpose of this agenda item is to establish that funding source and to authorize the proposal to proceed.

The proposed funding source for this project is fully described within the complementary budget transfer agenda item, as prepared by the Town's Finance Director. In summary, funding from a recently settled code compliance violation will be transferred to provide for the required budget to complete this project.

Staff will work with the traffic engineer to provide as much useful information as possible, including making sure the engineer is aware of recent Town initiatives such as the potential for redevelopment at the Northlake Promenade, improvements to Park Avenue, traffic pilot projects on 10th street, and other items which may have some level of impact to Town traffic flows. To accommodate this, the proposal includes up to 10 hours of meeting time, which will be used to coordinate final completion of the study. Upon issuance of a notice-to-proceed to the engineer, we expect work to begin immediately and the study to be completed within a 60 to 90 day timeframe.

Note, that the firm of O'Rourke Engineering and Planning is a sub-consultant to Engenuity Group, with which the Town currently has an active five (5) year continuing services agreement.

Recommended Motion: I move to authorize the Town Manager to proceed with the traffic engineering proposal from O'Rourke Engineering and Planning.



PROPOSAL

BACKGROUND

The state of Florida establishes speed limits and rules for speeds within the state of Florida. FS316.183 identifies that the speed within residential and business districts as 30 mph. However, on municipal roads that limit can be reduced to 25 or 20 mph. (County roads the lower speed is 25 mph) Lower speeds require justification through traffic engineering study. FS 316.003(7) Defines Business District as “the territory contiguous to, and including, a highway when 50 percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.” Similarly FS 316.003(60) defines a Residence District as “the territory contiguous to, and including, a highway not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business.”

Many communities desire to control speed to provide for a harmonious travel corridor that supports the vehicles, pedestrian and other non-motorized and micro transportation options.

SCOPE OF SERVICES

Task 1: Existing Speed Limits - Identify the speed limits on each segment of roadway City Wide. The speed limits will be posted to a map and a straight-line diagram (straight line for segments that go on to additional studies).

Task 2: Candidates for Districts - Identify local segments that would constitute district as identified by the FS.

Task 3: Stratify the Segment Data - Group the local “District” segments by common characteristics, loading, width, lighting, use.

Task 4: Arterials and Collectors – In addition to the local roadways and neighborhood streets, identify any Arterial or Collector that has an established speed limit that the Town would like to reduce.

Task 5: Conduct Speed Survey -- For each group of like segments and all arterials or collectors to request a speed reduction, O'REP will place tube counter/ speed devices on each segment and collect data. Although there are numerous ways to collect speed data, the tube counts are the least obvious of speed collection devices. We can leave them for 24 hours and have the added benefit of having 24-hour volumes for use in recommending or designing transportation calming devices and other transportation enhancements.

Up to 8 segments will be surveyed.

Task 6: Identify Accident Data – O'REP will review accident data for all segments under consideration for a speed change or justification.

Task 7: Analyze and Recommend Speeds – O’REP will review the data and make recommendations based on 85th percentile speed, pace and overriding considerations to the 85th percentile speed. Recommendations will include application to shared segments within a common district.

Task 8: Roadway Traffic Calming and Enhancements – Lake Park will identify areas that have already expressed a desire to modify their roads or a component of their transportation system. O’REP will consider possible modifications in the establishing of the improvements.

Task 9: Traffic Calming and Roadway Enhancements – O’REP will establish a process for implementing traffic calming or other transportation enhancements. The process will involve a submittal process, a scoring system that assigns points based on quantitative and qualitative components ranking based on points, approval process and a funding process. On larger areas, a “mobility audit” could be conducted as part of the process. A mobility audit is a more comprehensive review of how well a community is connected to primary attractors in the area. Conversely, a business district audit would focus on how well it is connected to neighborhoods. Connection is defined as both geographic and by type of mobility. A sample matrix we prepared for others is attached. This matrix can be further stratified should additional modes such as e-scooter or bike rental modes start to be used in the Town.

Task 10: Reporting- O’REP will prepare two reports one that summarizes the speed findings and recommendations and one that summarized the Traffic Calming and Roadway Enhancement process. The speed results will be presented within the overall report. Table and graphics sufficient for presentations and to clarify the intent will be provided. The speed report will include an appendix of straight-line diagrams and more detailed data that will remain on file in support of any challenges to the speeds. The body of the report will be a less complex presentation that appeals to a broader audience.

For the traffic calming and Roadway Enhancements report, a “How to” package and materials will be prepared for distribution as well as inclusion on the website. Scoring and ranking samples will be included as well.

Task 11 – Meetings – O’REP will attend up to 10 hour of meeting time.

SCHEDULE

O’Rourke Engineering & Planning will prepare the reports within 60 days of notice to proceed.

FEE

O’Rourke Engineering & Planning will provide the services based on the following fees.

Task 1-4: \$4,800

Task 5: \$3,500

Task 6: \$2,400

Task 7 and 8: \$5,000

Task 9: \$6,500

Task 10: \$3,500

Task 11: \$2,600

Total: Speed - \$15,700 + \$1,000 of Task 10 and \$1,300 of Task 11= \$18,000.

Total Traffic Calming Process - \$10,300.00

Total - \$28,300.00

TAB 8



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2020

Agenda Item No. *Tab 8*

Agenda Title: Mural Ordinance Discussion

- | | | | |
|-------------------------------------|--------------------------------------|--------------------------|----------------|
| <input type="checkbox"/> | SPECIAL PRESENTATION/REPORTS | <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | BOARD APPOINTMENT | <input type="checkbox"/> | OLD BUSINESS |
| <input type="checkbox"/> | ORDINANCE ON 1 st READING | | |
| <input checked="" type="checkbox"/> | NEW BUSINESS | | |
| <input type="checkbox"/> | OTHER: _____ | | |

Approved by Town Manager *[Signature]* **Date:** *1-29-2020*

Nadia Di Tommaso / *Community Development Director*
 Name/Title *[Signature]*

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ N/A Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: → Chapter 71 – Current Code Provisions for Murals → Agenda Packet from December 19, 2018 Meeting → Agenda Packet from February 17, 2016 Meeting
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u><i>ND</i></u> OR Not applicable in this case Please initial one.

Summary Explanation/Background:

At a prior Town Commission meeting, Commissioner Linden requested that the Mural Ordinance is revisited. The existing Mural code provisions in Chapter 71 are enclosed. The February 17, 2016 Commission meeting packet is also enclosed since it created the mural provisions in the Town Code. The provisions were later amended to extend the applicability boundaries for murals and this agenda packet from the December 19, 2018 Commission meeting is also enclosed.

Recommended Motion: At the discretion of the Town Commission.

CURRENT CODE PROVISIONS

Chapter 71 - MURALS

ARTICLE I. - INTENT

Sec. 71-1. - Intent.

It is the intent of these regulations to:

- (1) Create a process permitting the owners of buildings within the community redevelopment area (CAR) to engage artists to display their mural art containing content neutral messages on their buildings.
- (2) Promote the arts by providing artists with a forum to display their work.
- (3) Encourage property owners to improve the appearance of their buildings, and thereafter to maintain the enhanced appearance of their buildings.
- (4) Protect and enhance property values through the creation of a more attractive economic and business area.
- (5) Protect and enhance the physical appearance of the community redevelopment area by improving its visual appearance.

(Ord. No. 02-2016, § 2, 2-17-2016; Ord. No. 17-2018, § 2, 12-19-2018)

Secs. 71-2—71-20. - Reserved.

ARTICLE II. - DEFINITIONS

Sec. 71-21. - Definitions.

