



Lake Park Town Commission, Florida

Regular Commission Meeting

Commission Chamber, Town Hall, 535 Park Avenue, Lake Park, FL 33403

Wednesday August 21, 2024

Immediately Following the Density Workshop

Roger Michaud	___	Mayor
Kimberly Glas Castro	___	Vice Mayor
Michael Hensley	___	Commissioner
Mary Beth Taylor	___	Commissioner
Judith Thomas	___	Commissioner
John D’Agostino	___	Town Manager
Thomas J. Baird.	___	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 contract the Town Clerk’s office by calling 881-3311 at least 48 hours in advance to request accommodations.

CIVILITY AND DECORUM

The Town of Lake Park is committed to civility and decorum to be applied and observed by its elected officials, advisory board members, employees and members of the public who attend Town meetings. The following rules are hereby established to govern the decorum to be observed by all persons attending public meetings of the Commission and its advisory boards:

- Those persons addressing the Commission or its advisory boards who wish to speak shall first be recognized by the presiding officer. No person shall interrupt a speaker once the speaker has been recognized by the presiding officer. Those persons addressing the Commission or its advisory boards shall be respectful and shall obey all directions from the presiding officer.
- Public comment shall be addressed to the Commission or its advisory board and not to the audience or to any individual member on the dais.
- Displays of disorderly conduct or personal derogatory or slanderous attacks of anyone in the assembly is discouraged. Any individual who does so may be removed from the meeting.
- Unauthorized remarks from the audience, stomping of feet, clapping, whistles, yells or any other type of demonstrations are discouraged.
- A member of the public who engages in debate with an individual member of the Commission or an advisory board is discouraged. Those individuals who do so may be removed from the meeting.
- All cell phones and/or other electronic devices shall be turned off or silenced prior to the start of the public meeting. An individual who fails to do so may be removed from the meeting.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION/REPORT:

1. Presentation on Aquatic/Community Center in Bert Bostrom Park

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.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

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. Resolution 56-08-24 Classifying Certain Town Owned Library Personal Property As Surplus.

QUASI-JUDICIAL PUBLIC HEARING (RESOLUTION): NONE

PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:

3. ORDINANCE 07-2024 Mobile Vendors, including Mobile Food Dispensing Vehicles (i.e. Food Trucks).

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, SECTIONS 22-101 THROUGH 22-113 ENTITLED “STREET AND MOBILE VENDORS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.** ORDINANCE 08-2024 Creating a New Section 30-6 Pertaining to the Operation of Micromobility Devices, Golf Carts, Low Speed Vehicle and Motorized Scooters and Amending Chapter 30 Pertaining to High-Capacity Passenger or Work Vans.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 30, ARTICLE I TO CREATE A NEW SECTION 30-6 PERTAINING TO THE OPERATION OF MICROMOBILITY DEVICES, GOLF CARTS, LOW SPEED VEHICLES, AND MOTORIZED SCOOTERS; PROVIDING FOR THE AMENDMENT OF CHAPTER 30, ARTICLE II SECTION 30-35 PERTAINING TO HIGH-CAPACITY PASSENGER OR WORK VANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

- 5.** ORDINANCE NO. 09-2024 Establish New Regulations for the Use of Parks.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE III ENTITLED “PARK REGULATIONS”; PROVIDING FOR THE AMENDMENT OF DIVISION 1 TO ESTABLISH NEW REGULATIONS FOR THE USE OF PARKS, INCLUDING HOURS OF OPERATION, A FEE SCHEDULE AND THE ENFORCEMENT OF THE REGULATIONS; PROVIDING FOR THE AMENDMENT OF DIVISION 2, ENTITLED “PERMIT FOR GROUP ACTIVITIES” PERTAINING TO SPECIAL PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

OLD BUSINESS:

- 6.** Resolution 49-08-24 Authorizing the Construction of the Access Management Plan from Silver Beach Road to Palmetto Road(FDOT)
- 7.** Resolution 55-08-24 Amending Resolution 84-10-23 which declared zoning in progress pertaining to the development of regulations for affordable or workforce housing by amending section 5 to extend the zoning in progress to March 31, 2025.

NEW BUSINESS:

- 8.** Resolution 57-08-24 Authorizing And Directing The Mayor To Sign The Grant Agreement With Palm Beach County For Funding Through The Community Development Block Grant Program For The Design And Construction Of An Aquatic Center And A Community Center.
- 9.** Resolution 58-08-24 Authorizing And Directing The Town's Grants Writer To Complete And Submit An Application To The Department Of Transportation Under The Reconnecting Communities Program To Obtain Funds To Begin The Park Avenue Extension Project.

REQUEST FOR FUTURE AGENDA ITEMS:

ADJOURNMENT:

FUTURE MEETING DATE: Next Scheduled Regular Commission Meeting will be held on September 4, 2024.



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Originating Department: Town Commission

Agenda Title: Presentation on Aquatic/Community Center in Bert Bostrom Park

Agenda Category (i.e., Consent, New Business, etc.): Presentation

Approved by Town Manager: Bambi McKibbon-Turner Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town Manager/Human Resources Director, email=bturmer@lakeparkflorida.gov, c=US
Date: 2024.08.16 14:50:34 -04'00'

Date: Turner :

Cost of Item: \$0.00 **Funding Source:** Community Development Block Grant

Account Number: N/A **Finance Signature:** Jeff DaSilva Digitally signed by Jeff DaSilva
DN: cn=Jeff DaSilva, o=Town of Lake Park, ou=Finance Department, email=jdsilva@lakeparkflorida.gov, c=US
Date: 2024.08.16 09:08:06 -04'00'

Advertised: _____

Date: _____ **Newspaper:** _____

Attachments: Presentation to be attached

Please initial one:

_____ Yes I have notified everyone

AJ Not applicable in this case

Summary Explanation/Background:

The Town of Lake Park currently does not have a public pool or a community center for residents. Over the last several years, it was determined by the Town, that there is a potential need for a community center to be located within Lake Park. Throughout that discussion, the idea of an aquatic center has arisen and the Town was approached by a potential donor for a portion of construction of the pool and other funding sources have been researched. The Town received a grant of \$400,000 for the design of the facility and recently, Palm Beach County approved the expansion of the Lake Park CRA, which provides an additional funding source for construction.

Town staff has spent the last several months researching other towns and facilities within those towns to determine what type of facility may make the most sense in Lake Park as it relates to different sizes and programming within these facilities. Staff has also conducted research on potential costs to construct

and operate both a community and aquatic center along with potential revenue sources for operation. The presentation this evening, requested by the Commission, will outline potential costs/revenues, funding sources and the process for Community Engagement.

Staff recommends the Town Commission direct staff to issue a bid for qualified designers and to begin exploring potential funding (Grant opportunities and private donations). The designer selected should have experience with Parks and Community Centers and will be responsible for first completing a conceptual design of the Community and Aquatic center by working with the community in a series of meetings, surveys, and/or a charrette. Town and CRA Staff will work with the designer on the most effective methods of engaging the community in the design process. Once a conceptual design has been created, the Town Commission would be asked to approve this concept and move to the next Phase of the project to begin completing more detailed design drawings.

Recommended Motion: Presentation Only



Item 1.

Town of Lake Park & Lake Park CRA

*Bert Bostrom Park
Capital Improvements*

Presented to: Lake Park Town Commission, August 21, 2024



Bert Bostrom Park Infrastructure



Scope of Work:

- Drainage Improvements

Funding Sources:

- Town (Design): \$189,055
- Federal Funds (Construction): \$5,621,838
 - Florida Commerce CDBG-MIT Grant

Amenities

- New High quality turf
- Multi-Purpose Field

Estimated Completion Date: July 2025





Aquatic Center Benefits to Lake Park



Trends:

- Community pools began closing around 2008 - Financial Strains
- Resurgence of popularity recently
- Pool not likely to financially sustain itself

Quality of Life Benefits:

- ✓ Promote Physical and Mental Fitness
- ✓ Increase Public Safety and Water Safety
 - Lifeguard Training, Swimming Lessons
- ✓ Offer Career Opportunities
- ✓ Improve Wellness Equality
- ✓ Build Community Relationships
- ✓ Enhance Civic Pride and Neighborhood Value





Aquatic Center Estimated Capital Costs

Assumptions:

- 6-8 Lanes
- 50 Meters
- Kids Pool/Splash Area
- Approx. 5,000 SF
- 4,000 SF Locker Rooms/Concession Area



ESTIMATED COST:

Construction: \$3,600,000 - \$4,000,000

Design: \$400,000



Aquatic Center Potential Capital Funding

ESTIMATED COST:

Construction: \$3,600,000 - \$4,000,000

Design: \$400,000

Committed Funding:

1. Grant: \$400,000 (for Design)
2. Private Donation (amount TBD)
 1. One Donation Committed
 2. Can Solicit Others

Potential Funding:

1. Grants: Federal/State/Local
2. Other Private Donations
3. Town of Lake Park: Capital Contribution
4. CRA Bond



Item 1.

Aquatic Center Operational Costs

Assumptions:

- Staffing (Full and Part Time)
- Utilities
- Repair/Maintenance (Chemicals)
- Insurance
- Uniforms/Operating Supplies
- Contracted Services

ESTIMATED COST:
\$500,000 - \$600,000 Annually





Aquatic Center Operational Revenue



Revenue Sources:

- Admissions
- Memberships
- Swim Lessons
- Private Parties
- Classes
- Special Events
- Rentals
- Concessions



REVENUES:

\$150,000 - \$250,000 Annually





Aquatic Center Overview

Capital:

Cost \$4,000,000

Funded: \$400,000 + ??

Operations:

Cost \$500,000 - \$600,000

Revenues \$150,000 - \$250,000

Annual Net Cost to Town: \$350,000



Community Center Benefits to Lake Park



State and Federal Funding Opportunities for:

- Energy Efficiency
- Climate Action/Pollution Reduction
- Emergency Response
- Resiliency

Currently No Community Facility in Lake Park for Children and Families

Benefits:

- ✓ Social Interaction
- ✓ Fitness/Wellness/Recreation
- ✓ Educational Programs
- ✓ Support Services
- ✓ Economic Impact
- ✓ Emergency Operations/Resilience
- ✓ Cultural Impact





Community Center Capital Costs



Assumptions:

- 22,000SF – 40,000SF
- 9,000 SF Gymnasium
- Multipurpose Rooms
- Prep Kitchen
- Offices
- Potential EOC
- Potential Hurricane Shelter
- LEED Certified

ESTIMATED COST:

Construction: \$11,000,000 - \$18,000,000

Design: \$1,000,000





Item 1.

Community Center Potential Capital Funding

ESTIMATED COST:

Construction: \$11,00,000 - \$18,000,000

Design: \$1,000,000

Committed Funding:

1. Grant: \$400,000 (for Design with Aquatic Center)

Potential Funding:

1. Grants: Federal/State/Local
2. Other Private Donations
3. CRA Bond



Community Center Operational Costs

Assumptions:

- \$8-20 PSF (USED \$15/SF)
- Staffing (FT/PT)
- Repair/Maintenance/Cleaning
- Utilities/Technology
- Insurance
- Programming and Activities
- Operational Supplies

ESTIMATED COST:

\$375,000 - \$600,000 Annually
*Some Shared Costs with Aquatic Center and
Some Staffing Already Employed by Town*





Community Center Operational Revenue



Revenue Sources:

- Summer/Winter Camp
- Rentals
 - Facility
 - Gymnasium
 - Furnishings
- Memberships
- Classes
- Athletic Leagues
- Concessions

ESTIMATED REVENUES:
\$25,000 - \$50,000



Community Center Overview



Capital:

Cost \$11,000,000 - \$18,000,000

Funded: \$

Operations:

Cost \$375,000 - \$600,000

Revenues \$25,000 - \$50,000

Annual Net Cost to Town: \$325,000- \$550,000



Bert Bostrom Other Capital Expenses



Item 1.

Burt Bostrom Park Improvements				
		Estimated Cost	Funded?	Funding Source
Playground				
	Shade Sails	\$ 125,000	N	
	Equipment	\$ 50,000	N	
Basketball Courts				
	1 Court	\$ 20,000	N	
	2 Courts	\$ 30,000	N	
Parking				
	For Both Facilitie	\$1,200,000	Partial	
Landscaping				
	Additional	\$ 75,000	N	
TOTAL OPTION 1		\$1,345,000		
TOTAL OPTION 2		\$1,355,000		

Total Estimated Capital Costs:

1. Aquatic Center: \$4,400,000
2. Community Center: \$12,000,000
3. Other/Park: \$1,350,000

\$17,750,000

Annual Operational Funding:

1. Aquatic Center: \$350,000
2. Community Center: \$325,000 - 550,000
(Includes staff already employed by town)

\$675,000 - \$900,000



NEXT STEPS

If decision is yes to move forward with exploration of an Aquatic and/or Community Center



Item 1.

✓ **TONIGHT- AUGUST 21, 2024** – Direct staff to issue RFP/RFQ for Design Services for Designer with experience with parks and community center design.

❑ September 24: Issue RFP/RFQ for design

❑ OCTOBER 24: Select most qualified designer to negotiate a contract (will be a Phased Design beginning with a Conceptual Master Plan)

❑ October/November 24: Approval of design contract by Town Commission

❑ November/December 24: Begin Community Outreach and Conceptual Design process and estimated costs for the entire Bert Bostrom Park

❑ FEBRUARY 25: Select Conceptual Design and Direction on Next Steps

ONGOING:

- **Explore Grants and Other Funding Opportunities**
- **Establish Non-Profit for Private Donations**



Discussion / Questions



Resources

City of Riviera Beach

City of West Palm Beach

Village of North Palm Beach

City of Delray Beach

Town of Lauderdale

City of Gainesville

Palm Beach County

City of Miami Springs

City of Cutler Bay

City of Melbourne

Chat GPT AI



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Originating Department: Library

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; CLASSIFYING CERTAIN TOWN OWNED PERSONAL PROPERTY AS SURPLUS; AUTHORIZING THE TOWN LIBRARY DIRECTOR TO DISPOSE OF SAID SURPLUS PERSONAL PROPERTY APPROPRIATELY AND ACCORDING TO THE LIBRARY'S DISPOSAL OF SUPERSEDED LIBRARY MATERIALS POLICY; DIRECTING THAT THE TOWN'S FIXED ASSET RECORDS BE AMENDED TO REFLECT DISPOSAL OF SAID SURPLUS PERSONAL PROPERTY; ENDORSING AND APPROVING THE LIBRARY'S DISPOSAL OF SUPERSEDED LIBRARY MATERIALS POLICY AND PROVIDING AN EFFECTIVE DATE.

Agenda Title: _____

Approved by Town Manager: _____

**Bambi
McKibbon-Turner**

Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of
Lake Park, ou=Assistant Town Manager/Human
Resources Director,
email=bturner@lakeparkflorida.gov, c=US
Date: 2024.08.15 16:37:39 -04'00'

Cost of Item: \$0.00

Funding Source: _____

Account Number: _____

Finance Signature: _____

Advertised: _____

Date: _____

Newspaper: _____

Attachments: Resolution – 8 - 24

Exhibit “A” Collection Development Policy

Exhibit “B” Disposal of Superseded Library Resources Policy

Exhibit “C” List of Surplus Personal Property

Please initial one:

Yes I have notified everyone

JKC

Not applicable in this case

Summary Explanation/Background: To ensure that the Library has library materials that are current,

in good repair, and suitable for lending, the Library removes materials according to its Collection Development Policy and Disposal of Superseded Library Resources Policy. Removed materials must be disposed of properly, and records must be amended to show this disposal. The agenda item requests the Commission to authorize the disposal of the removed materials and amendment of the Town's fixed asset records.

Recommended Motion:

I move to approve Resolution No. ____ - 8 – 24.

RESOLUTION NO. 56-08-24

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; CLASSIFYING CERTAIN TOWN OWNED PERSONAL PROPERTY AS SURPLUS; AUTHORIZING THE TOWN LIBRARY DIRECTOR TO DISPOSE OF SAID SURPLUS PERSONAL PROPERTY APPROPRIATELY AND ACCORDING TO THE LIBRARY'S DISPOSAL OF SUPERSEDED LIBRARY MATERIALS POLICY; DIRECTING THAT THE TOWN'S FIXED ASSET RECORDS BE AMENDED TO REFLECT DISPOSAL OF SAID SURPLUS PERSONAL PROPERTY; ENDORSING AND APPROVING THE LIBRARY'S DISPOSAL OF SUPERSEDED LIBRARY MATERIALS POLICY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Manager of the Town of Lake Park has the power and Authority pursuant to the provisions of the Town Code to dispose of surplus and personal property of the Town of Lake Park (Town); and

WHEREAS, the Library Director has identified certain items of Town Property which are superseded Library materials; and

WHEREAS, superseded property means any personal property belonging to the Town which is capable of being used by the Town, but which is in excess of the normal operating requirements of the Town; and

WHEREAS, the Town Manager has determined that it is in the best interest of the Town, and the public health, safety and general welfare of the Town, and its residents to dispose of the surplus personal property identified herein; and

WHEREAS, the items of personal property listed herein have been classified by the Town Manager as surplus personal property of the Town to be disposed of in accordance with the Library's Superseded Materials Policy attached herein as Exhibit "A".

BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK,

FLORIDA, AS FOLLOWS:

SECTION 1. The Whereas Clauses are incorporated herein as true and correct.

SECTION 2. That certain Town owned property, which is obsolete and/or the continued use thereof is uneconomical, inefficient and/or serves no useful function, is hereby classified as surplus personal property.

SECTION 3. That certain library materials declared as superseded books from the Lake Park Public Library and allow said superseded books to be donated to another government agency or entity, sent to Sustainable Shelves or FirstBook and/or placed in the Friends of the Library book sales, the proceeds of which will go to fund library projects in accordance with the Library's Superseded Materials Policy.

SECTION 4. That the Library Director is hereby authorized to dispose of the above described surplus personal property as described therein.

SECTION 5. That the Town Manager is hereby directed to see that the Fixed Asset records of the Town are amended to reflect disposal of said surplus personal property in the manner required by the Auditor General.

SECTION 6. This Resolution shall take effect immediately upon passage.

Collection Development Policy

Collection Development

Introduction

The Lake Park Public Library (the Library) seeks to provide the community with information that satisfies educational, entertainment, and recreational pursuits through the purchase and organization of books, periodicals, newspapers, audio and video recordings, e-books, databases, and other forms of electronic media. The Library emphasizes the importance of those materials that have contemporary significance and/or permanent value. Materials are chosen, within budgetary limits, to inform, inspire, entertain, help patrons develop new interests, educate, and satisfy free inquiry. The purpose of the Lake Park Public Library's collection management policy is to provide a general guide for the selection and maintenance of material collections offered by the Library and to emphasize the Library's commitment to intellectual freedom and unrestricted access to information. The policy offers guidance to Library staff and informs the public about general selection principles.

The Library affirms the public's right of free access to a diverse and balanced spectrum of listening, reading, and viewing materials in a variety of current and emerging formats. In keeping with the professional standards and best practices of all public libraries, the Lake Park Public Library has adopted the following supporting documents from the American Library Association's (ALA) guidelines for public access to library resources:

- [Libraries: An American Value](#)
- [Library Bill of Rights](#) and [Interpretations](#)
- [Freedom to Read Statement](#)
- [Freedom to View Statement](#)
- [Code of Ethics](#)

Responsibility

The Commission of the Town of Lake Park annually approves the Library's budget, as developed by the Library Director. The annual budget allocates resources to ensure that the collection meets the needs of the community. Priorities are set to purchase materials and resources that support the Library's mission, strategic goals, and key initiatives.

The ultimate responsibility for the growth and maintenance of the Library's collection rests with the Library Director.

General Selection Criteria

Material selection for a public library is a complex process requiring a familiarity with community needs; sound judgment and consultation of review journals and other professional tools; an appreciation for cultural diversity, literary merit, historical accuracy, and objectivity; and a practical understanding of the economic and spatial constraints on the collection. In support of this process

and as a basis for building a collection of enduring merit, all acquisitions, whether purchased or donated, are subject to the guidelines listed below. An item need not meet all of the criteria for acceptance. Some materials may be judged primarily on artistic merit, while others are considered because of scholarship, historic value, or ability to satisfy the needs of the community.

- Accuracy of scientific or historical fact
- Attention of the public, critics, or recognition of material by other general-interest media outlets
- Authority, reputation, and significance of the author, performer, composer, illustrator, publisher, and/or producer: no item will be excluded because of the race, religion, nationality, gender, sexual orientation, political or doctrinal beliefs, or personal history of the author
- Availability and suitability of physical format for Library purposes
- Clarity, readability, and ease of use
- Contemporary significant or permanent value
- Creative, literary, or technical quality
- Currency of information
- Current and projected demand
- In the case of electronic materials, the nature of licensing, technical support, user interface, system resource demands, remote access capabilities, and other factors affecting the Library's ability to make the material accessible to patrons
- Insight into human and social conditions
- Literary merit
- Local authorship or production
- Price as a reasonable value for anticipated use
- Relation to the existing collection and other materials on the subject (an effort is made to include significant works to illuminate the different and important sides of issues)
- Relevance, present and potential, to community needs (the Library makes a conscious effort to obtain materials pertaining to local matters – civic, cultural, artistic, educational, recreational, and historic)
- Reviews from professional library journals and sources such as librarian blogs and newsletters
- Space and maintenance requirements
- Topicality or the importance of material as a document or recording of the times
- Treatment of subject for the intended audience
- Use of similar works as monitored through the integrated library system (ILS)

Patrons may also recommend materials for the library using the purchase suggestion feature in their account on the Library's discovery layer or catalog website or by filling out the Library Materials Suggestion Form, though there is no guarantee these suggestions will be purchased. This form does not need to be filled out completely, but providing as much information as possible helps with this request.

The Library recognizes that certain materials are controversial and that any item may offend some Library users. Selections are made solely on the merits of the works in relation to the goals of building and enhancing a collection that serves the diverse interests of the community.

Materials may be removed from circulation due to age, cost, accessibility, limited demand, poor suitability of format for use by the public, or lack of documentation. Materials not found in the collection may be available through Interlibrary Loan (ILL).

Children's and Young Adult Materials

The Library provides books and other materials suitable for children that are clearly labeled and separate from the Adult and Young Adult collections. Young Adult fiction and non-fiction are clearly marked and shelved separately from the Children's and Adult collections. The Young Adult graphic novels are interfiled with the Adult graphic novels. Children's and Young Adult materials are selected for their merits and not necessarily excluded because of coarse language or frankness. The Library does not deny or limit access to any item because of its content or style. The selection of materials for the Library's collections shall not be inhibited by the possibility that some materials may inadvertently come into the possession of children. Responsibility for the listening, reading, and viewing of library materials by children rests with their parents or legal guardians.

Materials Acquired through Interlibrary Loan

The Lake Park Public Library, via its membership in an interlibrary loan consortium, benefits from the resources of many other libraries throughout the United States. All reasonable efforts will be made to obtain items requested by patrons that are not in the collection. The Library does not acquire highly specialized or technical materials that can be obtained through interlibrary loan or accessed electronically from non-library sources.

Collection Evaluation

Library collections are constantly changing. Maintenance of the collection through constant evaluation and assessment by library staff ensures its usefulness and relevancy to the community. The library adheres to professional collection review and weeding practices including the use of:

- Circulation statistics
- CREW Method (Continuous Review, Evaluation, and Weeding) to identify items for consideration for retention or withdrawal.
- MUSTIE Method – includes six undesirable factors that increase the likelihood of withdrawal:
 - M = Misleading (and/or factually inaccurate)
 - U = Ugly (worn and beyond mending)
 - S = Superseded (by a new edition or a material with better coverage on the subject)
 - T = Trivial (no longer of discernable literary or scientific merit)
 - I = Irrelevant (to the needs and interests of the community)
 - E = Elsewhere (found expeditiously through another resource, other format, or ILL)
- Number of copies in the collection

- Poor condition due to missing pages, markings, water, or mildew damage
- Shelf space
- Sustainability of format
- Statistical reports

Replacements

The Library does not automatically replace materials withdrawn or lost from the collection. The need for replacement is considered in relation to several factors including the number of remaining copies of the title in the system; the existence of newer or better material on a subject; budget constraints; and availability (out-of-print materials are rarely replaced).

Gifts and Donations

A gift for the Library collection may consist of Library material donations, monetary donations to purchase materials, equipment, or support various Library activities, or other material donations.

Material Donations

On behalf of the Friends of the Lake Park Library (the Friends), a 501(c)3 group raising funds for the Library, the Library will accept hardcover and paperback books and audiovisual materials if they are in good condition. Donations will be evaluated and, if appropriate, will be added to the collection or put in the Friends of the Library book sale. Proceeds from the book sales are used to supplement Library programs. While donations of quality items are gratefully accepted, neither the Friends nor Library staff can be responsible for the valuation of a gift. We cannot appraise donated materials or indicate a value on the receipt. If desired, the donor may receive a donation receipt noting the number and type of materials donated.

Monetary Donations

The Library welcomes the support of its activities through monetary donations by individuals and organizations. Contributions made directly to the Friends will enable the Library to purchase materials, equipment, or support special programs.

Library Materials Suggestion Form

Please use this form for materials suggested for purchase by the Lake Park Public Library.

_____ Periodical (Newspaper, Magazine, Newsletter, etc.)

_____ Audio Recording _____ Video Recording _____ Book

Title _____

Author/Editor _____

Performer/Artist/Director _____

Publisher/Producer _____

ISBN/EIN _____

Year Created/Published _____

Preferred Format _____ Digital/Streaming _____ Print/DVD/CD

Have you listened to/read/viewed this material?

Are you aware of any reviews of this material?

Subject Matter _____

What age group is this appropriate for? _____

Why do you think the library should purchase this material?

Do you have a library card with this library? _____ Yes _____ No



Do you want to place a hold on the item if it is acquired? _____ If yes, then:

Name _____

Bar Code _____

Phone _____



Disposal of Superseded Library Resources Policy

Supersedes document from October 17, 2018

OBJECTIVES

The objectives of this policy are to describe and define the methods of disposal of superseded library materials weeded from the Lake Park Public Library collections, together with the types of library materials available for disposal by sale or other means.

Key Focus Area	A Town connecting people and places
Key Focus Area - Outcome	Vibrant community and cultural hubs that meet local needs and activities of area businesses and residents
Performance Measures	<p>The breadth, depth, and quality of the collection is measured by the level of compliance with The Lake Park Public Library’s established <i>Collection Development Policy</i>. These include:</p> <ul style="list-style-type: none"> • Discarded items per capita • Age of collection • Usage rates • Relevancy/currency <p>Collection benchmarks include:</p> <ul style="list-style-type: none"> • Items per capita • Age of collection • Stock turnover rates

POLICY STATEMENT

The public library is not a library of last resort, collecting and holding material forever. It should present a current and attractive collection, enhanced by material with some depth or long-term potential use.

A continuous process of weeding library material is carried out in an ongoing evaluation program that ensures the currency, accuracy, quality, ongoing appeal, and usefulness of library materials by removing obsolete and superseded titles. In addition, a periodic inventory of holdings is performed to ensure the integrity of the catalog and

accountability for collection assets. The following principles will be applied to the weeding and disposal of library materials:

- 1) Collections are developed and managed by two interconnected processes – the purchase of new materials as outlined in the *Collection Development Policy*, and the weeding of obsolete and unwanted materials as outlined in this *Disposal of Superseded Library Resources Policy*
- 2) Material is weeded from the collection for one or more of the following reasons:
 - a) The item is little used and is unlikely to be used in the future, or may be better used in another collection or library
 - b) The information contained in the item is obsolete, is no longer useful for today's needs, or has been superseded by a new edition or by other material that provides better subject coverage
 - c) The item was of an ephemeral nature when obtained
 - d) The availability of other copies
 - e) The item is worn, soiled, damaged, or in poor physical condition
 - f) Other specific weeding criteria appropriate to the format of the item as outlined in the *Collection Development Policy*
 - g) The item has been replaced by an electronic resource available for town-wide access, from within the library and/or remotely from home
- 3) Material identified for disposal will be removed from the collection by either:
 - a) Transfer to a non-public or Administrative shelf area
 - b) Disposal by sale or donation

All library materials identified for disposal from the collection are reviewed and approved for disposal by experienced staff at the library. Library material will be considered for retention in non-public stack areas based on availability for re-purchase, anticipated interest, and ongoing demand.

Not all library materials removed from the collection are suitable for sale or donation. Damaged library materials and fragile format non-print materials, including CDs and DVDs, are disposed of. Some library materials are lost when borrowed by patrons, and these amounts are managed through the Library's current lending policies.

The Lake Park Public Library *Collection Development Policy* is in compliance with the Florida Library Association *Florida Public Library Standards* and the American Library Association *Standards Manual*.

The library service is unable to notify patrons when particular library materials are being withdrawn from the collection.

The only circumstances in which a patron may retain a specific library item from the collection are:

- When the item is lost when borrowed by the patron where the patron has paid the replacement cost of the item and the item is later found, and
- When the item is returned in a damaged condition that warrants immediate removal from the collection. In this instance, the patron is charged for the replacement cost of the item.

Library materials withdrawn from the collection are disposed of as follows:

1) Sale

This is the principal means of disposal for superseded library materials withdrawn from the library collection, either purchased or donated. The Library's policy is to send superseded library materials to Sustainable Shelves or other organizations for purchase by the organizations.

2) Donation

Material suitable for donation includes, but is not limited to, print materials with specific content that would be more appropriately housed elsewhere, and fragile materials.

Town resolution 70-10-18 provides that the Lake Park Public Library may offer to government or non-profit organizations selected library materials prior to disposal.

3) Recycling

Some library materials weeded from the collection due to heavy wear and tear, damage, missing parts, insect infestation, mold, or outdated/culturally offensive information or viewpoints and are not suitable for sale or donation, will be recycled.

Non-print library materials weeded from the collection due to damage, wear or missing parts, insect infestation, mold, or outdated/culturally offensive information or viewpoints will be destroyed to ensure compliance with any health or licensing conditions.

SCOPE

This policy applies to all Town and Library staff involved in the selection, acquisition, maintenance, weeding, and disposal of library materials in the library collection.

DEFINITIONS

Format – the physical forms(s) of library resources, including audiocassette, compact disc, mp3, digital, photograph, microform, DVD, Blu-ray, and print.

Electronic resources – resources that are stored and accessed in an online form, including the internet, electronic databases, and CD-ROM.

Library materials – any book and non-book material, including but not limited to books, CDs, DVDs, audiobooks, computer games, magazines, newspapers, maps, plans, photographs, and manuscripts.

Non-profit – organizations formed primarily to provide goods or services and not to make a profit, including charities and state, local, and other government entities and are registered with the Florida Division of Corporations as a Nonprofit corporation, or as an IRS determined 501(c)3 entity.

Staff stacks – includes material that is out-of-print, in poor physical condition, or difficult to purchase but may still have ongoing interest and demand. This material is in closed access and may be requested for borrowing.

Holding Inventory – a procedure that involves checking a library's catalog records against shelf or circulation records, to identify missing items and update records accordingly, ensuring the accuracy of the library database and operational statistics.

Weeding – the process whereby materials are removed from the library collection to maintain an attractive collection of up-to-date resources that are likely to be of interest and relevant to the Lake Park community.

RELATED POLICIES / LEGISLATION

Resolution 70-10-18 – A resolution of the Town Commission of the Town of Lake Park, Florida; classifying certain Town owned property as surplus; authorizing the Town Library Director to dispose of said surplus property appropriately and according to the Library's Disposal of Superseded Library Materials Policy; directing that the Town's fixed asset records be amended to reflect disposal of said surplus property; endorsing

and approving the Library's Disposal of Superseded Library Materials Policy and Providing an Effective Date.

Lake Park Public Library *Collection Development Policy*

REPORTING REQUIREMENTS

Service Level Agreement for Public Library Service Provisions between the State of Florida, the Department of State, and the Town of Lake Park on behalf of Lake Park Public Library

RELATED DOCUMENTS

ALA Collection Maintenance and Weeding

ALA Standards Manual

Florida Library Association *Florida Public Library Outcomes & Standards 2015*

Texas State Library and Archives Commission *CREW: A Weeding Manual for Modern Libraries*

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The United States Navy : Beach, Edward Latimer,	1986	H. Holt,	55500000140197
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My only desire / Byrd, Adrienne.
If I had you / Monkou, Michelle.
I'll catch you / Rochon, Farrah.
Cosmic rendezvous / Amos, Robyn.

Arabesque : | BET
2004 Publications, 55500000515935
1998 Pinnacle Books, 55500000515877
2002 BET Publications, 55500000515810
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1997 Corp., 55500000516040
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Cash Money
2013 Content, 55500000508898
2013 Liveright Pub., 55500000508856
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2011 Genesis Press, Inc., 55500000516636
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Arabesque | BET
2005 Publications, 55500000517162
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Dafina ; |
Turnaround
2009 [distributor], 55500000516685
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Someone else's puddin' / Hair, Samuel L. His invisible wife / Goss, Shelia M. Infidelity / Tucker, Pat.	Urban ; Turnaround 2009 [distributor], 2009 Urban Books, 2007 Urban Books, Arabesque/Kimani 2011 Press, 2000 BET Publications,	55500000517030 55500000516677 55500000516735 55500000516792 55500000516859
Harvest moon / Alers, Rochelle. Star Crossed / Craft, Francine.	2012 Bellwether Media, 2013 2007 Udon, 2013 2013 Kensington Pub 2013 Corp, 2013 2013 2013	55500000540578 55500000503337 55500000524218 55500000517014 55500000518533 55500000518194 55500000517113 55500000517170 55500000517808 55500000524309
The Cape buffalo / Owings, Lisa. a Jon, ble ak wouj Bombshell / Coulter, Catherine. Magical JxR / Lee, Sun-Young. TransAtlantic : McCann, Colum, Happy, happy, happy : Robertson, Phil,	2012 Simon & Schuster, 1973 Norton 1984 Pineapple Press,	55500000511033 55500000030679 55500000271323
Never keeping secrets / Bryant, Niobia. Echoes of my soul / Tanenbaum, Robert. The astronaut wives club : Koppel, Lily. Justice for Sara / Spindler, Erica,	2012 Grand Central Pub., 2013 Public Affairs, American Management 2013 Association, Melville House ; Turnaround 2013 [distributor],	55500000517428 55500000517733 55500000509037 55500000508765
Proof of heaven : Alexander, Eben. Forever Island; Smith, Patrick D., A land remembered / Smith, Patrick D.,		
Into the abyss : Shaben, Carol. Tower of Basel : LeBor, Adam.		
This is how to get your next job Kay, Andrea,		
A short history of nuclear folly : Herzog, Rudolph.		