For the purpose of this chapter, the following definitions apply:

- (1) *Affiliate* means any person, other than the person that controls, is controlled by or is under common control with the first person including, but not limited to, any owner, shareholder, member, partner, officer, director or employee of the first person.
- (2) *Control* means the possession, directly or indirectly, of the power to direct or cause the direction of management, policies or activities of any person, whether through ownership of voting securities, by contract or otherwise.
- (3) *Applicant* is any person or entity who, is seeking to be qualified to apply for a mural permit pursuant to this chapter.
- (4) *Copy change* means a type of application by the holder of a mural permit to change a mural painted on a building.
- (5) *Gateway sign* means a sign marking the entrance to a neighborhood, park, or other designated historic, public or geographical areas.
- (6) *Location change* means a type of application by the holder of a mural permit to change the location of a previously approved mural permit.
- (7) *Mural* means a painting or artistic work (including collage effects) composed of pictures or arrangements of color, or similar works of art which may have a commercial sponsorship message not related to any businesses located onsite, and which is made directly onto, projected onto, attached to a building or a wall, or placed as a standalone feature.
- (8) *Mural face* means the entire face of the mural including all noncommercial text, artwork, and commercial sponsorship messages incorporated into a mural.

CURRENT CODE PROVISIONS

- (9) *Mural permit* means the permit allowed by this chapter once all criteria described herein has been met.
- (10) *New location* means an available location for a mural placement where there is not currently an active mural permit and otherwise complies with the criteria of this chapter.
- (11) *Permittee* means a person or entity who is the holder of an approved mural permit.
- (12) *Permit fee* means the permit application fee paid for a mural permit.
- (13) *Qualified applicant* means any person or entity as defined herein.
- (14) *Wall* means the exterior surface of a building capable of being occupied, including surfaces free of windows or devoid of occupants behind the area where the mural is to be placed. Surfaces constructed on roof tops (other than a roof parapet) shall not be considered walls for purposes of this article.
- (15) *Wrap or wrapped mural* means a mural which is continuous on two sides of the building and connects or touches on one side and has the same sponsor. A wrap shall have related paintings, artistic works, or messages on both sides of the mural.

(Ord. No. 02-2016, § 2, 2-17-2016)

Secs. 71-22—71-40. - Reserved.

ARTICLE III. - MINIMUM CRITERIA FOR MURALS

Sec. 71-41. - Placement of murals on buildings.

- (1) Murals may be placed on the exterior walls of a nonresidential building.
- (2) Minimum setback requirement: Murals shall not be placed on buildings that are within 50 feet of a residential structure, measured from the closest exterior edge of the view of the surface of the mural to the closest parallel residential wall.
- (3) A mural shall not be placed on buildings such that it prevents a window from being opened;
- (4) A mural not prevent ingress and egress or interfere with site circulation by incorporating images that are misleading to site operators.

(Ord. No. 02-2016, § 2, 2-17-2016)

Sec. 71-42. - Duration.

An applicant shall indicate the duration the mural is proposed for display on the mural permit application (shall not exceed five years). The determination of the duration of the permit shall be made by the town commission, but shall in no case be longer than five years. Applicants shall pay a \$250.00 fee for every one 12-month period the mural is displayed beyond the first 12 months. At the conclusion of the approved period of the display of the mural it shall be removed, or replaced with a new mural through a new mural permit. Extensions are only possible through the submittal of a new mural permit application. The new mural shall meet the provisions of this chapter.

(Ord. No. 02-2016, § 2, 2-17-2016)

Secs. 71-43—71-60. - Reserved.

ARTICLE IV. - PARTICIPATING ARTISTS

CURRENT CODE PROVISIONS

Sec. 71-61. - Qualification as a participating artist.

An individual who proposes to be a participating artist shall submit the following information.

- (1) A mural permit application from the building owner; and
- (2) The name, address, phone number and other pertinent information of the applicant, and if the applicant is an entity, such as a corporation, limited liability company, or partnership, the names and business addresses of the principal officers, and other persons who own more than five percent of the entity; and
- (3) Proof, reasonably satisfactory to the town risk management administrator, that any applicant who is a corporation, limited liability company, or partnership has (and can maintain at all times) public liability insurance in the amount of \$1,000,000.00; and
- (4) Proof that the applicant is in good standing with the town and the county for any pending code enforcement matters. No individual, business, building or property owner, or affiliate of an individual, business or building or property owner may apply for a mural permit if that person or entity has displayed an illegal mural, banner, sign or any type of outdoor advertising in the town by receiving a notice of violation, any summons to appear, or a ticket for any illegal mural, banner, sign, or any type of outdoor advertising in violation of the Town Code; and
- (5) A cash security deposit in the amount of \$1,500.00 payable to the Town of Lake Park. Consecutive building walls under the same property ownership will be required to submit only one cash security deposit. Should the ownership change throughout the duration of the mural, an additional cash security deposit will be required from the new property owner of record. The town shall be authorized to utilize the cash security deposit in the event the applicant is determined by the town's special magistrate to be in violation of any provision of this chapter; and
- (6) The applicant shall not be indebted to the town for any fees, fines, liens business tax receipt fees, zoning certificate fees, code enforcement fines or liens, palm beach county fire rescue liens, unsafe structure fines or liens, or any other fee, fine, penalty, or lien due and owing to the town.

(Ord. No. 02-2016, § 2, 2-17-2016; Ord. No. 13-2017, § 2, 9-27-2017)

Secs. 71-62—71-80. - Reserved.

ARTICLE V. - MURAL APPLICATIONS AND PERMITS

Sec. 71-81. - Mural applications.

Applicants shall submit applications to display murals on buildings to the community development department. The application shall include a depiction of the mural proposed for a building and identify the building upon which it will be displayed.

Upon the submission of an application, the department shall determine whether the applicant has complied with the criteria set forth herein. Upon the determination by the department that the proposed mural meets the minimum distance separation and size requirements set forth herein and application shall be submitted to the town commission for its initial review as to its proposed location.

A qualified applicant's permit application shall initially contain the following:

- (1) The address of the subject building and dimensioned (in feet) elevation drawing and photo of the wall where the mural is to be located along with identification of the desired mural wall area in feet.
- (2) A survey identifying the property boundaries.

CURRENT CODE PROVISIONS

- (3) An aerial image of the site identifying the surrounding properties, their existing use and distance (measured in feet) from the applicant's site.
- (4) Proof that the building where the mural is to be placed is in compliance with applicable laws, as defined herein, and does not have any outstanding code violations pending, or liens recorded or past code violations.
- (5) The applicant shall provide a list of all property owners within 300 feet of the building proposed for a mural together with address labels and funds to cover the cost of certified mail to property owners.

Following the commission's approval of the mural's location, the applicant shall submit the following additional documentation to the community development department:

- (6) A colored drawing or colored computer simulation depicting the mural face.
- (7) Two photographs or two computer simulations depicting the wall and the mural superimposed on the wall.
- (8) Payment of an initial non-refundable administrative permit fee in the amount of \$250.00. A wrap-around wall mural shall be considered under a single mural permit however, if murals are proposed on more than one building wall and are not a continuation of one another, separate mural permits and fees are required.
- (9) Completion by the applicant of the town indemnity and hold harmless agreement, in a form approved to by the town attorney.

(Ord. No. 02-2016, § 2, 2-17-2016)

Sec. 71-82. - Approval process for permit issuance.

Once all the mural permit requirements have been received by the community development department, the department director shall direct the final application package to the town commission for approval, approval with modifications, or denial. Notification in the form of a certified mail notice with a description of the proposal shall be mailed to all properties within 300 feet of the subject property at least seven days before the town commission meeting. The applicant shall bear the costs of this notification. The proposal shall be approved by resolution of the town commission.

(Ord. No. 02-2016, § 2, 2-17-2016)

Sec. 71-83. - Minimum Mural permit criteria.

- (1) *Mural size* . Murals may be painted on up to 80 percent of a wall. In any event, a mural may not be greater than 10,000 square feet.
- (2) *Mural size* . The mural face shall be predominantly pictorial with no text.
- (3) *Illumination* . The illumination of a mural shall only be by indirect lighting, and shall only be permitted from 6:00 p.m. to midnight Standard Time and 7:00 p.m. to midnight Day Light Savings Time. If illumination is proposed, a signed and sealed photometric plan shall accompany the application for those murals adjacent to residential property.
- (4) *Location* . Murals shall be placed only on walls.
- (5) *Public safety* . Mural faces shall not have any moving or animated parts, or any other electronic movements, and shall not be illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists and interfere with their ability to safely operate their vehicles.

CURRENT CODE PROVISIONS

- (6) *Unoccupied buildings* . A mural shall be permitted on an unoccupied building only if the building possesses a valid town permanent certificate of occupancy.

(Ord. No. 02-2016, § 2, 2-17-2016)

Sec. 71-84. - Review by the community development department.

- (1) The town community development department or designee shall be responsible for the review of mural permits with the criteria established herein prior to forwarding the application to the town commission.
- (2) The town community development department or designee shall keep an updated map and permit records/photos depicting the locations of all approved mural permits.
- (3) A permittee shall have 60 days from the issuance a mural permit to install a mural at the approved site. Should the permittee fail to install the permitted mural within the 60-day period, the town community development department or designee shall rescind the mural permit.

(Ord. No. 02-2016, § 2, 2-17-2016)

Sec. 71-85. - Changes in art work, copy, or applications.

- (1) An applicant may change the copy on the mural face by filing a revision permit application and the payment of a \$100.00 revision fee. Such application shall be submitted to the town community development department and adhere to the application requirements and approval process for permit issuance listed herein, which includes town commission approval.
- (2) Location change application. Mural permits are not transferable. All location changes shall be subject to the review procedure set forth herein.

(Ord. No. 02-2016, § 2, 2-17-2016)

Sec. 71-86. - Enforcement.

- (1) Enforcement of any provisions of this chapter shall be through the Town Code Enforcement procedures outlined in chapter 9 of the Town Code.
- (2) The town shall be authorized to collect against the letter of credit all fees, fines and penalties, as well as all expenses incurred by the enforcement of this article.
- (3) In the event an applicant is found to be in non-compliance by the town's special magistrate, any and all mural permits issued pursuant to this article shall be revoked and the applicant shall forfeit the right to apply for any subsequent mural permits for a five-year period following revocation. A notice of rescission shall be provided to the applicant, and require the applicant to remove all murals permitted pursuant to this article within five days of receipt of such notice. If the applicant fails to remove the mural(s) after receipt of such notice, enforcement proceedings may be immediately initiated.
- (4) A mural that has been erected without a valid mural permit shall be removed within 24 hours of the building owner's receipt of notification from the town that the mural is in violation of the Town Code. If the mural erected without a valid mural permit poses a threat to the public welfare (through the use of obscene symbols or other similar prohibitions), the town, by and through its designee, shall be permitted to enter the building premises in violation and remove the mural and code enforcement shall adhere to the code enforcement procedures to abate a nuisance outlines in chapter 54 of the Town Code.

CURRENT CODE PROVISIONS

- (5) The building owner shall strictly comply with the provisions of this chapter throughout the term of a permit. Failure to do so may result in the town's revocation of the permit and the forfeiture of the building owner's opportunity to apply for subsequent mural permits for a five-year period.

(Ord. No. 02-2016, § 2, 2-17-2016)

Sec. 71-87. - Maintenance.

- (1) In the event a Town Code compliance officer finds that any mural permitted pursuant to this article is not being maintained in good repair or appears faded, torn, or in similar condition of deterioration, the code enforcement officer shall send written notice to the property owner and order the owner to repair the mural. In the event the owner fails to repair the mural the town may initiate proceedings to rescind the mural permit through the code enforcement proceedings outlined herein and require the removal of the mural and would be subject to section 71-86 of this chapter.
- (2) The building owner shall assure that each building/structure for which a mural permit has been issued shall be throughout the term of the permit in full compliance with all applicable federal, state, county and town laws and regulations including, without limitation, building, life/safety, electrical, and similar technical codes, minimum housing, land use and zoning, sanitary, solid waste, storm water, water and sewer, and such other applicable laws as further the public health, safety and general welfare.

(Ord. No. 02-2016, § 2, 2-17-2016)



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: December 19, 2018

Agenda Item No. *Tab 5*

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 71, SECTION 71-1(1) OF THE TOWN CODE ENTITLED "MURALS" TO EXPAND THE MURAL APPLICABILITY BOUNDARIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS CONSENT AGENDA
 BOARD APPOINTMENT OLD BUSINESS
 PUBLIC HEARING ORDINANCE ON 2nd READING
 NEW BUSINESS
 OTHER: _____

Approved by ^{ACTING} Town Manager *Bonnie McElhiney* Date: *12/10/2018*

Nadia Di Tommaso / Community Development Director

Name/Title

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ Attorney Review/Legal Ad Funding Source: Legal/CD Advertising Acct. # GF 108/ 500-41200 <input type="checkbox"/> Finance _____	Attachments: → Ordinance 17-2018 → Zoning Map (with CRA boundary) → Previously Adopted Ordinance 02-2016
Advertised: Date: <u>12-10-2018</u> Paper: <u>Palm Beach Post</u> <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 <i>ND</i> Please initial one.

Summary Explanation/Background:

Town Commission 1st reading 12/05/2018: APPROVED (5-0)

At a previous Town Commission meeting, the Commission was approached by a property owner (and business owner) on Silver Beach Road (1045 Silver Beach Road – Brakesmart). At that meeting, the owner requested that the Town Commission consider extending the mural applicability boundaries in Chapter 71 of the Town Code so that murals could be incorporated within the

industrial area as well. The Town Commission instructed staff to bring forward an Ordinance that extends the mural applicability boundaries. Since the original Ordinance intended for murals to be applicable within the Community Redevelopment Area (CRA) so as to promote a unique form of artistic expression and encourage the redevelopment of this area and was initiated by including only the Park Avenue Downtown District (PADD) of the CRA... staff has modified the Ordinance to propose murals within the entire CRA. The application criteria and definitions remain the same. More particularly, a "mural" or "mural face" will continue to be defined as the following in Section 71-2 of the Town Code in order to protect the non-commercial intent of the mural being proposed:

Mural means a painting or artistic work (including collage effects) composed of pictures or arrangements of color, or similar works of art which may have a commercial sponsorship message not related to any businesses located onsite, and which is made directly onto, projected onto, attached to a building or a wall, or placed as a standalone feature.

Mural face means the entire face of the mural including all noncommercial text, artwork, and commercial sponsorship messages incorporated into a mural.

Recommended Motion: I move to ADOPT Ordinance 17-2018 on 2nd reading.