Reporting civil rights /

Library of America :
| Distributed to the
trade in the U.S. by
2003 Penguin Putnam, 55500000319502

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On the come up : Weyer, Hannah.

Fashion Victims / Rodda, Emily and Forrest, Mary.

Si-cology 101 : Robertson, Si,

Vicious circle / Smith, Wilbur A.

Clark Howard's living large for the long haul : Howard, Clark,

Cross my heart / Patterson, James,

The gods of guilt : Connelly, Michael,

Top down : Lehrer, James.

Drama high : Sokolove, Michael Y.

The house of Hades / Riordan, Rick.

Three squares : Carroll, Abigail.

Pure joy : Steel, Danielle.

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2003 Penguin Putnam, 55500000319494
2013 55500000524606
1995 Scholastic, 55500000517972
2013 55500000519291
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2013 55500000520729
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2013 55500000526767
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True underground rescue stories / Young, Jeff C.,

Private L.A. / Patterson, James,

Just one evil act George, Elizabeth,

The Warren Buffett way / Hagstrom, Robert G.,

2011 Enslow Publishers, 55500000518988
2013 55500000539836
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The old man and the sea :

Becoming Mrs. Right / Lewis, Sherri L.,

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One came home / Timberlake, Amy.

American R.D.M.
1965 Corp., 55500000520786
2013 55500000520430
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Servants : Lethbridge, Lucy.	2013	55500000526684
How to draw superheroes and supervillains /	1994 Kidsbooks,	55500000526759
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iPad : Biersdorfer, J. D.,	2013	55500000543945
	Bellwether Media,	
Cheerleading tryouts / Green, Sara,	2012 Inc.,	55500000527708
13th boy. Lee, SangEun.	2012 Yen Press,	55500000538135
Duty : Gates, Robert Michael,	2014	55500000511181
Genealogy online for dummies / Helm, Matthew,		55500000525546
The iron daughter / Kagawa, Julie.		55500000527559
	Grand Central	
The skin collector / Deaver, Jeffery.	2014 Publishing,	55500000539000
When the bough breaks / Kellerman, Jonathan.	1985 Atheneum,	55500000029580
The five years before you retire / Birken, Emily Guy.	2013	55500000511215
Seven flowers and how they shaped our world / Potter, Jennifer,	2014	55500000511397
Under magnolia : Mayes, Frances.	2014	55500000512619
The fifth child / Lessing, Doris May,	1988 Vintage Books,	55500000512189
Flash boys : Lewis, Michael	2014	55500000512288
	Square Fish/Farrar	
A wrinkle in time / L'Engle, Madeleine.	2012 Straus Giroux,	55500000553399
3 personalities of money:a breakthrough discovery in "mind over money". Walker, Tony		55500000512536
Blood, sweat, & payback / Clark, Wahida,	2014 Simon & Schuster	55500000538119
When I was the greatest / Reynolds, Jason.	2014	55500000538309
The golden express / Lambert, Derek,	1984 Stein and Day,	55500000031842
The promise Carr, Robyn.	2014	55500000542681
150 Best Minimalist House Ideas Vidiella Sanchez, Alex	2014	55500000539315
The mob and the city : Hortis, C. Alexander,	2014	55500000539497
If I can't have you : Olsen, Gregg.	2014	55500000538929
China's second continent : French, Howard W.,	2014	55500000538846
East of Eden. Steinbeck, John,	1952 Viking Press,	55500000063126
Spoils / Stein, Tammar.	2013	55500000513187

The elementals / Mitchell, Sandra.	2013	55500000513062
Maeve Binchy : Dudgeon, Piers.	2014	55500000542566
Jesus on trial : Limbaugh, David,	2014	55500000544000
The adventures of Robinson Crusoe / Defoe, Daniel,	1992 Baronet Books,	55500000444763
13 hours : Zuckoff, Mitchell.	2014	55500000544539
Worthy fights : Panetta, Leon E.,	2014	55500000542533
The agony and the ecstasy, Stone, Irving,	1961 Doubleday,	55500000066897
Love is eternal; Stone, Irving,	1954 Doubleday,	55500000066921
The origin : Stone, Irving,	1980 Doubleday,	55500000066947
The passions of the mind; Stone, Irving,	1971 Doubleday,	55500000066962
Those who love; Stone, Irving,	1965 Doubleday,	55500000066970
How to pay zero taxes, 2015 / Schnepfer, Jeff A,	2014 McGraw-Hill	55500000545320
	Little, Brown and	
Twilight / Meyer, Stephenie,	2006 Co.,	55500000545767
ISIS : Stern, Jessica,	2015	55500000529571
All fall down / Carter, Ally,	2015	55500000569007
	Oxford University	
The Oresteia / Aeschylus.	2003 Press,	55500000546278
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What do you stand for? : Lewis, Barbara A.,	2005 Free Spirit Pub.,	55500000546542
Best loved songs of the American people / Agay, Denes.	1975 Doubleday,	55500000176860
The fault in our stars Green, John,	2014	55500000532005
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Dragonworld : Caldwell, S. A.	2011	55500000544737
Dear bully :	2011 HarperTeen,	55500000531825
Where they found her / McCreight, Kimberly,	2015	55500000533466
Very good lives : Rowling, J. K.,	2015	55500000533219
The gluten lie : Levinovitz, Alan,	2015	55500000533151
The triumph of seeds : Hanson, Thor,	2015	55500000529738
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Rich girl problems / Whitaker, Tu-Shonda L.	2014 Publishing Corp.,	55500000544018

A tan and sandy silence / MacDonald, John D.	1971 Lippincott,	55500000146038
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Algebra I / Wheeler, Carolyn C.,	2015	55500000532732
The blind men and the elephant / Backstein, Karen.	1992 Scholastic Inc.,	55500000400773
Weird Pennsylvania : Lake, Matthew.	2005 Sterling Pub. Co.,	55500000511512
Pirate hunters : Kurson, Robert,	2015	55500000534779
JFK and LBJ : Hodgson, Godfrey.	2015	55500000531288
Rodeo ranch : Brand, Max,	2015	55500000550130
Johnny Tremain / Forbes, Esther.	1943 Yearling,	55500000545692
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Disney's Dear princess : Tiara, Ivana.	2002 Disney Press,	55500000549686
The Raven League : Simmons, Alex.	2006 Razorbill/Sleuth	55500000549488
150 best new kitchen ideas / GutiÃ©rrez, Manel Couto.	2015	55500000549827
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Body by night / Day, Zuri.	2009 Pub.,	55500000550122
Saturn run / Sandford, John,	2015	55500000555030
John le CarrÃ© / Lewis, Peter Elfed.	1985 F. Ungar Pub. Co.,	55500000091812
Introduction to criminal justice / Siegel, Larry J.,	2012 Wadsworth,	55500000537186
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Young pioneers / Lane, Rose Wilder,	1998 HarperTrophy,	55500000551070
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Indian captive : Lenski, Lois,	1994 Publishers,	55500000551302
Darkwing / Opper, Kenneth,	2007 Eos,	55500000551203
White House white-out / Roy, Ron,	2008 Random House,	55500000551278
Nothing's fair in fifth grade / DeClements, Barthe.	1990 Puffin Books,	55500000551211
The crime and the crystal Ferrars, E. X.		55500000037880
The Lufthansa heist : Hill, Henry,	2015	55500000550718
Dark corners : Rendell, Ruth,	2015	55500000555337
A moment of silence / Souljah,	2015	55500000591712

Big magic : Gilbert, Elizabeth,	2015	55500000554371
She wears the pants : Takada, YÅ«ko	2015	55500000531346
The Incredible Hulk storm / Fujimoto, Michi.	2002 Paradise Press,	55500000550874
TV Star / Russell, Rachel RenÃ©e,	2014	55500000545080
How to feel good : Mangan, Tricia.	2012 Magination Press,	55500000552110
Your complete SAT critical reading prep course with Amy Lucas	2012 Private Tutor,	DVD 1874
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John Adams. Smith, Page.	1962 Doubleday,	55500000006869
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Alex Haley and the books that changed a nation / Norrell, Robert J.	2015	55500000555154
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Thinner / King, Stephen,	1984 Group,	55500000554082
The 613 / Rand, Archie,	2015	55500000555717
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Little Lefty / Christopher, Matt.	1993 Company,	55500000556285
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It's not like I planned it this way / Naylor, Phyllis Reynolds.	2010 for Young Readers,	55500000556582
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Hazel : Hearn, Julie,	2010 for Young Readers,	55500000556467

The mark on the door, Dixon, Franklin W.	1930 Simon & Schuster,	55500000556418
How to steal a dog : O'Connor, Barbara.	2007 Scholastic Inc.,	55500000556368
Talent / Dean, Zoey.	2008 Razorbill,	55500000556244
Find her : Gardner, Lisa,	2016	55500000558497
Diary of a wimpy kid : Kinney, Jeff.	2011 Amulet Books,	55500000557903
Meeting Dinosaurs. Collins, Natalie.	2012 AZ Books Llc	55500000535941
Last chance for magic / Chew, Ruth.	1996 Scholastic,	55500000557937
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Alexander	2004 Video,	55500000558463
Farm Animals / Curry, Peter.		55500000559008
The giants' farm / Yolen, Jane.	1977 Seabury Press,	55500000559271
The haunting of grade three / Maccarone, Grace.	1987 Scholastic,	55500000559412
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Hide away / Johansen, Iris,	2016	55500000547797
This is where it ends / Nijkamp, Marieke,	2016	55500000568397
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The people could fly : Hamilton, Virginia.	1985 Random House,	55500000157563
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One hundred years of solitude / GarcÃ-a MÃ¡rquez, Gabriel,	2006 Modern Classics,	55500000597354
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Three sisters, three queens / Gregory, Philippa,	2016	55500000547821
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Meditations / Marcus Aurelius,	Barnes & Noble 2003 Books,	55500000562846
The secretary : Lang, Jochen von.	1979 Random House,	55500000007164
After the reunion : Jaffe, Rona.	1985 Delacorte Press,	55500000098577
The family Fletcher takes Rock Island / Levy, Dana Alison,	2016	55500000593858
The wonder : Donoghue, Emma,	2016	55500000548258
Pharaoh / Smith, Wilbur A.,	2016	55500000565310
The choice / Sparks, Nicholas,	2015	55500000537533
Out of bounds / Bowen, Fred,	2015	55500000537897
175 science experiments to amuse and amaze your friends : Walpole, Brenda.	1988 Random House,	55500000538077
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The scarlet letter / Hawthorne, Nathaniel,	Reader's Digest 1984 Association,	55500000024144
Love your life not theirs : Cruze, Rachel,	2016	55500000529217
Scythe / Shusterman, Neal	2016	55500000548407
Knock 'em dead resumes : Yate, Martin John,	2016	55500000591365
A history of Juno Beach and Juno, Florida / DuBois, Bessie Wilson, 1903-1998.	1978 s.n.],	55500000230139
Fast & loose / Woods, Stuart,	2017	55500000568405
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The mark / Swinson, Kiki,	1988 Random House,	55500000597826
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The general's wife; Ross, Ishbel,	1958 Little, Brown,	55500000086150
The art of war / Sunzi,	1959 Dodd, Mead,	55500000010721
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	1996 Scholastic Inc.,	55500000566177
The secret of the old clock : Keene, Carolyn.	1987 Grosset & Dunlap,	55500000528896

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The message in the hollow oak / Keene, Carolyn	1972	55500000529076
The haunted bridge / Keene, Carolyn	1972	55500000528839
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The secret in the old attic / Keene, Carolyn.	1970 Grosset & Dunlap,	55500000528938
The clue in the crumbling wall / Keene, Carolyn.	1945 Grosset & Dunlap,	55500000528995
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The ghost of Blackwood Hall / Keene, Carolyn.	1967 Grosset & Dunlap	55500000529050
The secret of the wooden lady / Keene, Carolyn.	1995 Grosset & Dunlap,	55500000529233
The clue of the black keys. Keene, Carolyn.	1968 Grosset & Dunlap	55500000529290
The clue of the velvet mask / Keene, Carolyn.	1997 Grosset & Dunlap,	55500000529415
The ringmaster's secret / Keene, Carolyn	1974	55500000528763
The witch tree symbol / Keene, Carolyn.	1975 Grosset & Dunlap,	55500000528953
The secret of the golden pavilion / Keene, Carolyn.	1987 Grosset & Dunlap	55500000529019
The clue in the old stagecoach / Keene, Carolyn.	1960 Grosset & Dunlap	55500000528771
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The phantom of Pine Hill / Keene, Carolyn.	1965 Grosset & Dunlap,	55500000528946
Mystery of the 99 steps / Keene, Carolyn.	1966 Grosset & Dunlap,	55500000529001
The crooked banister / Keene, Carolyn.	1971 Grosset & Dunlap,	55500000529068
The double jinx mystery / Keene, Carolyn.	1973 Grosset & Dunlap,	55500000529126
The sky phantom / Keene, Carolyn	1976	55500000529183
The case of the lost song / Keene, Carolyn.	2001 Pocket Books,	55500000529241

The fabled fourth graders of Aesop Elementary School / Fleming, Candace.
Option B : Sandberg, Sheryl,
Midnight in the garden of good and evil : Berendt, John,
Death of a bachelorette / Levine, Laura,
Getting financial aid /
The marriage pact : Richmond, Michelle,
The Judas game / Cross, Ethan,
All the light we cannot see : Doerr, Anthony,
Brain on fire : Cahalan, Susannah,

Effective supervisory skill building / Becker, Christine.
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Men who hate women & the women who love them : Forward, Susan.

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Dirty tricks / Swinson, Kiki,

The Larousse gastronomique : Montagne, Prosper,
Fire and fury : Wolff, Michael,
The Belles / Clayton, Dhonielle,
The temptation of forgiveness / Leon, Donna,
Alternate side : Quindlen, Anna,
One house over / Monroe, Mary,
The other lady vanishes / Quick, Amanda,
The listener / McCammon, Robert R.,
The space barons : Davenport, Christian,

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2017 55500000569833
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2018 55500000586209
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2018 55500000589815

Red war : Mills, Kyle,	2018	55500000595143
Juror #3 / Patterson, James,	2018	55500000594955
Desperate measures / Woods, Stuart,	2018	55500000601214
Liar, liar / Jackson, Lisa,	2018	55500000594831
The secret garden / Burnett, Frances Hodgson,	2017	55500000579477
The whole town's talking : Flagg, Fannie,	2017	55500000579469
Field of bones / Jance, Judith A.,	2018	55500000596570
John Woman / Mosley, Walter,	2018	55500000596885
The man who came uptown / Pelecanos, George P.,	2018	55500000596521
In his father's footsteps : Steel, Danielle,	2018	55500000595440
Shadow tyrants / Cussler, Clive,	2018	55500000595242
Katerina / Frey, James,	2018	55500000595234
Transcription / Atkinson, Kate,	2018	55500000595655
Dark tide rising : Perry, Anne,	2018	55500000595804
A catered cat wedding : Crawford, Isis,	2018	55500000596984
Vengeful / Schwab, Victoria,	2018	55500000595416
		Duell, Sloan and
The barefoot mailman Pratt, Theodore,	1943 Pearce	55500000150832
Representative American speeches.	1938 H. W. Wilson Co.,	55500000078439
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Escapade / Palmer, Diana,	2018	55500000596760
To Obama : Laskas, Jeanne Marie,	2018	55500000597164
The field guide to the North American teenager / Philippe, Ben,	2019	55500000607591
Get it together : Cullen, Melanie,	2018	55500000602030
Long-term care : Matthews, J. L.,	2018	55500000602154
Menaboni's birds / Menaboni, Athos,	1950 Rinehart,	55500000192750
The blood road / MacBride, Stuart,	2018	55500000595986
Dog Man : Brawl of the wild / Pilkey, Dav,	2016	55500000603525
Girl, stop apologizing : Hollis, Rachel	2019	55500000610280
Never too late : Klein-Collins, Rebecca,	2018	55500000603210
Captain Marvel. Carol Danvers, Reed, Brian,	2018	55500000604333

Giant. Ferber, Edna,	1952 Doubleday,	55500000019284
Marketing in leisure and tourism : Janes, Patricia Click.	2006 Venture Pub., Inc.,	55500000605116
Bird box / Malerman, Josh,	2015	55500000605330
Searching for Sylvie Lee : A Novel. Kwok, Jean.	2019	55500000608920
Aunt Dimity and the heart of gold / Atherton, Nancy,	2019	55500000609811
Mafia, U.S.A. Gage, Nicholas,	1972 Playboy Press	55500000060692
Crazy kind of love / Styles, Toy,	2014	55500000611809
The widows of Malabar Hill / Massey, Sujata,	2018	55500000613318
Blood sport. Francis, Dick.	1967 Harper & Row	55500000045941
High stakes / Francis, Dick.	1975 Harper & Row,	55500000045966
China and pottery marks /	1920 Gilman, Collamore,	55500000195134
American houses in history. Nicholson, Arnold.	1965 Viking Press,	55500000173818
El Escorial, Cable, Mary.	1971 Newsweek	55500000173842
Joy Street. Keyes, Frances Parkinson,	1950 Messner	55500000088800
Mirrors of the soul. Gibran, Kahlil,	Philosophical	
Thunderhead / Shusterman, Neal,	1965 Library	55500000072192
Make your own living trust / Clifford, Denis.	2018	55500000619703
Straight talk, no chaser : Harvey, Steve,	2007 NOLO,	55500000594435
The Nickel boys : Whitehead, Colson,	2012	55500000621832
The Nickel boys : Whitehead, Colson,	2019	55500000623101
Fantastic 4 /	2019	55500000622988
Frozen /	2005	55500000624232
The Belles / Clayton, Dhonielle.	2019	55500000571896
	2019 Freeform Books,	55500000623978
	Harper, an Imprint of HarperCollins	
Boys & sex : Orenstein, Peggy,	2021 Publishers,	55500000625577
Baseball's greatest hit : Strasberg, Andy	2008	55500000626112
The good sister / Hepworth, Sally,	2021	55500000626989
The autobiography of Malcolm X / X, Malcolm,	1965 Ballantine,	55500000627466
Legacy / Roberts, Nora,	2021	55500000638406

Panicked student's guide to choosing a college major : Shatkin, Laurence.	2011 JIST Works,	55500000488596
55, underemployed, and faking normal : White, Elizabeth	2020	55500000633555
Baby dogs / Rathburn, Betsy,	2022	55500000633878
Miss Lattimore's letter / Allain, Suzanne	2021	55500000634868
Freed / James, E. L.,	2012 Bloom Books,	55500000636004
Gray hair don't care / Booth, Karen	2021 Karen Booth,	55500000635980
The Satapur moonstone / Massey, Sujata,	2019	55500000634710
The wife upstairs / Hawkins, Rachel,	2021	55500000641848
Just mercy : Stevenson, Bryan,	2019	55500000643364
Suspects : Steel, Danielle,	2022	55500000654304
Penguins love colors / Aspinall, Sarah,	2016	55500000665052



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Agenda Item No.