ORDINANCE 17- 2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 71, SECTION 71-1(1) OF THE TOWN CODE ENTITLED "MURALS" TO EXPAND THE MURAL APPLICABILITY BOUNDARIES; 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 and the Board of Commissioners of the Town's Community Redevelopment Agency (CRA) have previously determined that the encouragement of the arts in the community redevelopment area of the Town and particularly within the Park Avenue Downtown District (PADD) would further redevelopment; and

WHEREAS, murals have been recognized as a form of artistic expression; and

WHEREAS, the Commission originally approved mural provisions for the PADD area of the CRA; and

WHEREAS, the Commission has a desire to extend the applicability area for murals to the entire CRA; and

WHEREAS, the Commission finds that authorizing property owners within the Town's entire CRA would continue to allow artists to display murals on their buildings and provide the owners of those buildings with a unique form of artistic expression within the community redevelopment area of the Town; and

WHEREAS, the Commission finds that the display of murals on buildings within the CRA will continue to encourage the owners of buildings to redevelop their properties, and thereafter to maintain them because of the improved aesthetic appearance of their buildings and the redevelopment area in general.

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

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

Section 2. Chapter 71, Section 71-1(1) of the Town Code is hereby created to read as follows:

MURALS

ARTICLE. I. INTENT.

Section 71-1. It is the intent of these regulations to:

- (1) Create a process permitting the owners of buildings within the ~~Town's Park Avenue Downtown District (PADD)~~ Community Redevelopment Area (CRA) to engage artists to display their mural art containing content neutral messages on their buildings.

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

**LEGAL NOTICE OF PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, December 19, 2018 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 15- 2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE III, OF THE TOWN CODE ENTITLED "PARK REGULATIONS"; PROVIDING FOR THE AMENDMENT OF SECTION 18-63 TO PROVIDE FOR PENALTIES FOR VIOLATION OF THE PROVISIONS OF SECTION 18-63; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 16- 2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 16, ARTICLE I, OF THE TOWN CODE ENTITLED "OFFENSES"; PROVIDING FOR THE AMENDMENT OF SECTIONS 16-1 AND 16-3 PERTAINING TO UNLAWFUL TRESPASS ON PUBLIC LANDS AND ASSOCIATED PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE No. 17- 2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 71, SECTION 71-1(1) OF THE TOWN CODE ENTITLED "MURALS" TO EXPAND THE MURAL APPLICABILITY BOUNDARIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

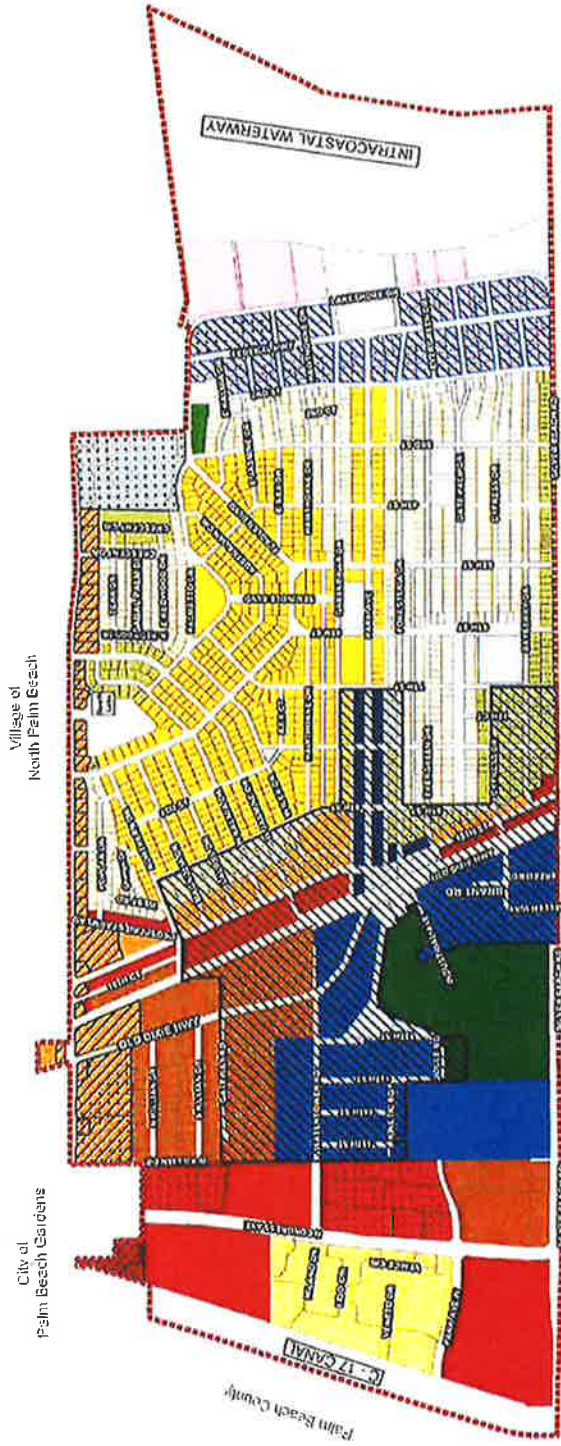
Vivian Mendez, CMC, Town Clerk

Town of Lake Park, Florida

PUB: The Palm Beach Post December 10, 2018.



Lake Park Zoning Map



Legend

- TOWN BOUNDARY
- Planned Unit Development Overlay
- NBOZ Overlay
- CRA Overlay
- FHMUDO Federal Highway Mixed Use District Overlay
- Cabin, Gardens & Associates, Inc.
- GIS (Produced and maintained by the CGA Geographic Information Systems Section)

Zoning

- C1 BUSINESS DISTRICT
- C2 BUSINESS DISTRICT
- C3 BUSINESS DISTRICT
- C4 BUSINESS DISTRICT
- CUC CAMPUS LIGHT INDUSTRIAL & COMMERCIAL
- CONSERVATION
- MU MIXED USE
- P PUBLIC DISTRICT
- PADD PARK AVENUE DOWNTOWN DISTRICT
- R1 SINGLE FAMILY RESIDENCE DISTRICT
- R1A SINGLE FAMILY RESIDENCE DISTRICT
- R1AA RESIDENCE DISTRICT
- R1B TWO FAMILY RESIDENCE DISTRICT
- R2 MULTIPLE FAMILY RESIDENCE DISTRICT
- R2A MULTIPLE FAMILY RESIDENCE DISTRICT
- R3 MULTIPLE FAMILY RESIDENCE DISTRICT
- TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Map Date: 10/09/2018

Nadia Di Tommaso - Director
 Community Development Department
 Town of Lake Park
 535 Park Ave, Lake Park, FL 33403
 561-881-3319 561-881-3323 (fax)
 ndtommaso@lakeparkflorida.gov

Scale: 0 0.25 0.5 1 Miles

North Arrow

ORDINANCE 02- 2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA CREATING CHAPTER 71 OF THE TOWN CODE ENTITLED "MURALS"; PROVIDING FOR THE AUTHORIZATION OF BUILDING OWNERS WITHIN THE TOWN OF LAKE PARK'S PARK AVENUE DOWNTOWN DISTRICT, TO DISPLAY MURALS ON THEIR BUILDINGS; PROVIDING FOR THE CRITERIA TO BE APPLIED FOR THE DISPLAY OF MURALS ON BUILDINGS; 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 and the Board of Commissioners of the Town's Community Redevelopment Agency (CRA) have previously determined that the encouragement of the arts in the community redevelopment area of the Town and particularly within the Park Avenue Downtown District (PADD) would further redevelopment; and

WHEREAS, murals have been recognized as a form of artistic expression; and

WHEREAS, the Commission finds that the display of murals on buildings within the Town's PADD area would be consistent with the Commission and the CRA's vision to encourage the arts in the community redevelopment area's downtown core of the Town; and

WHEREAS, the Commission finds that authorizing property owners within the Town's **PADD** to allow artists to display murals on their buildings would provide the owners of those buildings with a unique form of artistic expression within the community redevelopment area of the Town; and

WHEREAS, the Commission finds that the display of murals on buildings within the **PADD** is likely to encourage the owners of buildings to redevelop their properties, and thereafter to maintain them because of the improved aesthetic appearance of their buildings and the redevelopment area in general.

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

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

Section 2. Chapter 71 of the Town Code is hereby created to read as follows:

MURALS

ARTICLE. I. INTENT.

Section 71-1. It is the Intent of these regulations to:

- (1) Create a process permitting the owners of buildings within the Town's **Park Avenue Downtown District (PADD)** to engage artists to display their mural art containing content neutral messages on their buildings.
- (2) Promote the arts by providing artists with a forum to display their work.
- (3) Encourage property owners to improve the appearance of their buildings, and thereafter to maintain the enhanced appearance of their buildings.
- (4) Protect and enhance property values through the creation of a more attractive economic and business area.
- (5) Protect and enhance the physical appearance of the community redevelopment area by improving its visual appearance.

ARTICLE II. DEFINITIONS.

Sec. 71-2. For the purpose of this chapter, the following definitions apply:

- (1) **Affiliate** means any person, other than the person that controls, is controlled by or is under common control with the first person including, but not limited to, any owner, shareholder, member, partner, officer, director or employee of the first person.
- (2) **Control** means the possession, directly or indirectly, of the power to direct or cause the direction of management, policies or activities of any person, whether through ownership of voting securities, by contract or otherwise.
- (3) **Applicant** is any person or entity who, is seeking to be qualified to apply for a mural permit pursuant to this chapter.
- (4) **Copy change** means a type of application by the holder of a mural permit to change a mural painted on a building.
- (5) **Gateway sign** means a sign marking the entrance to a neighborhood, park, or other designated historic, public or geographical areas.
- (6) **Location change** means a type of application by the holder of a mural permit to change the location of a previously approved mural permit.
- (7) **Mural** means a painting or artistic work (including collage effects) composed of pictures or arrangements of color, or similar works of art which may have a commercial sponsorship message not related to any businesses located onsite, and which is made directly onto, projected onto, attached to a building or a wall, or placed as a standalone feature.
- (8) **Mural face** means the entire face of the mural including all noncommercial text, artwork, and commercial sponsorship messages incorporated into a mural.
- (9) **Mural permit** means the permit allowed by this chapter once all criteria described herein has been met.
- (10) **New location** means an available location for a mural placement where there is not currently an active mural permit and otherwise complies with the criteria of this chapter.
- (11) **Permittee** means a person or entity who is the holder of an approved mural permit.
- (12) **Permit fee** means the permit application fee paid for a mural permit.
- (13) **Qualified applicant** means any person or entity as defined herein.

- (14) **Wall** means the exterior surface of a building capable of being occupied, including surfaces free of windows or devoid of occupants behind the area where the mural is to be placed. Surfaces constructed on roof tops (other than a roof parapet) shall not be considered walls for purposes of this article.
- (15) **Wrap or wrapped mural** means a mural which is continuous on two sides of the building and connects or touches on one side and has the same sponsor. A wrap shall have related paintings, artistic works, or messages on both sides of the mural.

ARTICLE III. MINIMUM CRITERIA FOR MURALS.

Sec. 71-3. Placement of murals on buildings.

- (1) Murals may be placed on the exterior walls of a nonresidential building.
- (2) **Minimum setback requirement:** Murals shall not be placed on buildings that are within 50 feet of a residential structure, measured from the closest exterior edge of the view of the surface of the mural to the closest parallel residential wall.
- (3) A mural shall not be placed on buildings such that it prevents a window from being opened;
- (4) A mural not prevent ingress and egress or interfere with site circulation by incorporating images that are misleading to site operators.

Sec. 71-4. Duration.

An applicant shall indicate the duration the mural is proposed for display on the mural permit application (shall not exceed five years). The determination of the duration of the permit shall be made by the Town Commission, but shall in no case be longer than five (5) years. Applicants shall pay a \$250 fee for every 1-12-month period the mural is displayed beyond the first 12 months. At the conclusion of the approved period of the display of the mural it shall be removed, or replaced with a new mural through a new mural permit. Extensions are only possible through the submittal of a new mural permit application. The new mural shall meet the provisions of this chapter.

ARTICLE IV. PARTICIPATING ARTISTS.

Sec. 71-5. Qualification as a participating artist.

An individual who proposes to be a participating artist shall submit the following information.

- (1) A mural permit application from the building owner; and
- (2) The name, address, phone number and other pertinent information of the applicant, and if the applicant is an entity, such as a corporation, limited liability company, or partnership, the names and business addresses of the principal officers, and other persons who own more than five percent of the entity; and
- (3) Proof, reasonably satisfactory to the Town risk management administrator, that any applicant who is a corporation, limited liability company, or partnership has (and can maintain at all times) public liability insurance in the amount of \$1,000,000; and
- (4) Proof that the applicant is in good standing with the Town and the county for any pending code enforcement matters. No individual, business, building or property owner, or affiliate of an individual, business or building or property owner may apply for a mural permit if that person or entity has displayed an illegal mural, banner, sign or any type of outdoor advertising in the Town by receiving a notice of violation, any summons to appear, or a ticket for any illegal mural, banner, sign, or any type of outdoor advertising in violation of the Town Code; and
- (5) A cash security deposit in the amount of \$1,500.00 payable to the Town of Lake Park. The Town shall be authorized to utilize the cash security deposit in the event the applicant is determined by the Town's Special Magistrate to be in violation of any provision of this chapter and any fines assessed by the Special Magistrate are not paid within 30 days of the order; and
- (6) The applicant shall not be indebted to the Town for any fees, fines, liens business tax receipt fees, zoning certificate fees, code enforcement fines or liens, palm beach county fire rescue liens, unsafe structure fines or liens, or any other fee, fine, penalty, or lien due and owing to the Town.

ARTICLE VI. MURAL APPLICATIONS AND PERMITS.

Sec. 71-6. Mural Applications.

Applicants shall submit applications to display murals on buildings to the Community Development Department. The application shall include a depiction of the mural proposed for a building and identify the building upon which it will be displayed.

Upon the submission of an application, the Department shall determine whether the Applicant has complied with the criteria set forth herein. Upon the determination by the Department that the proposed mural meets the minimum distance separation and size requirements set forth herein and application shall be submitted to the Town Commission for its initial review as to its proposed location.

A qualified applicant's permit application shall *initially* contain the following:

- (1) The address of the subject building and dimensioned (in feet) elevation drawing and photo of the wall where the mural is to be located along with identification of the desired mural wall area in feet.
- (2) A survey identifying the property boundaries.
- (3) An aerial image of the site identifying the surrounding properties, their existing use and distance (measured in feet) from the applicant's site.
- (4) Proof that the building where the mural is to be placed is in compliance with applicable laws, as defined herein, and does not have any outstanding code violations pending, or liens recorded or past code violations.
- (5) The applicant shall provide a list of all property owners within 300 feet of the building proposed for a mural together with address labels and funds to cover the cost of certified mail to property owners.

Following the Commission's approval of the mural's location, the applicant shall submit the following additional documentation to the Community Development Department:

- (6) A colored drawing or colored computer simulation depicting the mural face.
- (7) Two photographs or two computer simulations depicting the wall and the mural superimposed on the wall.
- (8) Payment of an initial non-refundable administrative permit fee in the amount of \$250.00. A wrap-around wall mural shall be considered under a single mural permit however, if murals are proposed on more than one building wall and are not a continuation of one another, separate mural permits and fees are required.
- (9) Completion by the applicant of the Town indemnity and hold harmless agreement, in a form approved to by the Town attorney.