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, SECTIONS 22-101 THROUGH 22-113 ENTITLED “STREET AND MOBILE VENDORS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE ON 2nd READING**
- NEW BUSINESS
- OTHER

- CONSENT AGENDA
- OLD BUSINESS

Bambi

Approved by Town Manager

McKibbon-Turner

Digitally signed by Bambi McKibbon-Turner
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town Manager/Human Resources Director, email=bturner@lakeparkflorida.gov, c=US
 Date: 2024.08.14 16:03:58 -04'00'

Anders Viane / Planner
 Name/Title

Originating Department: Community Development	Costs: \$ Legal Review Funding Source: Legal Acct: #108 <input type="checkbox"/> Finance	Attachments: → Ordinance 07-2024
Advertised: Date: July 28, 2024 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 AV OR Not applicable in this case Please initial one.

Summary Explanation/Background:

This ordinance is being brought forward pursuant to discussion and direction by the Town Commission to revisit our mobile vendor ordinance. In order to comprehensively amend the code, the mobile vendor category also includes Mobile Food Dispensing Vehicles (i.e. food trucks), as a subset category.

Food trucks have become increasingly popular in the Town in association with microbrewery uses, however the Town’s previous regulations have prevented food trucks from

operating within a 1,000 feet of any restaurant. This protectionist language was designed to give priority to brick-and-mortar business and left few options for food trucks in Lake Park. While remaining sensitive to our growing restaurant scene, staff has sought to create a compromise by reducing the distance separation by half (500 feet) and allowing food trucks to operate as accessory uses for microbreweries and restaurants, thereby allowing for the synergy that so often occurs between breweries and food trucks. It also allows brick-and-mortar locations to join the food truck craze, which some businesses have expressed interest in doing, thereby augmenting their kitchen space and providing a fast, casual dining option, pursuant to meeting all the standards for mobile vendors.

The ordinance generally refines our procedural standards for review of these applications and establishes specific review criteria for mobile vendors – which are the broadest category of mobile vendors, encompassing any business or operator who conducts their business from a vehicle – and mobile food dispensing vehicles (MFDVS), which have unique considerations and regulatory requirements related to their operation as food service businesses and thus must follow all the regulation for mobile vendors as well as a special set of regulations related just to MFDVs.

Finally, the ordinance brings the Town Code in line with a State preemption preventing the taxation or charging of fees for mobile food vendors. This ordinance has received input from Palm Beach County Fire Rescue and the CRA Administrator's office.

2nd Reading Update

Pursuant to Commission feedback from this ordinance's 1st reading, staff made modifications to clarify the procedure for the storage of food trucks. Subsection 22-105 (b) (7) now requires mobile food dispensing vehicles be removed from a property at the end of the business operations each day unless on-site storage is permitted pursuant to the Town's Commission's approval and the outdoor storage code. Subsection 22-105 (b) (8) now also clarifies unlawful parking will result in code enforcement action on private property and law enforcement action in rights of way.

Recommended Motion: I MOVE TO APPROVE ORDINANCE NO. 07-2024 on second reading.

ORDINANCE NO. 07-2024

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, SECTIONS 22-101 THROUGH 22-113 ENTITLED “STREET AND MOBILE VENDORS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Occupational Freedom and Opportunity Act (SB474/HB1171) (“the Act”) became effective on July 1, 2020; and

WHEREAS, the Act has been codified at §509.102, Florida Statutes; and

WHEREAS, the Act defines the term “mobile food dispensing vehicle” (“MFDV”) as “any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities”; and

WHEREAS, the Act defines the term “temporary commercial kitchen” (TCK) as any kitchen that is a public food service establishment used for the preparation of takeout or delivery-only meals housed in portable structures that are movable from place to place by tow or are self-propelled or otherwise axle-mounted, that include self-contained utilities”; and

WHEREAS, the Act preempts to the state the regulation of MFDVs and TCKs such that the Town may not require a separate license, registration, permit or fee from MFDVs or TCKs, and may not prohibit MFDVs or TCKs from operating within the entirety of the jurisdiction; and

WHEREAS, the Town permits MFDVs licensed by the Department of Business & Professional Regulation (DBPR), to operate within its commercial, downtown, mixed-use and industrial zoning districts; and

WHEREAS, MFDVs can provide opportunities for small businesses to startup and operate at relatively low cost; and

WHEREAS the Town Commission finds that it is in the best interest of the health, safety, and welfare of the public to amend Chapter 22, Article III pertaining to mobile vendors, and to create standards for regulating MFDVs; and

WHEREAS, the Town Commission finds that these amendments to the Chapter 22, Article III are consistent with all applicable policies including the Land Development Code and the Town's adopted Comprehensive Plan and not in conflict with the public interest.

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

SECTION 1. The foregoing whereas clauses are incorporated herein as legislative findings by this reference and made a part hereof for all intents and purposes.

SECTION 2. Chapter 22, Article III "Street and Mobile Vendors", Sections 22-101 through 22-105 are hereby amended as follows:

Sec. 22-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food has its usual and ordinary meaning, and includes all items designed for human consumption, including, but not limited to, ice cream, candy gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks, coffee and dairy products.

Goods or merchandise means any materials or products, including but not limited to fruits, vegetables, or other edible items, souvenirs, trinkets, art objects, and other such items capable of being sold.

House of worship means premises used for worship and permitted customary accessory uses by an organization for religious services or activities.

Concessionaire means a person, firm or corporation engaged in the sale of food or other goods or services in a town park or on town property, including without limitation those who operate or maintain a concession stand, in accordance with a written agreement or franchise therefor as lawfully approved ~~lawfully approved in writing by the community development department by the Town.~~

Mobile food dispensing vehicles means a vehicle that is used as a food service establishment and is self-propelled or otherwise mobile and which may include utilities, such as gas, water, electricity, or liquid waste disposal, sometimes referred to as a food truck or trailer or food cart, and otherwise regulated by the department of business and professional regulation (DBPR) requiring a mobile food vendor license subject to F.S. § 509.102. A mobile food dispensing vehicle does not include roving vehicles that may periodically travel through residential neighborhoods selling pre-prepared or pre-packaged food items, or a street peddler of unprepared foodstuffs, makeshift, standalone restaurants or buffets such as a food tent, or a mobile vendor selling anything other than food/foodstuffs.

Mobile vendor shall mean any business operator or vendor who conducts business from a motor vehicle. Mobile food dispensing vehicles are a type of mobile vendor.

Permanent structure means a building containing no fewer than four outer walls and a roof enclosing said walls, constructed in accordance with the local building code and a duly issued building permit, and for which occupancy is authorized by a duly issued certificate of occupancy

Street vendor means a person who sells or offers for sale any goods, services or merchandise from a location other than a permanent structure located in a commercially zoned area. A street vendor does not include anyone that utilizes newspaper, magazine, or other self-service vending machines for the sale of such items.

~~Mobile vendor shall mean any business operator or vendor who conducts business from a motor vehicle.~~

~~Motor vehicle in this chapter shall mean a motorized vehicle or trailer that is registered and licensed with the Florida State Department of Motor Vehicles.~~

Sec. 22-102. ~~Licensed~~—Required Prohibited acts.

It shall be unlawful for any street vendor or mobile vendor to sell goods, merchandise or services from any property except in keeping with the requirements set forth under this Article. Street vendors are prohibited unless they fall under the exemptions set forth in Section 22-104.

~~It is unlawful for a mobile vendor to engage in business within the Town of Lake Park except when licensed by the Town of Lake Park as a mobile vendor or concession in compliance with the provisions of this article. A separate license is required for each concession location.~~

Sec. 22-103. ~~Exemptions.~~—Citations/Fines.

Any person who is found to be in violation of any provision of this article may be issued a citation by a Town code enforcement officer or law enforcement officer in accordance with Chapter 162, Part II, F.S. and assessed a fine, or may be noticed for a code enforcement proceeding before the Town Magistrate. Each violation shall constitute a separate offense.

~~The following activities, businesses, and/or persons, as such are commonly known, are exempt from coverage of this article, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:~~

- ~~(a) Newspaper couriers;~~
- ~~(b) Lemonade stands;~~
- ~~(c) Stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located; or at a town sanctioned public outdoor green market;~~
- ~~(d) Delivery or distribution of food, goods, services or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the~~

~~purpose of soliciting customers while traveling or while located on town streets or property;~~

~~(e) Delivery or distribution of food by or for any not for profit organization, governmental agency, or other charitable organization, including without limitation Meals on Wheels and the Food Bank; and~~

~~(f) Concessionaires as defined in this chapter, except that concession agreements with the town shall include health, sanitation and insurance requirements generally conforming to those established for similar businesses and vendors covered by this chapter.~~

Sec. 22-104. ~~Limitation on activities permitted by mobile vendor license.~~ Exemptions.

The following activities, businesses, and/or persons are exempt from coverage of this article, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- (a) Newspaper couriers;
- (b) Town special events, festivals or parades, any events hosted by the Town's Community Redevelopment Agency, or private special events with a permit issued by the Town;
- (c) Lemonade stands;
- (d) Stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located; or at a town approved green market;
- (e) Delivery or distribution of food, goods, services or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while traveling or located on town streets or property;
- (f) Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization when conducted on private property; and
- (g) Concessionaires as defined in this chapter, except that concession agreements with the town shall include health, sanitation and insurance requirements generally conforming to those established for similar businesses and vendors covered by this chapter.

~~Mobile vendors shall not:~~

- ~~(a) Operate the motor vehicle in such a manner as to impede the normal usage of the arterial streets;~~
- ~~(b) Stop on the traveled portion of the street or within 50 feet from a corner to dispense food products;~~
- ~~(c) Stop in dangerous locations for dispensing products or services, such as on streets with inadequate shoulders and restricted sight distance;~~
- ~~(d) Be operated on any arterial street during the peak hours of traffic, generally between 4:00 and 6:30 p.m.~~

Sec. 22-105. ~~Application.~~ Standards for Mobile Vendors.

- (a) This section applies to the owners or operators of mobile vendors:
 - (1) Mobile vendors shall provide the following documents to the Community Development Department:
 - a. The Department of Business and Professional Regulation (DBPR) mobile food dispensing vehicle license, if applicable.
 - b. Compliance with the fire safety requirements of Palm Beach County Fire Rescue.

- c. A letter or other documentation which has been notarized by the property owner indicating that the mobile vendor is permitted to operate on the property owner's property. The authorization shall include the contact information of the property owner and the owner's acknowledgment they shall be responsible for any violations of state or town laws associated with the mobile vendor.
- d. Licenses authorizing the mobile vendor to sell and dispense alcohol, if applicable.
- (2) A site plan or survey at a scale of 1" = 20' depicting the location of the mobile vendor and associated seating (if any) on the owner's property which depicts all existing site conditions including buildings, property lines, drive aisles, parking, and pedestrian facilities inclusive of all associated dimensions.
 - (1) Location standards.
 - a. Mobile vendors may operate on properties having an existing use in the downtown, mixed-use, commercial, or commercial/light industrial zoning districts only. Mobile vendors may operate on public property only upon the advance written approval of the Town.
 - (2) Mobile vendors are prohibited from operating on vacant lots/parcels or within residential zoning districts, or where active residential uses are in existence.
 - (3) Mobile vendors may operate on properties that have been developed as religious institutions.
 - (4) Mobile vendors may be placed on paved surfaces only.
 - (5) Mobile vendors shall not be located within any public right-of-way or otherwise obstruct any road, drive aisle, driveway, or cross access connection associated with any business, or parking lot or obstruct any sight visibility triangle or otherwise be situated in an unsafe manner as determined by the town. Mobile vendors may not occupy, obstruct/impede access to any handicapped parking spaces.
 - (6) Mobile vendors shall not create any hazardous or unsafe condition and shall not produce excessive noise, vibration, odor, excess heat or glare, or electronic interference as set forth in the performance standards of Section 78-283.
 - (7) No mobile vendor shall sell any food or merchandise within 500 feet of a business establishment which is offering for sale the same or similar food products or merchandise as measured from property line to property line, except restaurants or microbreweries that maintain a business tax receipt with the Town may apply for a food truck as an accessory use under the provisions of this section.
- (b) Owners and operators of MFDVs shall observe the following:
 - (1) Seats and tables shall be located on a paved surface;
 - (2) Seats and tables shall be located outside of public right of ways, driveways, drive aisles and any loading area, cross access, driveway, or fire lanes;
 - (3) All seating and table areas must be clearly demarcated and cordoned off from drive aisles and/or parking stalls. Demarcation includes the use of clearly visible tape or rope

or physical barriers to allow motorist and/or patrons to distinguish the seating area from a parking stall or drive aisle;

- (4) Tables and seats associated with a MFDV may only be provided during the hours the MFDV is permitted to operate. Tables and seats associated with a MFDV's operation shall be removed at the end of every business day and no later than 11PM;
- (5) MFDVs shall be equipped with at least one trash receptacle per vehicle and at least one trash receptacle per ancillary seating area. Each trash can shall be no less than 32 gallons and must be emptied and removed from the site at the conclusion of business each day. Mobile vendors shall be responsible for all trash generated from their operations.
- (6) No MFDV shall discharge any water, grease or other liquid waste from the property upon which it is located off-site or onto public land or any road or stormwater system.
- (7) The hours in which a mobile vendor may operate is limited to 7:00 AM to 11:00 PM. MFDVs shall be removed from the property upon the cessation of business operations each day, unless approved by the Town Commission and provided the outdoor storage is determined to be consistent with the Town's land development regulations that are applicable to zoning district where the mobile vendor is operating.
- (8) MFDVs may not be located upon properties where parking is not adequate to serve the property's businesses. In such cases where it is determined that the MFDV is unlawfully parking on private property or is within any right-of-way, the owner of the MFDV and/or property may be cited for a violation of this code.