Sec. 71-7. Approval process for permit issuance.

Once all the mural permit requirements have been received by the Community Development Department, the Department Director shall direct the final application package to the Town Commission for approval, approval with modifications, or denial. Notification in the form of a certified mail notice with a description of the proposal shall be

mailed to all properties within 300 feet of the subject property at least 7 days before the Town Commission meeting. The applicant shall bear the costs of this notification. The proposal shall be approved by Resolution of the Town Commission.

Sec. 71-8. Minimum Mural permit criteria.

- (1) Mural size. Murals may be painted on up to 80 percent of a wall. In any event, a mural may not be greater than 10,000 square feet.
- (2) Mural size. The mural face shall be predominantly pictorial with no text.
- (3) Illumination. The illumination of a mural shall only be by indirect lighting, and shall only be permitted from 6:00 p.m. to midnight Standard Time and 7:00 p.m. to midnight Day Light Savings Time. If illumination is proposed, a signed and sealed photometric plan shall accompany the application for those murals adjacent to residential property.
- (4) Location. Murals shall be placed only on walls.
- (5) Public safety. Mural faces shall not have any moving or animated parts, or any other electronic movements, and shall not be illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists and interfere with their ability to safely operate their vehicles.
- (6) Unoccupied buildings. A mural shall be permitted on an unoccupied building only if the building possesses a valid Town permanent certificate of occupancy.

Sec. 71-9. Review by the Community Development Department

- (1) The Town Community Development Department or designee shall be responsible for the review of mural permits with the criteria established herein prior to forwarding the application to the Town Commission.
- (2) The Town Community Development Department or designee shall keep an updated map and permit records/photos depicting the locations of all approved mural permits.
- (3) A permittee shall have 60 days from the issuance a mural permit to install a mural at the approved site. Should the permittee fail to install the permitted mural within the 60-day period, the Town Community Development Department or designee shall rescind the mural permit.

Sec. 71-10. Changes in art work, copy, or applications.

- (1) An Applicant may change the copy on the mural face by filing a revision permit application and the payment of a \$100 revision fee. Such application shall be

submitted to the Town Community Development Department and adhere to the Application Requirements and Approval Process for Permit Issuance listed herein, which includes Town Commission approval.

- (2) Location change application. Mural permits are not transferable. All location changes shall be subject to the review procedure set forth herein.

Sec. 71-11. Enforcement.

- (1) Enforcement of any provisions of this chapter shall be through the Town Code Enforcement procedures outlined in Chapter 9 of the Town Code.
- (2) The Town shall be authorized to collect against the letter of credit all fees, fines and penalties, as well as all expenses incurred by the enforcement of this Ordinance.
- (3) In the event an Applicant is found to be in non-compliance by the Town's Special Magistrate, any and all mural permits issued pursuant to this Ordinance shall be revoked and the Applicant shall forfeit the right to apply for any subsequent mural permits for a five year period following revocation. A notice of rescission shall be provided to the Applicant, and require the Applicant to remove all murals permitted pursuant to this Ordinance within five days of receipt of such notice. If the Applicant fails to remove the mural(s) after receipt of such notice, enforcement proceedings may be immediately initiated.
- (4) A mural that has been erected without a valid mural permit shall be removed within 24 hours of the building owner's receipt of notification from the Town that the mural is in violation of the Town Code. If the mural erected without a valid mural permit poses a threat to the public welfare (through the use of obscene symbols or other similar prohibitions), the Town, by and through its designee, shall be permitted to enter the building premises in violation and remove the mural and code enforcement shall adhere to the code enforcement procedures to abate a nuisance outlines in Chapter 54 of the Town Code.
- (5) The building owner shall strictly comply with the provisions of this chapter throughout the term of a permit. Failure to do so may result in the Town's revocation of the permit and the forfeiture of the building owner's opportunity to apply for subsequent mural permits for a five-year period.

Sec. 71-12. Maintenance.

- (1) In the event a Town code compliance officer finds that any mural permitted pursuant to this article is not being maintained in good repair or appears faded, torn, or in similar condition of deterioration, the code enforcement officer shall send written notice to the property owner and order the owner to repair the mural. In the event the owner fails to repair the mural the Town may initiate proceedings to rescind the mural permit through the code enforcement proceedings outlined herein and require the removal of the mural and would be subject to Section 71-11 of this chapter.
- (2) The building owner shall assure that each building/structure for which a mural permit has been issued shall be throughout the term of the permit in full compliance with all applicable federal, state, county and Town laws and regulations including, without limitation, building, life/safety, electrical, and similar technical codes, minimum housing, land use and zoning, sanitary, solid waste, storm water, water and sewer, and such other applicable laws as further the public health, safety and general welfare.

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

Upon First Reading this 3 day of February, 2016, the foregoing Ordinance was offered by Commissioner O'Rourke who moved its approval. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF February 2016

Upon Second Reading this 17 day of February, 2016, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared Ordinance No. 02-2016 duly passed and adopted this 17 day of February, 2016.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Seal)
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 17, 2016

Agenda Item No. *Tab 9*

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA CREATING CHAPTER 71 OF THE TOWN CODE ENTITLED "MURALS"; PROVIDING FOR THE AUTHORIZATION OF BUILDING OWNERS WITHIN THE TOWN OF LAKE PARK'S PARK AVENUE DOWNTOWN DISTRICT TO DISPLAY MURALS ON THEIR BUILDINGS.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE ON 2nd READING – PUBLIC HEARING**
- NEW BUSINESS
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *Vivi M... Town Clerk* Date: *2/9/16*

Nadia Di Tommaso / Community Development Director
Name/Title *ND*

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ Legal Ad Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: <p style="text-align: center;">Ordinance 02-2016 Legal Ad</p>
Advertised: Date: February 7, 2016 Paper: Palm Beach Post <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 <p style="text-align: center;"><i>ND</i></p> or Not applicable in this case Please initial one.

Summary Explanation/Background:

TOWN COMMISSION 1st READING: February 3, 2016 -- Approved (5-0) with recommended changes which have been incorporated and highlighted in yellow in the enclosed Ordinance. The changes include:

- Limiting the mural area to the Park Avenue Downtown District (PADD).
- Providing a 50-foot setback to residential structures, measured from the exterior edge of the nonresidential building wall upon which the mural is proposed, to the exterior edge of the closest residential building wall.

- Allow the Applicant to indicate their desired duration for the mural on the mural permit application. Final determination on duration shall be made by the Town Commission.
- Allow for a cash security deposit in the amount of \$1,500 instead of a letter of credit in the amount of \$1,500 per the Town Manager's request and in an effort to ensure the best possible security.
- Allow for a two-step permit approval process whereby the first step allows the Town Commission to review the proposed location of the mural and if approved, the second step would allow the Town Commission to review the mural itself. A certified mail notice to all property owners within 300 feet of the proposed mural location remains in the Ordinance as a requirement at the beginning of the process. It should include both meeting dates.