~~A person, firm, or corporation desiring to secure a license as a mobile vendor shall make application to the community development department. Such application shall be made on a form provided by the department, which at a minimum shall include:~~

- ~~(a) The name or names and address of the applicant;~~
- ~~(b) Vehicle license number of all vehicles from which the applicant proposes to conduct business;~~
- ~~(c) Description of the general type of food, service or merchandise to be sold if applicable;~~
- ~~(d) The place or places where the applicant proposes to engage in business;~~
- ~~(e) A letter from the county health department, certifying that the motor vehicle vending business has complied with health department regulations.~~

~~Sec. 22-106.-- License fee.~~

~~The license fee for an annual mobile vendor license shall be as established by a resolution of the town commission and shall be required for each vehicle or location. The town commission shall establish a license fee for temporary vendors which shall be charged on a per event basis.~~

~~(Ord. No. 06-2010, § 2, 6-2-2010)~~

~~Sec. 22-107.-- Expiration of license.~~

~~An annual license issued under this article shall expire on September 30 each year. A temporary license shall expire at the end of the event.~~

~~(Ord. No. 06-2010, § 2, 6-2-2010)~~

~~Sec. 22-108. – Exhibition of license—Transfer of license prohibited.~~

~~A license issued under this article shall be posted conspicuously at either the place of business or upon the motor vehicle as directed by the community development department. Licenses issued under this article are not transferable.~~

~~(Ord. No. 06-2010, § 2, 6-2-2010)~~

~~Sec. 22-109. – Health regulations.~~

~~All mobile food-related vendors shall comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment, and devices used for the handling, storage, transportation and/or sale of food shall comply with appropriate county and state regulations, as presently worded and as may be amended by law, in addition to any other rules and regulations respecting such vehicles, equipment, devices as may be established by state or local governments.~~

~~(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)~~

~~Sec. 22-110. – Mobile vendor standards.~~

~~All mobile vendors licensed under this chapter shall conform to the following standards:~~

- ~~(a) Geographical restrictions for food, service and merchandise sales. No mobile vendor shall sell a food, service or merchandise from his or her vehicle or conveyance:~~
 - ~~(1) Within 400 feet of a public or private school grounds during the hours of regular school session, classes, or school-related events in said public or private school, except when authorized by said school; or~~
 - ~~(2) Within 1,000 feet of the entrance to a business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the mobile vendor; or~~
 - ~~(3) Within 1,000 feet of a restaurant, cafe, deli or any type of eating establishment which is open for business; or~~
 - ~~(4) Within 1,000 feet of a public park of the town where a town authorized concession stand is located during times other than during the course of a public celebration except as approved by the town manager or designate; or~~
 - ~~(5) Within 1,000 feet of town property where a town authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food in such park; or~~
 - ~~(6) Within any one block for more than one hour in any four hour period, except this shall not apply in those situations where the mobile vendor is serving organized and sanctioned community sponsored ball games at public parks and schools provided there is no town approved concession in the park or at the school.~~

- ~~(b) No mobile vendor shall conduct business so as to violate any ordinances of the town, including those regulating traffic and rights of way, as now in effect or hereafter amended.~~
 - ~~(c) No mobile vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley, or any other public place by causing people to congregate at or near the place where food, service or merchandise is being sold or offered for sale, or the service is being conducted.~~
 - ~~(d) No customer shall be served on the street side of the mobile unit. Service by mobile vendors is limited to the curb side, or on authorized private property, when the mobile unit is on or abutting a public street.~~
 - ~~(e) All mobile vendors shall provide garbage receptacles for customer use as may be needed.~~
 - ~~(f) No mobile vendor shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard or obstruct a designated customer parking space.~~
 - ~~(g) At the conclusion of business activities at a given location, the mobile vendor shall clean all the public way surrounding his or her vehicle of all debris, trash and litter generated by the vendor's business activities.~~
 - ~~(h) All mobile vendors preparing food by cooking, frying or other means shall be equipped with at least one 2A 40 BC fire extinguisher.~~
 - ~~(i) All mobile vendors shall conclude daily business activities at sunset.~~
- ~~(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)~~

Sec. 22-111. -- Mobile vendor insurance requirement.

~~No license shall be issued to a mobile vendor selling food, merchandise or services from a truck or other motor vehicle unless a certificate is furnished to the town showing that the mobile vendor is carrying the following minimum amounts of insurance:~~

- ~~(a) Public liability insurance in an amount of not less than \$500,000.00 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; and~~
- ~~(b) Property damage insurance in an amount of not less than \$25,000.00 for damages on account of any one accident or occurrence.~~

~~(Ord. No. 06-2010, § 2, 6-2-2010; Ord. No. 14-2013, § 2, 10-2-2013)~~

Sec. 22-112. -- Revocation of license.

~~A license issued pursuant to this article may be revoked by the community development director for any of the following reasons:~~

- ~~(a) Any fraud, misrepresentation or false statement contained in the application for license;~~
- ~~(b) Any fraud, misrepresentation or false statement made in connection with the selling of products;~~

- ~~(c) Any violation of this article;~~
- ~~(d) Conviction of the licensee of a felony or of a misdemeanor involving moral turpitude; or~~
- ~~(e) Conducting business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.~~

~~(Ord. No. 06-2010, § 2, 6-2-2010)~~

~~**Sec. 22-113. - Enforcement; fines.**~~

~~Any mobile vendor, after having been warned by a Town of Lake Park Code Officer that the mobile vendor is in violation of this article, or any business that knowingly allows said mobile vendor to continue stopping at their place of business shall be in violation of this article and shall be subject to a fine of up to \$250.00 for the first offense and \$500.00 for each offense thereafter.~~

~~(Ord. No. 06-2010, § 2, 6-2-2010)~~

Secs. 22-114106—22-140. - Reserved.

#5699021 v1 26508-00002



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Agenda Item No.

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 30, ARTICLE I TO CREATE A NEW SECTION 30-6 PERTAINING TO THE OPERATION OF MICROMOBILITY DEVICES, GOLF CARTS, LOW SPEED VEHICLES, AND MOTORIZED SCOOTERS; PROVIDING FOR THE AMENDMENT OF CHAPTER 30, ARTICLE II SECTION 30-35 PERTAINING TO HIGH-CAPACITY PASSENGER OR WORK VANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[X] ORDINANCE ON 2nd READING
[] NEW BUSINESS
[] OTHER

Bambi McKibbon-

Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town Manager/Human Resources Director, email=bturner@lakeparkflorida.gov, c=US
Date: 2024.08.14 16:05:39 -04'00'

Approved by Town Manager Turner

Date: Director, email=bturner@lakeparkflorida.gov, c=US
Date: 2024.08.14 16:05:39 -04'00'

Anders Viane / Planner
Name/Title

Table with 3 columns: Originating Department (Community Development), Costs (Legal Review, Funding Source: Legal, Acct: #108), Attachments (ORDINANCE 08-2024), Advertised (Date: July 28, 2024), and Yes I have notified everyone AV Or Not applicable in this case.

Summary Explanation/Background:

This ordinance is being brought forward based on the recommendation of Palm Beach County Sherriff's office to formalize procedures relating to golf carts, low speed vehicles, and micromobility devices and in accordance with the Town's Comprehensive Plan mobility policies. Currently, State Statute regulates the device specifications of golf carts, low speed vehicles, and

micromobility devices and where they can operate, but Lake Park has not utilized the State's regulatory framework until now. This has meant that these devices were previously operating in a "gray area." To provide greater procedural clarity to our partners in law enforcement and to promote the usage of these types of mobility devices, Staff is proposing adding new language to Chapter 30, Traffic and Motor Vehicles. The new regulatory language mirrors the State's in defining golf carts, low speed vehicles, and micromobility devices and how they may be operated. This ordinance has received input from the Palm Beach County Sherriff's Office as well as the Town Attorney's office on enforcement and legal matters.

Additionally, the ordinance contemplates integration with the Town's mobility plan, specifying which types of vehicles may utilize the multimodal pathways envisioned by the mobility plan. Staff is strongly in favor of creating this framework for the safe and lawful operation of multimodal transit options in accordance with our mobility plan and comprehensive plan mobility goals. See 4.5.6, Objective 2, Policy 2.5 below:

"The Town shall evaluate developing complete street policies identified in the Mobility Plan into it's land development regulations. These land development regulations would address the anticipated users of roads, including pedestrians, bicyclists, transit, motorists. The land development regulations shall evaluate appropriate designs of roadway cross- sections based upon mobility and accessibility needs."

See also, 4.5.6, Objective 9, Policy 9.4:

"The Town shall evaluate allowing the use of micro transit vehicles, such as golf carts and neighborhood electric vehicles, by residents, businesses, visitors, and private operators."

Finally, since this ordinance is amending Chapter 30, some housekeeping elements were added to Section 30-35, further refining the definition of "high-capacity passenger van or work van," in response to issues which arose in the interpretation of this definition. The new definition is designed to eliminate any ambiguity.

2nd Reading Update

Following this ordinance's first reading, updates were made to subsection 30-6. (a), providing a definition for multimodal pathways (also referred to as multimodal ways in the Town's mobility plan), elaborating on their intended use and referring to the definition established for them under the Complete Streets section of the Multimodal Project portion of the mobility plan. Where the mobility plan is referenced, the reference has been updated to specify the October 26, 2023 Revision, which is the adopted version of the 2045 Lake Park Mobility Plan.

Recommended Motion: I MOVE TO APPROVE ORDINANCE 08-2024 on second reading.

ORDINANCE NO. 08-2024

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 30, ARTICLE I TO CREATE A NEW SECTION 30-6 PERTAINING TO THE OPERATION OF MICROMOBILITY DEVICES, GOLF CARTS, LOW SPEED VEHICLES, AND MOTORIZED SCOOTERS; PROVIDING FOR THE AMENDMENT OF CHAPTER 30, ARTICLE II SECTION 30-35 PERTAINING TO HIGH-CAPACITY PASSENGER OR WORK VANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town's Community Development Department has created a new Chapter 30, Article I, Section 30-6 of the Town Code providing for definitions, and regulations pertaining to the operation of low speed vehicles, micromobility devices, motorized scooters, and golf carts within the Town and recommends the adoption of the same; and

WHEREAS, the Community Development Department recommends amendments to Chapter 30, Article II, Section 30-35 of the Town Code to provide for an updated definition for high-capacity passenger van or work van; and

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

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

Section 2. Chapter 30, Article I, Section 30-6 is hereby created to read as follows:

(...)

Sec. 30-6. Low Speed Vehicles, Micromobility Devices, Motorized Scooters, and Golf Carts.

- (a) Definitions. The following terms when used herein shall have the meanings defined below.

Golf Cart means a motor vehicle as defined in F.S. 320.01 (22), as amended, that is built for operation on golf courses or for traveling short distances that is not capable of exceeding speeds of 20 miles per hour.

Low Speed Vehicle means a motor vehicle as defined in F.S. 320.01, as amended, that is capable of reaching speeds of at least 20 miles per hour, but not greater than 25 miles per hour.

Micromobility Device means any motorized transportation device as defined by F.S. 316.003 (41) made available for private use by reservation through online application or software for point-to-point trips and which is not capable of exceeding speeds of 20 miles per hour. This term shall include motorized scooters.

Motorized Scooter is a type of micromobility device and means any vehicle or micromobility device, as defined by F.S. 316.003 (48), that is powered by a motor, with or without a seat, designed to travel on not more than three wheels, and which is not capable of speeds greater than 20 miles per hour.

Multimodal Pathway or Multimodal Way is a type of shared use path intended to be used by micromobility devices, bikes, and scooters, and in some cases golf carts as identified in the 2045 Lake Park Mobility Plan map and further defined in the graphic of the Complete Streets section under Multimodal Projects.

Right of way means any public or private right of way, town, county, state or federal improved road.

- (b) Operation of Low Speed Vehicles and Golf Carts.

(1) In accordance with F.S. 316.212 (1) golf carts and low speed vehicles may be operated on private properties and right of ways within the Town of Lake Park subject to the posted speed. Golf carts may be operated within the town's rights of way in accordance with the posted speed limits not exceeding 25 miles per hour. Low speed vehicles shall be permitted on rights of way with

posted speed limits not exceeding 35 miles per hour. Golf carts may be operated on the Town's multi-modal pathways, as established by the October 26, 2023 Revision of the 2045 Lake Park Mobility Plan and where posted signage allows, at speeds not exceeding 15 miles per hour. Low speed vehicles may not be operated on multi-modal pathways.

- (2) All golf carts shall be equipped with headlights, brake lights, turn signals, two round red reflectors of a minimum of three inches in diameter affixed to the rear of the golf cart within six inches of each side edge, and a windshield.
- (3) All low speed vehicles shall be equipped with headlamps, stop lamps, turn signal lamps, taillights, reflectors, parking brakes, mirrors, windshields, seat belts, and VINs.
- (4) All golf carts and low speed vehicles operated within the Town shall comply with applicable state statutes pertaining to the operation of golf carts and low speed vehicles. Any violation of applicable state statutes shall be a violation of this article. Golf cart and low speed vehicles shall comply with all applicable local and state traffic laws and operators may be issued citations or traffic or moving violations.
- (5) Golf carts may only be operated by individuals in accordance with state law. Low speed vehicles may be operated by individuals possessing a valid driver's license. Additionally, operators of low speed vehicles must be registered and insured for accidents as established under State Statute 320.02.

(c) Operation of Micromobility Devices and Motorized Scooters.

- (1) In accordance with F.S. 316.2128, micromobility devices and motorized scooters shall not be required to have a driver's license to operate. Users under 16 years of age are required to wear a helmet. Micromobility devices and motorized scooters shall comply with all the requirements applicable to bicycles established under F.S. 316.2065, except as exempted. Motorized scooters and micromobility devices may be operated within Town limits on sidewalks, bike lanes, and multi-modal pathways as established by the October 26, 2023 Revision of the 2045 Lake Park Mobility Plan and where posted signage allows, at speeds not exceeding 15 miles per hour.

(d) Enforcement of Provisions.

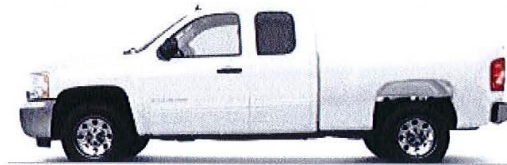
- (1) The Town's Law Enforcement provider shall enforce the provisions contained within this article.

Secs. 30-76—30-30. Reserved.

Section 3. Chapter 30, Article II, Section 30-35 is amended as follows:

Sec. 30-35. Parking of commercial vehicles in residential districts.

(...)



High-capacity passenger van or work van. A high-capacity passenger van means a vehicle with normal carrying passenger capacity of more than seven passengers, used to carry passengers, with a linear non-varying roofline, from front to back, extending over the passenger area and a glass area along the side of the van enabling passenger visibility. A work van is means a vehicle that is used to store work materials and rooftop cargo, with a linear non-varying roofline, from front to back except for the rooftop cargo, extending the entire length of the vehicle and a possible side entrance door to access materials. Example (for illustrative purposes only):



(...)

Secs. 30-36—30-60. Reserved.

Section 4. 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 5. Codification.

The sections of the ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

Section 6. Repeal of Laws in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This ordinance shall take effect immediately upon execution.

#5699007 v1 26508-00002



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Agenda Item No.

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE III ENTITLED "PARK REGULATIONS"; PROVIDING FOR THE AMENDMENT OF DIVISION 1 TO ESTABLISH NEW REGULATIONS FOR THE USE OF PARKS, INLCUDING HOURS OF OPERATION, A FEE SCHEDULE AND THE ENFORCEMENT OF THE REGULATIONS; PROVIDING FOR THE AMENDMENT OF DIVISION 2, ENTITLED "PERMIT FOR GROUP ACTIVITIES" PERTAINING TO SPECIAL PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE ON 2nd READING**
- NEW BUSINESS
- OTHER

- CONSENT AGENDA
- OLD BUSINESS

Bambi

Approved by Town Manager

McKibbon-Turner

Digitally signed by Bambi McKibbon-Turner
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town Manager/ Human Resources Director, email=bturner@takeparkflorida.gov, c=US
 Date: 2024.08.14 16:53:06 -04'00'

Anders Viane / Planner
Name/Title

Originating Department: Community Development	Costs: \$ Legal Review Funding Source: Legal Acct: #108 <input type="checkbox"/> Finance	Attachments: Ordinance 09-2024
Advertised: Date: July 28, 2024 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 AV or Not applicable in this case Please initial one.

Summary Explanation/Background:

This ordinance is being brought forward to codify standards of conduct and make quality of life changes to the section governing Town Parks as well as make minor improvements to the section governing special event permits. Under the previous version of Division 1, this ordinance was

primarily concerned with Town Parks only. The new version broadens the scope of the language to include all Town properties and establish standards of conduct, fire prevention standards, vehicular use standards, and law enforcement procedures for those facilities. This ordinance was crafted based on recommended language from the Palm Beach County Sheriff's Office and was developed in close conjunction with PBSO and the Special Events Department. It provides protections against vandalism, loitering, camping, reckless use of flammable materials, and the use of drones to ensure a high quality and peaceable experience for all park and public facility users in accordance with state law. It also carves out exemptions for special event permits, both public and private, to allow for parks and public facilities to serve as recreational venues subject to proper procedures. Accordingly, this ordinance makes several minor updates to Division 2 necessitated by the updates to Division 1, refining terminology and procedures.

2nd Reading Update

Pursuant to Commission feedback from this ordinance's 1st reading, staff has modified language under subsection 18-62 (d) to specifically prohibit overnight sleeping within the park, thus allowing for naps during the daytime. This is also in line with House Bill 1365, which prohibits such overnight sleeping and camping. Camping was also prohibited in the 1st reading version and remains prohibited in the updated ordinance; the ordinance is compliant with House Bill 1365. Finally, under section 18-67, an appeal process has been added pursuant to the recommendation of Palm Beach County Sheriff's Office, which would allow trespassed individuals to appeal their trespass warning by writing the Town Manager, who shall provide a final decision within 7 business days of the receipt of the written appeal.

Recommended Motion: I MOVE TO APPROVE ORDINANCE 09-2024 on second reading.

ORDINANCE NO. 09-2024

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE III ENTITLED “PARK REGULATIONS”; PROVIDING FOR THE AMENDMENT OF DIVISION 1 TO ESTABLISH NEW REGULATIONS FOR THE USE OF PARKS, INCLUDING HOURS OF OPERATION, A FEE SCHEDULE AND THE ENFORCEMENT OF THE REGULATIONS; PROVIDING FOR THE AMENDMENT OF DIVISION 2, ENTITLED “PERMIT FOR GROUP ACTIVITIES” PERTAINING TO SPECIAL PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Chapter 18, Article III, Division 1 of the Town Code establishes general park regulations for conduct, fees, hours of operation, vehicle use restrictions, and enforcement procedures; and

WHEREAS, Chapter 18, Article III, Division 2 of the Town Code establishes a procedures to be followed for applications for permits for group activities; and

WHEREAS, the Community Development Department has prepared revisions to Chapter 18, Article III, Division 1 to create new definitions, general standards, fire prevention standards, enforcement procedures, vehicle use regulations and plant and animal controls.

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

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

Section 2. Chapter 18, Article III, Division 1, Sections 18-61, 18-62, 18-63, 18-64, 18-65, 18-66, and 18-67, and are hereby amended to read as follows:

ARTICLE III. PARK AND PUBLIC FACILITY REGULATIONS

DIVISION 1. GENERALLY

Sec. 18-61. Definitions.

Town Park means any Town-owned property which primarily serves as recreational outdoor open space.

Public Facility means any Town-owned properties, buildings or structures.

Special Event means an event reviewed and approved in accordance with the application procedures established by the Town Code by the Town's Special Events Department for which a special event permit is issued by the Town.

Law Enforcement means the Palm Beach County Sheriff's Office, the Town's contracted law enforcement provider.

Sec. 18-62. Use of town parks and public facilities.

- (a) Unless reserved through the process established by the Town Code, a Town Park or Public Facility shall be available on a "first come, first served" basis. The reservation of a park or public facility shall supersede "first come, first served" users if conflicts arise.
- (b) No individual shall damage or deface any equipment, benches, tables, amenities, landscaping, facilities, or any part of a Town Park or Public Facility.
- (c) No individual shall utilize any equipment, benches, tables, amenities, landscaping, facilities, or any other part of a Town Park or Public Facility except in keeping with the intended use of those facilities.
- (d) No individual may sleep overnight in any Town Park or Public Facility.
- (e) No individual may place any tent, shelter, or covered structure within a Town Park or Public Facility unless authorized by a Special Event permit or for a Town-sponsored event.
- (f) The sale, consumption and/or possession of alcohol as defined in F.S. 561.01 is prohibited within any Town Park or Public Facility, unless authorized by the approval of a Special Event permit.

- (g) No individual who is intoxicated and acting in an aggressive or belligerent manner, or who exhibits disruptive behavior shall be permitted to remain in a Town Park or Public Facility, and may be removed by Law Enforcement.
- (h) No individual may use or display explosive or incendiary devices, such as fireworks or sparklers, within a Town Park or Public Facility unless the same has been authorized by an approved Special Event Permit.
- (i) No individual shall loiter in or around a Town Park or Public Facility including within any, restroom, dressing room, picnic areas, wooded or natural areas.
- (j) No individual 18 years or older shall loiter in a designated children's play area, unless the individual is supervising and/or accompanying a child or children who are utilizing the children's play area.
- (k) No individual shall be permitted to generate or create sound at volumes which exceed the regulations of the Town Code which would be considered disturbing or a nuisance to individuals of reasonable sensibilities. No person, being the owner of any domesticated animal, shall permit the same to be in any Town Park or Public Facility, excluding the Town Marina.
- (l) No person, being the owner of any domesticated animal, shall permit the same to be in any Town Park or Public Facility, excluding the marina. Within the Town Marina property, all animals shall be physically restrained on a leash at a distance of not greater than six (6) feet in length, and the owner shall exercise control over their animals at all times. No person shall introduce any exotic or nonnative plant or animal into a Town Park or Public Facility. No person shall remove plant material, in whole or in part, from a Town Park or Public Facility. No person shall harm, molest, or otherwise prevent the natural movements and habits of any wildlife in any Town Park or Public Facility. Removing fish from a designated fishing area or the removal of any nuisance plant or animal shall be exempt from the restrictions of this section.

(Code 1966, § 4-22; Code 1978, § 17-32)

Sec. 18-63. Fee schedule.

- (a) *Criteria for establishing fees.* The following criteria shall be used when establishing fee schedules for use of Town Parks and Public Facilities owned by the town:
 - (1) Town hall (including ballroom and other suitable rooms for recreational purposes):
 - a. Resident groups;
 - b. Nonresident groups.
 - (2) Kelsey Park and all other Public Facilities:
 - a. Resident groups;
 - b. Nonresident groups.

(3) Clean-up fee if food and beverage are served.

- (b) *Exceptions to application of fee.* Based on the criteria outlined in subsection (a) of this section, a fee schedule shall be established by resolution of the town commission, but shall not apply to groups or activities sponsored by the town Special Events Department nor to use by town advisory boards and committees.

(Ord. No. 30-1973, § I(30-31), 11-7-1973; Ord. No. 2-1984, § 1, 1-4-1984; Code 1978, § 17-33)

Sec. 18-64. Hours of operation for town parks; penalties.

- (a) *Generally.* All Town Parks, excluding the marina, shall be open each day from 6:00 a.m.—9:00 p.m., every day of the year. The only exception are areas that have been granted a special event permit or facility rental agreement by the town. Law Enforcement personnel may enter Town Parks or Public Facilities to discharge of their duties.
- (b) *Closing hours.* The hours of Town Parks shall be clearly posted at Town Parks. The Town may close Town Parks and Public Facilities for emergencies, repairs, or to preserve the public's health, safety, and welfare.
- (c) *[Penalties.]* Any person who violates the provisions of this section shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both, as enforced by law enforcement.

(Ord. No. 1-1998, § I, 1-7-1998; Code 1978, § 17-35; Ord. No. 06-2018, § 2, 7-18-2018; Ord. No. 15-2018, § 2, 12-19-2018)

Sec. 18-65. Fire Prevention.

No person shall start or otherwise create a fire within any Town Park except in a fireplace or grill. No person shall discard ignited cigarettes, cigars, matches, or other flammable materials within any Town Park.

(Ord. No. 16-1999, § 1, 10-6-1999; Code 1978, § 17-36)

Sec. 18-66. Restricted vehicular use in town parks.

Between the hours of 9:00 p.m. and 6:00 a.m., all Town Parks shall be closed to vehicular traffic and/or vehicular parking. At no time shall golf carts, motorized vehicles, or self-propelled vehicles be permitted to traverse Town Parks outside of designated vehicular use areas unless authorized as part of a special event permit, except for Law Enforcement or Emergency Medical Services. Remote controlled airplanes, drones or aerial vehicles that are guided autonomously or by remote control shall be prohibited from taking off and landing in Town Parks unless exempted by applicable Federal Aviation

Administration and Florida State Statutes and except for law enforcement or emergency medical services in life-safety situations. All applicable state and federal laws pertaining to the operation of motorized vehicles and aerial vehicles shall be enforced within Town Parks. At no time may an individual use a remote controlled aerial vehicle or drone to fly over or harm people or wildlife in any Town Park or Public Facility.

(Ord. No. 2-1985, § 1, 3-6-1985; Code 1978, § 29-9)

Cross reference(s)—Traffic and motor vehicles, ch. 30.

Sec. 18-67. Enforcement, Penalties, and Appeal.

The Town's law enforcement provider shall enforce all applicable local, state, and federal laws within Town Parks or Public Facilities. Any individual who violates the provisions of this Article may be subject to immediate removal by law enforcement. The Town's law enforcement provider may issue a trespass warning prohibiting an individual who is the recipient of the same from entering a Town Park or Public Facility. Individuals wishing to appeal a trespass warning may do so by writing the Town Manager's Office; the Town Manager shall render a final decision within 7 business days of receipt of the written appeal. The Town Manager's decision on appeals shall be final.

Secs. 18-68—18-80. Reserved.

Section 3. Chapter 18, Article III, Division 2 of the Town Code is hereby amended to read as follows:

DIVISION 2. PERMIT FOR GROUP ACTIVITIES

Sec. 18-81. Required.

If a meeting, gathering or other assemblage for a common purpose, cause, activity or reason, in any park or recreation area, will involve an attendance of over ten persons and is not a part of a scheduled program or activity either sponsored or officially recognized by the town, or participation or attendance in a sports event at an appropriately designated park area, the person responsible for or in charge of such meeting or gathering shall obtain a permit from the Special Events director before participating or engaging in such activity in a park area.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-41)

Sec. 18-82. Application.

The application form for a special event permit under this division shall be established by the Special Events director. However, the application for such permit shall contain the following items:

- (1) The name and address of the applicant;
- (2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
- (3) The day and hours for which the permit is desired;
- (4) The park or portion thereof for which such permit is desired;
- (5) An estimate of the anticipated attendance;
- (6) Any other information which the Special Events director shall find reasonably necessary to render a fair determination as to whether a permit should be issued hereunder.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-42)

Sec. 18-83. Standards for issuance.

The Special Events director shall issue a permit under this division according to the following standards:

- (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (2) That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the town;
- (5) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-43)

Sec. 18-84. Appeal.

Within ten days after receipt of an application under this division, the Special Events director shall apprise an applicant in writing of the reasons for the denial of any permit, and the person or organization denied shall have the right to appeal in writing within ten days to the Town Commission. The Town Commission shall consider the appeal in accordance with the standards set forth in section 18-83 and may sustain, modify or overrule the decision of the Special Events director. The decision of the Town Commission shall be final.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-44)

(...)

Sec. 18-87. Enforcement and Revocation.

The Special Events director shall have the authority to revoke a permit issued under this division upon a finding of violation of any of the conditions established by the special event permit, or any violation of a provision of the Town Code, or any county, state or federal law.

(Ord. No. 9-1966, § III, 5-2-1966; Code 1978, § 17-47)

Secs. 18-88—18-119. Reserved.

Section 4. 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 5. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 6. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon execution.

#5599891 v1 26508-00002



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Agenda Item No.

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE CONSTRUCTION OF THE ACCESS MANAGEMENT PLAN FROM SILVER BEACH ROAD TO PALMETTO ROAD AS SHOWN IN EXHIBIT A.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Bambi McKibbon

Digitally signed by Bambi McKibbon-Turner
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town Manager/Human Resources Director,
 email=btturner@lakeparkflorida.gov, c=US
 Date: 2024.08.14 16:01:56 -04'00'

Approved by Town Manager Turner
 Nadia Di Tommaso / Community Development Director
 Name/Title

Date:

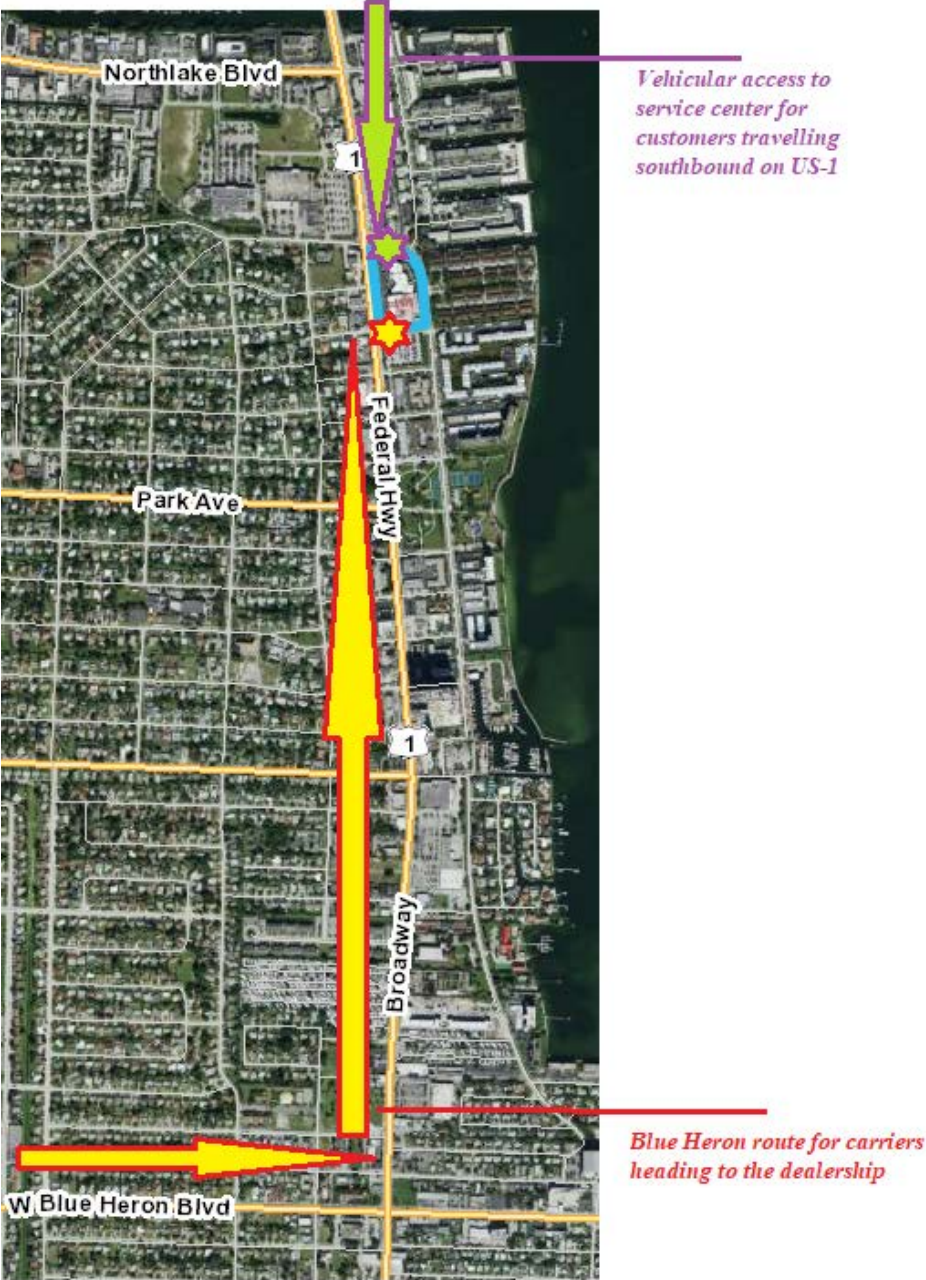
Originating Department: Town Manager/Public Works/Community Development	Costs: N/A Funding Source: Acct: # <input type="checkbox"/> Finance _____	Attachments: → Resolution and Exhibit A → FDOT Presentation
Advertised: Date: Paper: <input checked="" type="checkbox"/> Not Required	All parties that have 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:

As the Town Commission may recall, streetscape plans for the US-1 corridor were adopted as part of the Land Development Regulations for the Federal Highway Mixed Use District Overlay (FHMUDO) back in 2017. In follow-up to that adoption, the Palm Beach County Transportation Planning Authority (TPA) and the Federal Department of Transportation (FDOT) were working on a Mobility Improvement Project named the "State Road (SR) 5/US-1 from 59th Street to State Road 850/Northlake Boulevard". This overall area includes the Town's portion of US-1 from Silver Beach Road to Palmetto Drive. Since this project's inception several years ago, the Town held a public workshop in August 2019 to initiate discussions with the Commission and the FHMUDO property owners (who were invited by direct mail) on the proposed roadway/median improvements. The Town Manager's Office, Community Development and Public Works, also held several follow-up discussions with FDOT geared towards making sure FDOT was aware of all our pending redevelopment plans for the corridor; FDOT was aware of the Town's desire to incorporate landscape medians along the corridor and was aware of the need to maximize traffic circulation at

the southern and northern areas of the corridor, particularly around Bayberry/Cypress and Ilex in order to accommodate the traffic movements in those areas. The Town also worked closely with the Earl Stewart Toyota dealership in order to ensure the final design would allow for adequate circulation and access within their site, rather than having to rely on Lake Shore Drive which is prohibited. Town staff has communicated the required circulation and drop-off plan to Mr. Josh Stewart, which would require vehicles to load and unload on his property, including having carriers travel to the dealership using Blue Heron and heading northbound on US-1. There are multiple access points into the dealership from US-1. Travelling on Lake Shore Drive is not required and will be monitored since it is prohibited. Josh Stewart verbally acknowledged receipt of this information, along with the need to educate carriers for loading/unloading and vehicular customers for their service needs.

Illustrative reference of adequate circulation for dealership:



FDOT also held a public workshop last year at Town Hall, for which they notified everyone per their public outreach requirements for this type of mobility project. In follow-up to the Staff and Commission discussions and public input received, FDOT finalized their plans. In addition, the Town expressed an interest in incorporating additional plantings in the median other than just sod, and FDOT acknowledged that these will also be programmed separately.

Lighting improvements previously connected with this item have been removed due to ongoing development on the US-1 corridor rendering them superfluous, as ongoing development will overlap the areas slated for improvement, rendering them unnecessary. The previously presented Resolution for lighting and associated maintenance agreement are no longer required.