PROPOSAL

Throughout 2015, murals were discussed by the Town Commission. They were discussed in an attempt to introduce the concept of wall art on structures within the Town's Community Redevelopment Area (CRA). The intent of this Ordinance is codify certain provisions that would enable business owners to apply for murals that are strictly art-related without any business signage. Some key elements of the proposed Ordinance include:

- Emphasis on content neutral messages.
- Distance separation of 50 feet to residential structures.
- Initial application and fee (\$250) requirements involving Community Development Department initial review and final approval by the Town Commission – includes proof of public liability insurance for applicants who are corporations, limited liability companies or partnerships in the amount of \$1,000,000 and a letter of credit in the amount of \$1,500 to ensure the Town is able to collect in the event the mural is found to be in non-compliance with any mural provisions.
- Maximum size not to exceed 80% of a wall, and in no event more than 10,000 square feet with predominantly pictorial images without text.
- Maximum duration must be requested by the Applicant on the application form and final determination is at the discretion of the Town Commission (additional fees may apply depending on the maximum duration granted per the Ordinance).
- Maintenance and enforcement provisions whereby the mural is required to be maintained in good repair, or is subject to the Town's code enforcement proceedings.

Please refer to the complete proposed Ordinance found herein.

Recommended Motion: I move to ADOPT Ordinance 02-2016 on second reading.

ORDINANCE 02- 2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA CREATING CHAPTER 71 OF THE TOWN CODE ENTITLED "MURALS"; PROVIDING FOR THE AUTHORIZATION OF BUILDING OWNERS WITHIN THE TOWN OF LAKE PARK'S **PARK AVENUE DOWNTOWN DISTRICT** TO DISPLAY MURALS ON THEIR BUILDINGS; PROVIDING FOR THE CRITERIA TO BE APPLIED FOR THE DISPLAY OF MURALS ON BUILDINGS; 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 and the Board of Commissioners of the Town's Community Redevelopment Agency (CRA) have previously determined that the encouragement of the arts in the community redevelopment area of the Town and particularly **within the Park Avenue Downtown District (PADD)** would further redevelopment; and

WHEREAS, murals have been recognized as a form of artistic expression; and

WHEREAS, the Commission finds that the display of murals on buildings within the Town's PADD area would be consistent with the Commission and the CRA's vision to encourage the arts in the community redevelopment area's **downtown core** of the Town; and

WHEREAS, the Commission finds that authorizing property owners within the Town's **PADD** to allow artists to display murals on their buildings would provide the owners of those buildings with a unique form of artistic expression within the community redevelopment area of the Town; and

WHEREAS, the Commission finds that the display of murals on buildings within the **PADD** is likely to encourage the owners of buildings to redevelop their properties, and thereafter to maintain them because of the improved aesthetic appearance of their buildings and the redevelopment area in general.

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

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

Section 2. Chapter 71 of the Town Code is hereby created to read as follows:

MURALS

ARTICLE. I. INTENT.

Section 71-1. It is the intent of these regulations to:

- (1) Create a process permitting the owners of buildings within the Town's **Park Avenue Downtown District (PADD)** to engage artists to display their mural art containing content neutral messages on their buildings.
- (2) Promote the arts by providing artists with a forum to display their work.
- (3) Encourage property owners to improve the appearance of their buildings, and thereafter to maintain the enhanced appearance of their buildings.
- (4) Protect and enhance property values through the creation of a more attractive economic and business area.
- (5) Protect and enhance the physical appearance of the community redevelopment area by improving its visual appearance.

ARTICLE II. DEFINITIONS.

Sec. 71-2. For the purpose of this chapter, the following definitions apply:

- (1) **Affiliate** means any person, other than the person that controls, is controlled by or is under common control with the first person including, but not limited to, any owner, shareholder, member, partner, officer, director or employee of the first person.
- (2) **Control** means the possession, directly or indirectly, of the power to direct or cause the direction of management, policies or activities of any person, whether through ownership of voting securities, by contract or otherwise.
- (3) **Applicant** is any person or entity who, is seeking to be qualified to apply for a mural permit pursuant to this chapter.
- (4) **Copy change** means a type of application by the holder of a mural permit to change a mural painted on a building.
- (5) **Gateway sign** means a sign marking the entrance to a neighborhood, park, or other designated historic, public or geographical areas.
- (6) **Location change** means a type of application by the holder of a mural permit to change the location of a previously approved mural permit.
- (7) **Mural** means a painting or artistic work (including collage effects) composed of pictures or arrangements of color, or similar works of art which may have a commercial sponsorship message not related to any businesses located onsite, and which is made directly onto, projected onto, attached to a building or a wall, or placed as a standalone feature.
- (8) **Mural face** means the entire face of the mural including all noncommercial text, artwork, and commercial sponsorship messages incorporated into a mural.
- (9) **Mural permit** means the permit allowed by this chapter once all criteria described herein has been met.
- (10) **New location** means an available location for a mural placement where there is not currently an active mural permit and otherwise complies with the criteria of this chapter.
- (11) **Permittee** means a person or entity who is the holder of an approved mural permit.
- (12) **Permit fee** means the permit application fee paid for a mural permit.
- (13) **Qualified applicant** means any person or entity as defined herein.

- (14) **Wall** means the exterior surface of a building capable of being occupied, including surfaces free of windows or devoid of occupants behind the area where the mural is to be placed. Surfaces constructed on roof tops (other than a roof parapet) shall not be considered walls for purposes of this article.
- (15) **Wrap or wrapped mural** means a mural which is continuous on two sides of the building and connects or touches on one side and has the same sponsor. A wrap shall have related paintings, artistic works, or messages on both sides of the mural.

ARTICLE III. MINIMUM CRITERIA FOR MURALS.

Sec. 71-3. Placement of murals on buildings.

- (1) Murals may be placed on the exterior walls of a nonresidential building.
- (2) **Minimum setback requirement:** Murals shall not be placed on buildings that are within 50 feet of a residential structure, measured from the exterior edge of the nonresidential building wall upon which the mural is proposed, to the exterior edge of the closest residential building wall;
- (3) A mural shall not be placed on buildings such that it prevents a window from being opened;
- (4) A mural not prevent ingress and egress or interfere with site circulation by incorporating images that are misleading to site operators.

Sec. 71-4. Duration.

An applicant shall indicate the duration the mural is proposed for display on the mural permit application. The determination of the duration of the permit shall be made by the Town Commission. Applicants shall pay a \$250 fee for every 1-12-month period the mural is displayed beyond the first 12 months. At the conclusion of the approved period of the display of the mural it shall be removed, or replaced with a new mural. The new mural shall meet the provisions of this chapter.

ARTICLE IV. PARTICIPATING ARTISTS.

Sec. 71-5. Qualification as a participating artist.

An individual who proposes to be a participating artist shall submit the following information.

- (1) A mural permit application from the building owner; and

- (2) The name, address, phone number and other pertinent information of the applicant, and if the applicant is an entity, such as a corporation, limited liability company, or partnership, the names and business addresses of the principal officers, and other persons who own more than five percent of the entity; and
- (3) Proof, reasonably satisfactory to the Town risk management administrator, that any applicant who is a corporation, limited liability company, or partnership has (and can maintain at all times) public liability insurance in the amount of \$1,000,000; and
- (4) Proof that the applicant is in good standing with the Town and the county for any pending code enforcement matters. No individual, business, building or property owner, or affiliate of an individual, business or building or property owner may apply for a mural permit if that person or entity has displayed an illegal mural, banner, sign or any type of outdoor advertising in the Town by receiving a notice of violation, any summons to appear, or a ticket for any illegal mural, banner, sign, or any type of outdoor advertising in violation of the Town Code; and
- (5) A cash security deposit in the amount of \$1,500.00 payable to the Town of Lake Park. The Town shall be authorized to utilize the cash security deposit in the event the applicant is determined by the Town's Special Magistrate to be in violation of any provision of this chapter and any fines assessed by the Special Magistrate are not paid within 30 days of the order; and
- (6) The applicant shall not be indebted to the Town for any fees, fines, liens business tax receipt fees, zoning certificate fees, code enforcement fines or liens, palm beach county fire rescue liens, unsafe structure fines or liens, or any other fee, fine, penalty, or lien due and owing to the Town.