Concrete crosswalk improvements previously connected with this project have been removed due to implied cost and maintenance liabilities on the Town associated with these improvements, that were not previously made explicit. The resulting liabilities would burden the Town with ongoing testing and maintenance of the stamped concrete. As a result, the design has been reverted to an FDOT standard specification (standard paving and striping for the crosswalks), which requires no Town monies or liabilities.

As a result, the Resolution associated with the crosswalks and the maintenance agreement, along with the local funding agreement items are also unnecessary and thus removed.

In summary, FDOT is only requesting approval of the proposed median configuration to remain on schedule to begin the improvements:

→ **Resolution of Support for the Roadway Plans (THIS AGENDA ITEM)**

The resolution has been reviewed and approved by town counsel.

Recommended Motion: I move to APPROVE Resolution 49-07-24.

RESOLUTION NUMBER # 49-08-24

**A RESOLUTION OF THE TOWN COMMISSION
OF THE TOWN OF LAKE PARK, FLORIDA,
AUTHORIZING THE CONSTRUCTION OF THE
ACCESS MANAGEMENT PLAN FROM SILVER
BEACH ROAD TO PALMETTO ROAD AS SHOWN
IN EXHIBIT A.**

WHEREAS, the Florida Department of Transportation (FDOT) has identified the State Road (SR) 5 / US-1 Bike Lane project prioritized by the Palm Beach Transportation Planning Agency as Financial Management (FM) # 438386-2 in the FDOT Work Program; and,

WHEREAS, SR 5 project limits cover from 59th Street to SR-850 / Northlake Blvd and passes through the City of Riviera Beach, Town of Lake Park, and Village of North Palm Beach; and,

WHEREAS, SR 5 through the Town of Lake Park has 4 existing lanes undivided with a dual left turn 5th middle lane that differs from the Typical Sections present within the City of Riviera Beach and the Village of North Palm Beach that have 4 lanes divided roadway using medians; and,

WHEREAS, the safety and well-being of the residents and visitors of the Town of Lake Park are of paramount importance to the Town's leadership and citizens; and,

WHEREAS, SR 5 serves as a critical transportation artery within our community, connecting residents to key destinations and promoting economic vitality; and,

WHEREAS, this project, at the request of the Town of Lake Park, proposes medians through the limits of the Town of Lake Park that contributes to a safer condition of managing vehicle access by reducing vehicle conflict areas; and,

WHEREAS, the Town of Lake Park recognizes the potential benefits of the proposed median installation in terms of improved road safety, decreased accident rates, and a more efficient traffic pattern; and,

WHEREAS, the installation of medians has been shown to significantly reduce the occurrence of head-on collisions, prevent dangerous lane changes, and provide pedestrians with safer crossing opportunities; and,

WHEREAS, the median installation aligns with the Town's commitment to fostering a safe and secure environment for its residents, visitors, and businesses; and,

WHEREAS, the Town of Lake Park believes that collaborative efforts with state agencies such as the Florida Department of Transportation are essential in achieving the shared goal of enhancing transportation infrastructure; and,

WHEREAS, the Town of Lake Park participated in the development and the approval of the access management plan of the new medians; and,

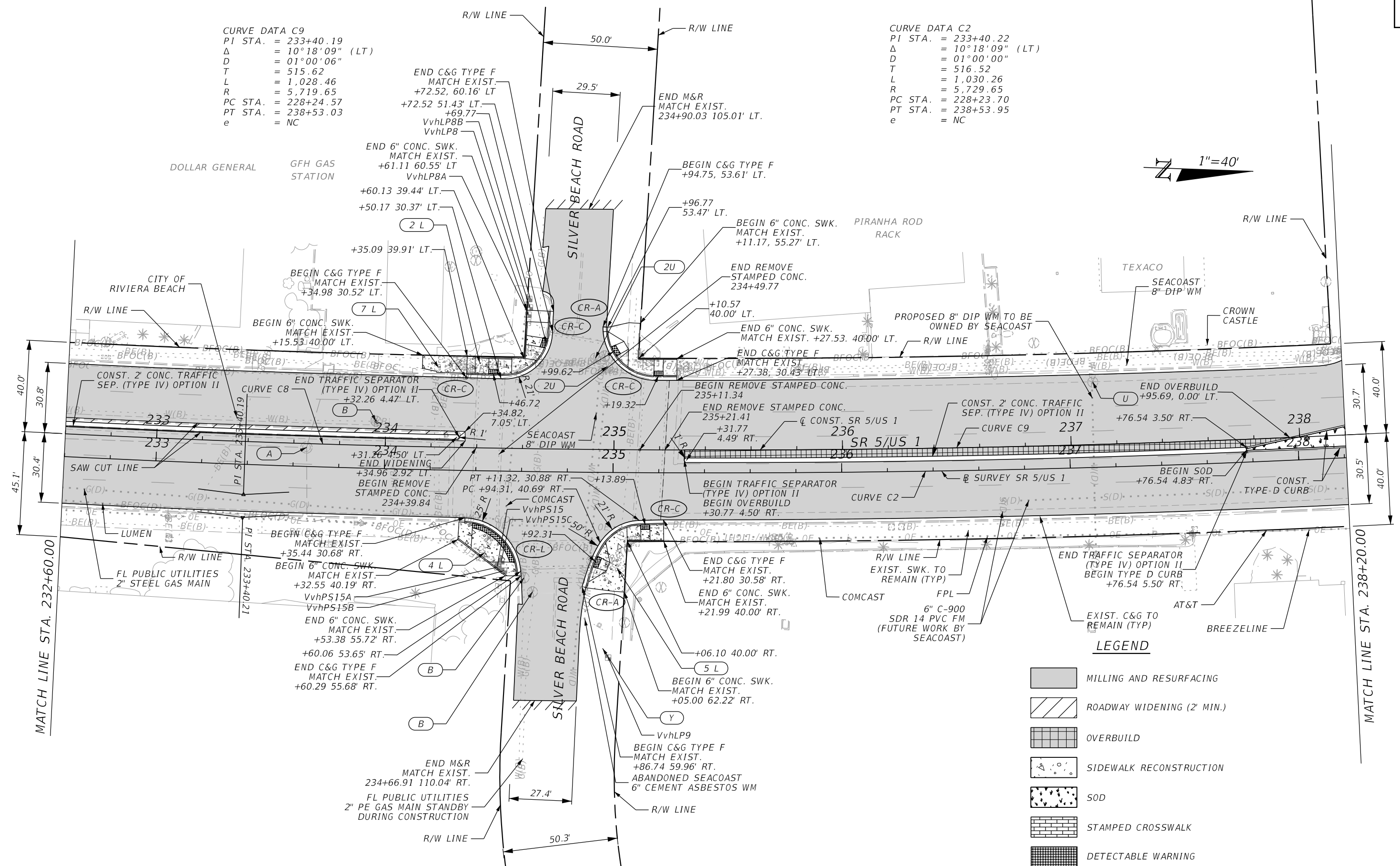
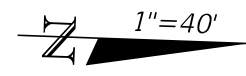
WHEREAS, the Town of Lake Park hosted the location of the FDOT Public Meeting held on June 29, 2023 at the Town of Lake Park, Historic Town Hall, Mirror Ballroom, 535 Park Avenue, Lake Park, FL 33403 to inform the public of the project and the proposed medians from Silver Beach Road to Palmetto Road; and,

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWN OF LAKE PARK HEREBY EXPRESSES ITS FULL SUPPORT FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PROPOSAL TO INSTALL MEDIANS ALONG SR 5 BETWEEN SILVER BEACH ROAD AND PALMETTO ROAD.

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LEGEND

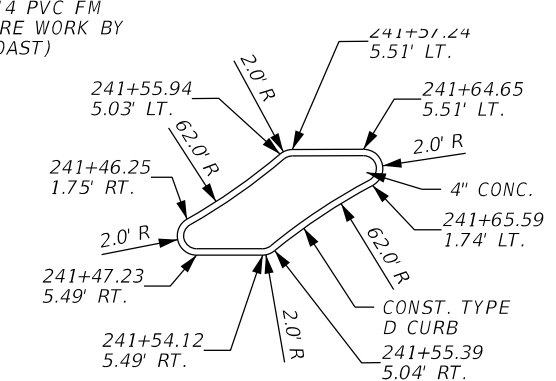
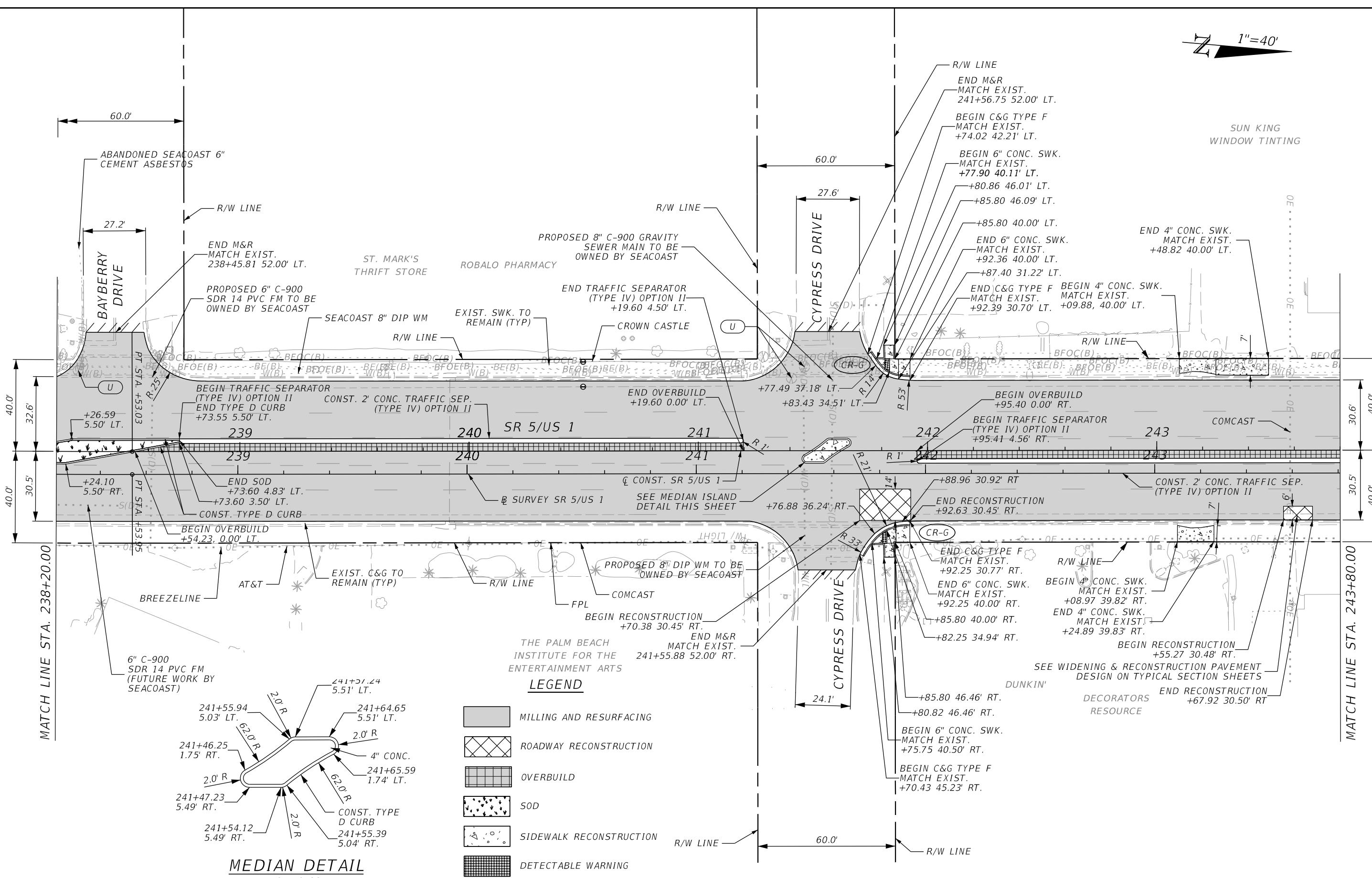
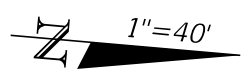
- MILLING AND RESURFACING
- ROADWAY WIDENING (2' MIN.)
- OVERBUILD
- SIDEWALK RECONSTRUCTION
- SOD
- STAMPED CROSSWALK
- DETECTABLE WARNING

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REVISIONS		ENGINEER OF RECORD		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
				SR 5	PALM BEACH	438386-2-52-01	34

ROADWAY PLAN

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



- LEGEND**
- MILLING AND RESURFACING
 - ROADWAY RECONSTRUCTION
 - OVERBUILD
 - SOD
 - SIDEWALK RECONSTRUCTION
 - DETECTABLE WARNING

MEDIAN DETAIL
NOT TO SCALE

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REVISIONS		REVISIONS	
DATE	DESCRIPTION	DATE	DESCRIPTION

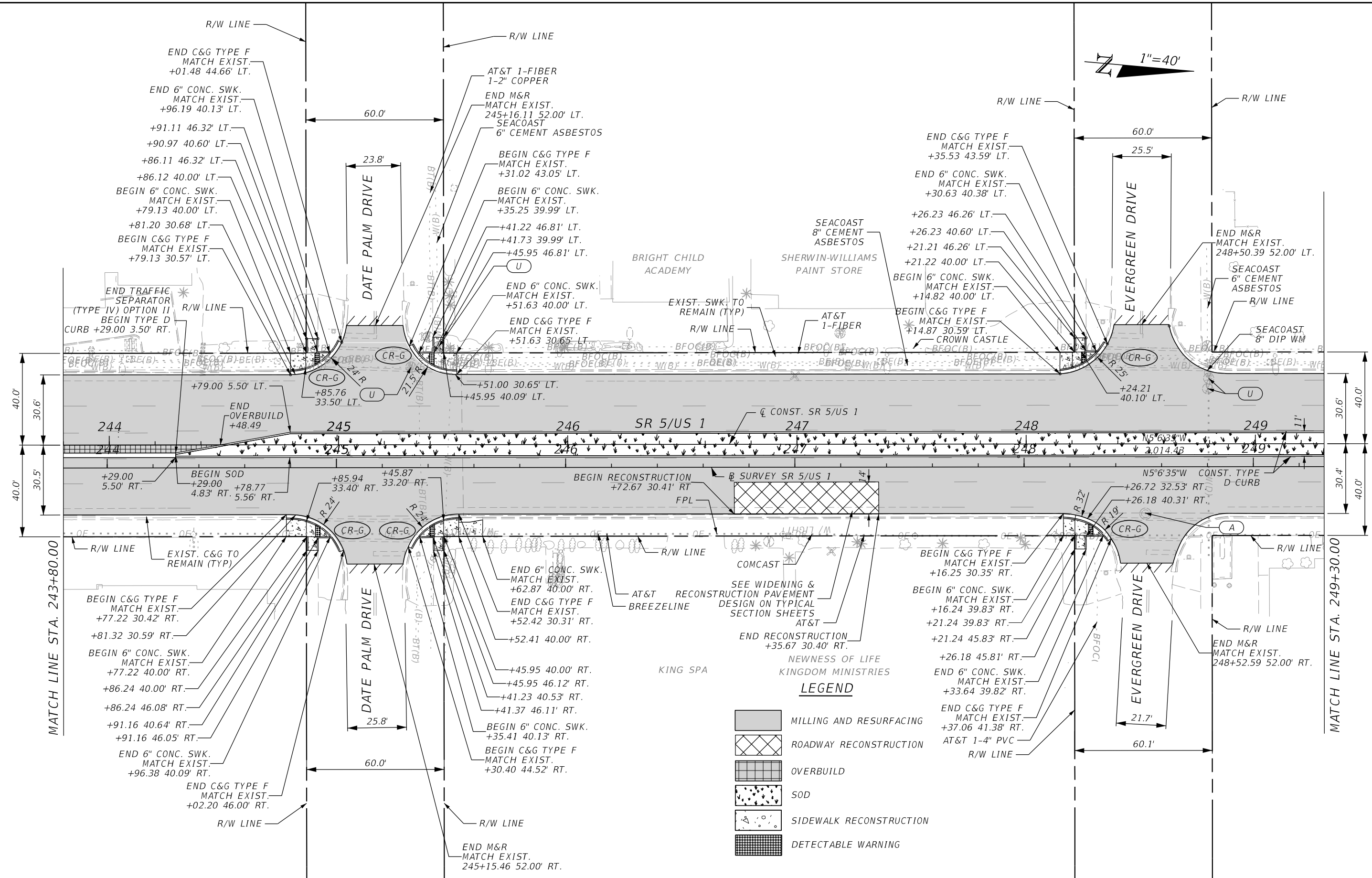
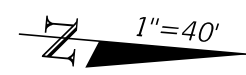
ENGINEER OF RECORD
 JOSE LUIS SANTIAGO, P.E.
 LICENSE NUMBER 60248
 EXP U.S. SERVICE INC.
 201 ALHAMBRA CIR. - SUITE 800
 CORAL GABLES, FLORIDA - 33134

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 5	PALM BEACH	438386-2-52-01