ARTICLE VI. MURAL APPLICATIONS AND PERMITS.

Sec. 71-6. Mural Applications.

Applicants shall submit applications to display murals on buildings to the Community Development Department. The application shall include a depiction of the mural proposed for a building and identify the building upon which it will be displayed.

Upon the submission of an application, the Department shall determine whether the Applicant has complied with the criteria set forth herein. Upon the determination by the Department that the proposed mural meets the minimum distance separation and size requirements set forth herein and application shall be submitted to the Town Commission for its initial review as to its proposed location.

A qualified applicant's permit application shall *initially* contain the following:

- (1) The address of the subject building and dimensioned (in feet) elevation drawing and photo of the wall where the mural is to be located along with identification of the desired mural wall area in feet.
- (2) A survey identifying the property boundaries.
- (3) An aerial image of the site identifying the surrounding properties, their existing use and distance (measured in feet) from the applicant's site.
- (4) Proof that the building where the mural is to be placed is in compliance with applicable laws, as defined herein, and does not have any outstanding code violations pending, or liens recorded or past code violations.
- (5) The applicant shall provide a list of all property owners within 300 feet of the building proposed for a mural together with address labels and funds to cover the cost of certified mail to property owners.

Following the Commission's approval of the mural's location, the applicant shall submit the following additional documentation to the Community Development Department:

- (6) A colored drawing or colored computer simulation depicting the mural face.
- (7) Two photographs or two computer simulations depicting the wall and the mural superimposed on the wall.
- (8) Payment of an initial non-refundable administrative permit fee in the amount of \$250.00. A wrap-around wall mural shall be considered under a single mural permit however, if murals are proposed on more than one building wall and are not a continuation of one another, separate mural permits and fees are required.
- (9) Completion by the applicant of the Town indemnity and hold harmless agreement, in a form approved to by the Town attorney.

Sec. 71-7. Approval process for permit issuance.

Once all the mural permit requirements have been received by the Community Development Department, the Department Director shall direct the final application package to the Town Commission for approval, approval with modifications, or denial. Notification in the form of a certified mail notice with a description of the proposal shall be mailed to all properties within 300 feet of the subject property at least 7 days before the

Town Commission meeting. The applicant shall bear the costs of this notification. The proposal shall be approved by Resolution of the Town Commission.

Sec. 71-8. Minimum Mural permit criteria.

- (1) Mural size. Murals may be painted on up to 80 percent of a wall. In any event, a mural may not be greater than 10,000 square feet.
- (2) Mural size. The mural face shall be predominantly pictorial with no text.
- (3) Illumination. The illumination of a mural shall only be by indirect lighting, and shall only be permitted from 6:00 p.m. to midnight Standard Time and 7:00 p.m. to midnight Day Light Savings Time. If illumination is proposed, a signed and sealed photometric plan shall accompany the application for those murals adjacent to residential property.
- (4) Location. Murals shall be placed only on walls.
- (5) Public safety. Mural faces shall not have any moving or animated parts, or any other electronic movements, and shall not be illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists and interfere with their ability to safely operate their vehicles.
- (6) Unoccupied buildings. A mural shall be permitted on an unoccupied building only if the building possesses a valid Town permanent certificate of occupancy.

Sec. 71-9. Review by the Community Development Department

- (1) The Town Community Development Department or designee shall be responsible for the review of mural permits with the criteria established herein prior to forwarding the application to the Town Commission.
- (2) The Town Community Development Department or designee shall keep an updated map and permit records/photos depicting the locations of all approved mural permits.
- (3) A permittee shall have 60 days from the issuance a mural permit to install a mural at the approved site. Should the permittee fail to install the permitted mural within the 60-day period, the Town Community Development Department or designee shall rescind the mural permit.

Sec. 71-10. Changes in art work, copy, or applications.

- (1) An Applicant may change the copy on the mural face by filing a revision permit application and the payment of a \$100 revision fee. Such application shall be submitted to the Town Community Development Department and adhere to the

Application Requirements and Approval Process for Permit Issuance listed herein, which includes Town Commission approval.

- (2) Location change application. Mural permits are not transferable. All location changes shall be subject to the review procedure set forth herein.

Sec. 71-11. Enforcement.

- (1) Enforcement of any provisions of this chapter shall be through the Town Code Enforcement procedures outlined in Chapter 9 of the Town Code.
- (2) The Town shall be authorized to collect against the letter of credit all fees, fines and penalties, as well as all expenses incurred by the enforcement of this Ordinance.
- (3) In the event an Applicant is found to be in non-compliance by the Town's Special Magistrate, any and all mural permits issued pursuant to this Ordinance shall be revoked and the Applicant shall forfeit the right to apply for any subsequent mural permits for a five year period following revocation. A notice of rescission shall be provided to the Applicant, and require the Applicant to remove all murals permitted pursuant to this Ordinance within five days of receipt of such notice. If the Applicant fails to remove the mural(s) after receipt of such notice, enforcement proceedings may be immediately initiated.
- (4) A mural that has been erected without a valid mural permit shall be removed within 24 hours of the building owner's receipt of notification from the Town that the mural is in violation of the Town Code. If the mural erected without a valid mural permit poses a threat to the public welfare (through the use of obscene symbols or other similar prohibitions), the Town, by and through its designee, shall be permitted to enter the building premises in violation and remove the mural and code enforcement shall adhere to the code enforcement procedures to abate a nuisance outlines in Chapter 54 of the Town Code.
- (5) The building owner shall strictly comply with the provisions of this chapter throughout the term of a permit. Failure to do so may result in the Town's revocation of the permit and the forfeiture of the building owner's opportunity to apply for subsequent mural permits for a five-year period.

Sec. 71-12. Maintenance.

- (1) In the event a Town code compliance officer finds that any mural permitted pursuant to this article is not being maintained in good repair or appears faded,

torn, or in similar condition of deterioration, the code enforcement officer shall send written notice to the property owner and order the owner to repair the mural. In the event the owner fails to repair the mural the Town may initiate proceedings to rescind the mural permit through the code enforcement proceedings outlined herein and require the removal of the mural and would be subject to Section 71-11 of this chapter.

- (2) The building owner shall assure that each building/structure for which a mural permit has been issued shall be throughout the term of the permit in full compliance with all applicable federal, state, county and Town laws and regulations including, without limitation, building, life/safety, electrical, and similar technical codes, minimum housing, land use and zoning, sanitary, solid waste, storm water, water and sewer, and such other applicable laws as further the public health, safety and general welfare.

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

**LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, February 17, 2016, 2016 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE 02-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA CREATING CHAPTER 71 OF THE TOWN CODE ENTITLED "MURALS"; PROVIDING FOR THE AUTHORIZATION OF BUILDING OWNERS WITHIN THE TOWN OF LAKE PARK'S PARK AVENUE DOWNTOWN DISTRICT TO DISPLAY MURALS ON THEIR BUILDINGS; PROVIDING FOR THE CRITERIA TO BE APPLIED FOR THE DISPLAY OF MURALS ON BUILDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 03-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CREATING ARTICLE IV OF CHAPTER 22 ENTITLED "PANHANDLING"; PROVIDING FOR AN INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE REGULATION OF CERTAIN CONDUCT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post
2-7/2016 #554827