ROADWAY PLAN

SHEET NO.
35

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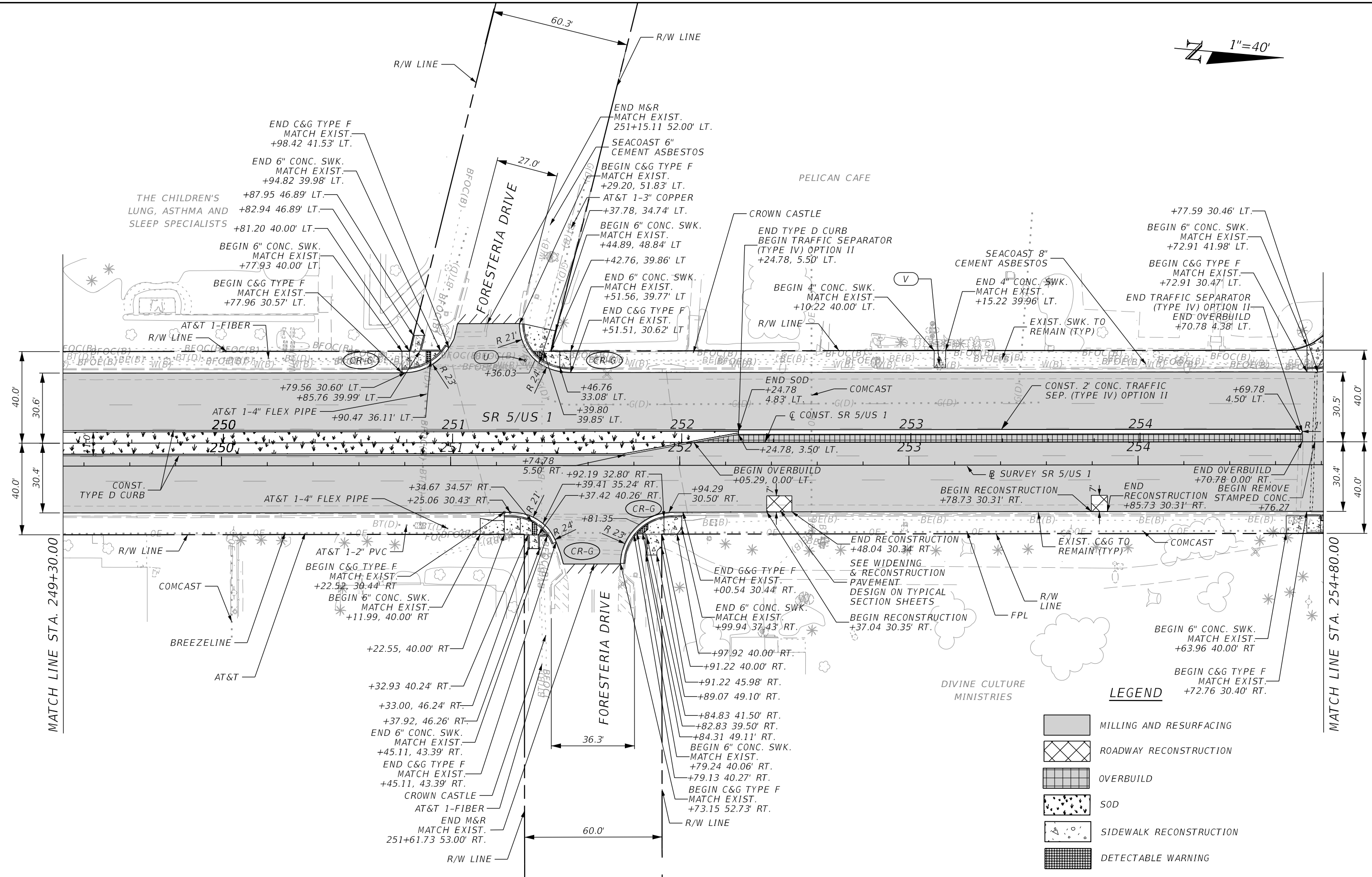
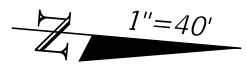


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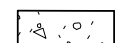

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DATE	DESCRIPTION	DATE	DESCRIPTION			ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
				JOSE LUIS SANTIAGO, P.E. LICENSE NUMBER 60248 EXP U.S. SERVICE INC. 201 ALHAMBRA CIR. - SUITE 800 CORAL GABLES, FLORIDA - 33134		SR 5	PALM BEACH	438386-2-52-01	36

ROADWAY PLAN



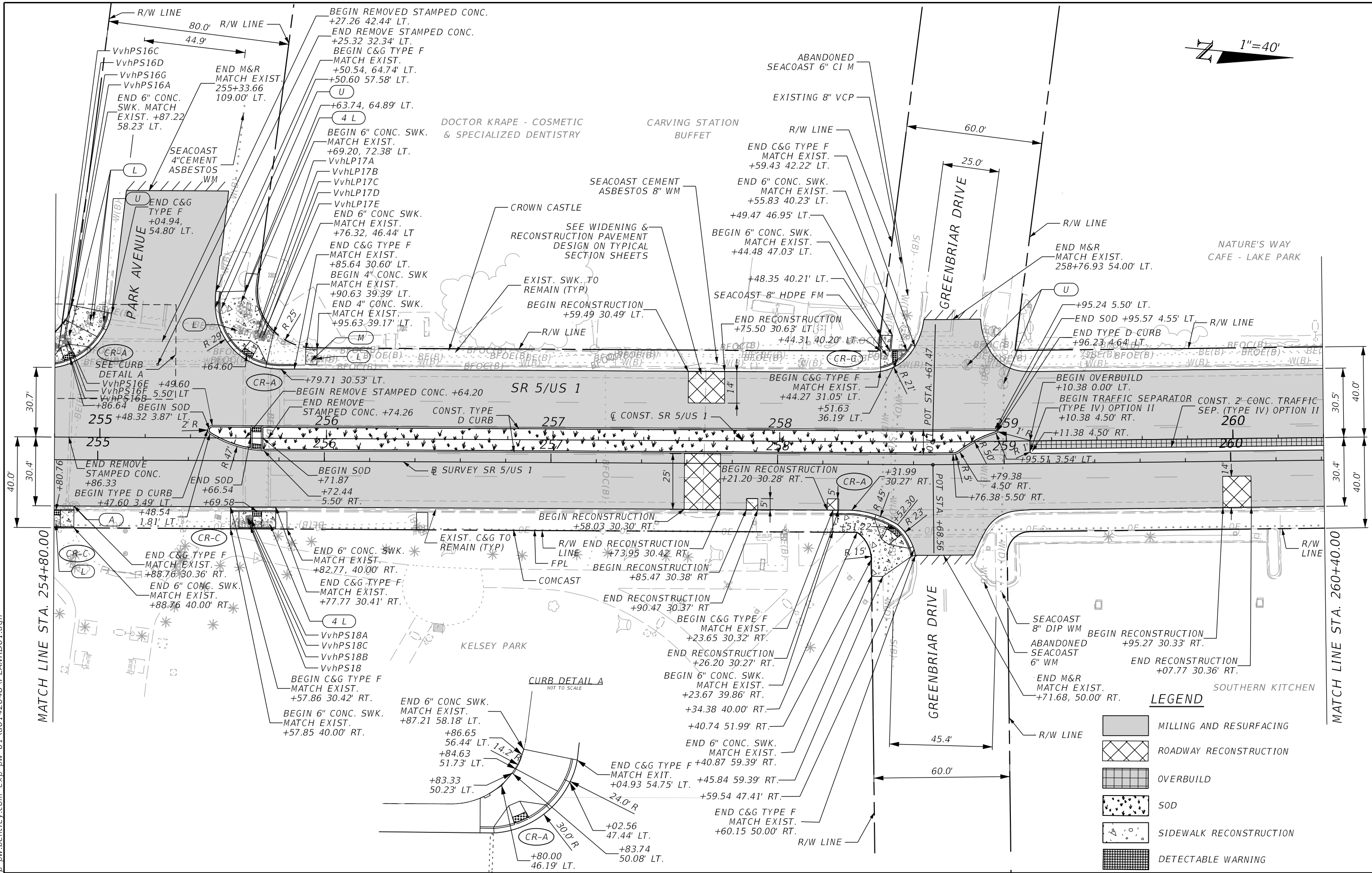
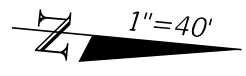
LEGEND

-  MILLING AND RESURFACING
-  ROADWAY RECONSTRUCTION
-  OVERBUILD
-  SOD
-  SIDEWALK RECONSTRUCTION
-  DETECTABLE WARNING

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DATE	DESCRIPTION	DATE	DESCRIPTION		ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
				JOSE LUIS SANTIAGO, P.E. LICENSE NUMBER 60248 EXP U.S. SERVICE INC. 201 ALHAMBRA CIR. - SUITE 800 CORAL GABLES, FLORIDA - 33134	SR 5	PALM BEACH	438386-2-52-01	ROADWAY PLAN 37



LEGEND

	MILLING AND RESURFACING
	ROADWAY RECONSTRUCTION
	OVERBUILD
	SOD
	SIDEWALK RECONSTRUCTION
	DETECTABLE WARNING

REVISIONS	
DATE	DESCRIPTION

ENGINEER OF RECORD
 JOSE LUIS SANTIAGO, P.E.
 LICENSE NUMBER 60248
 EXP U.S. SERVICE INC.
 201 ALHAMBRA CIR. - SUITE 800
 CORAL GABLES, FLORIDA - 33134

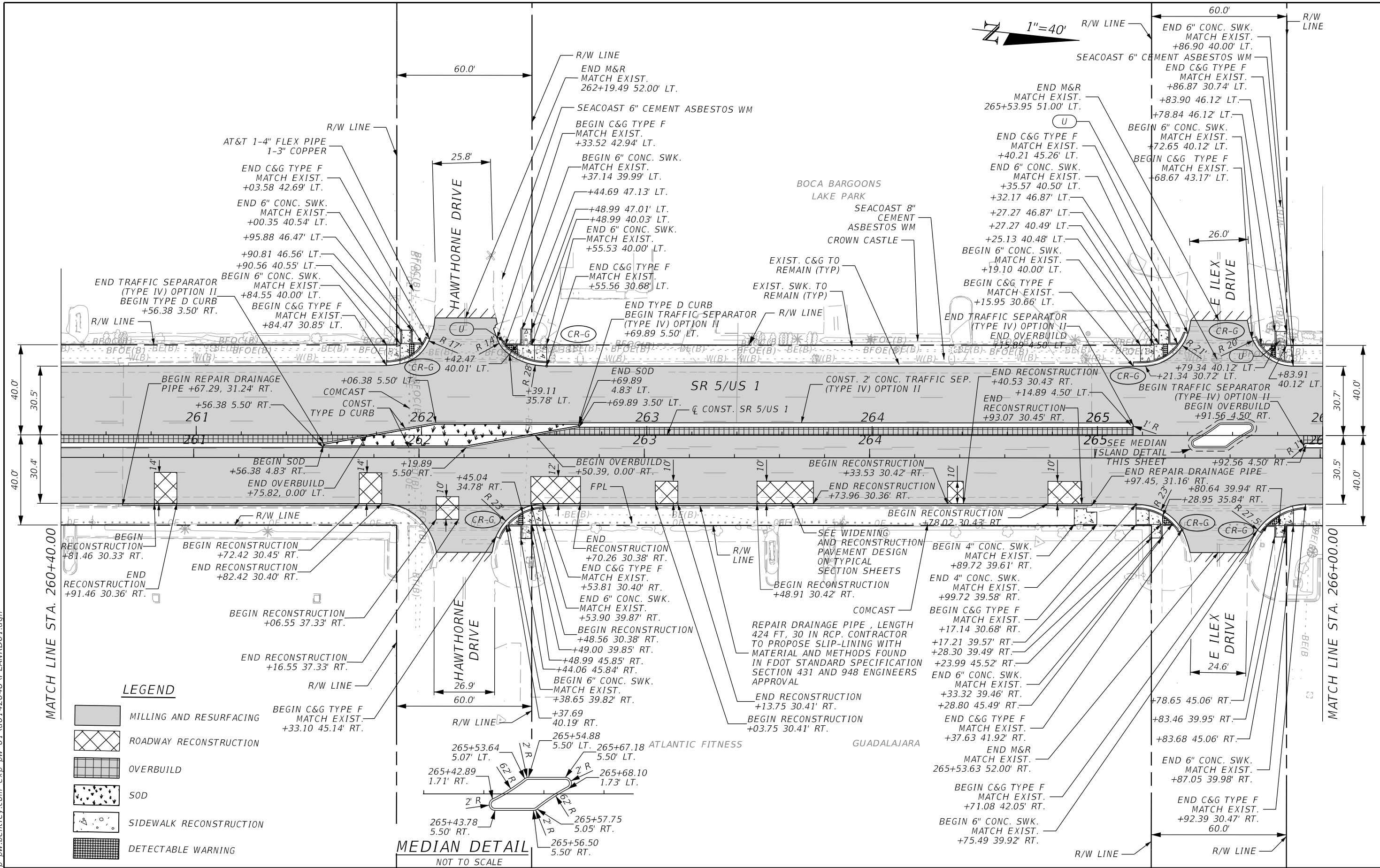
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 5	PALM BEACH	438386-2-52-01

ROADWAY PLAN

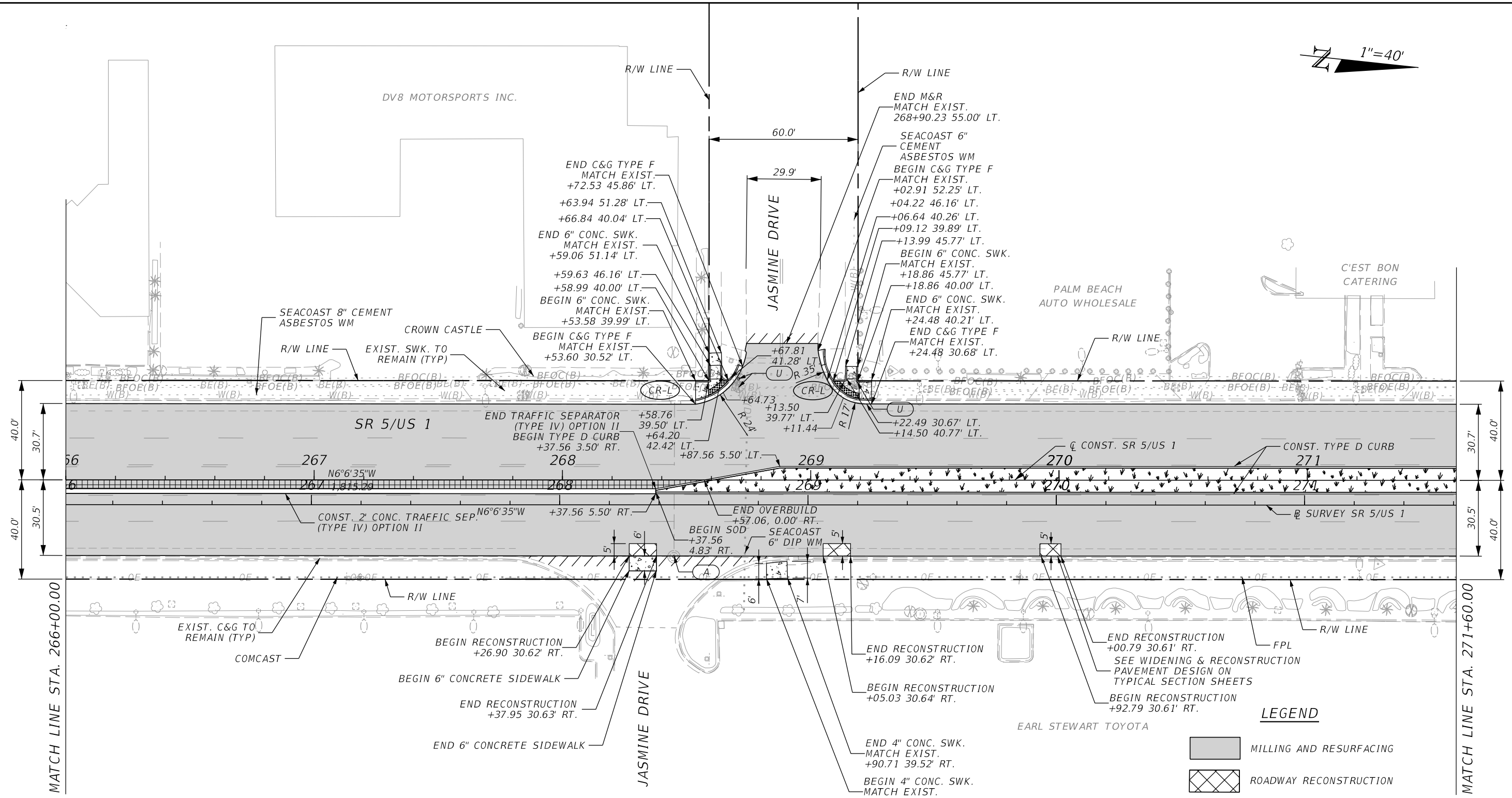
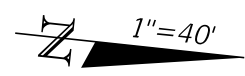
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38

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LEGEND

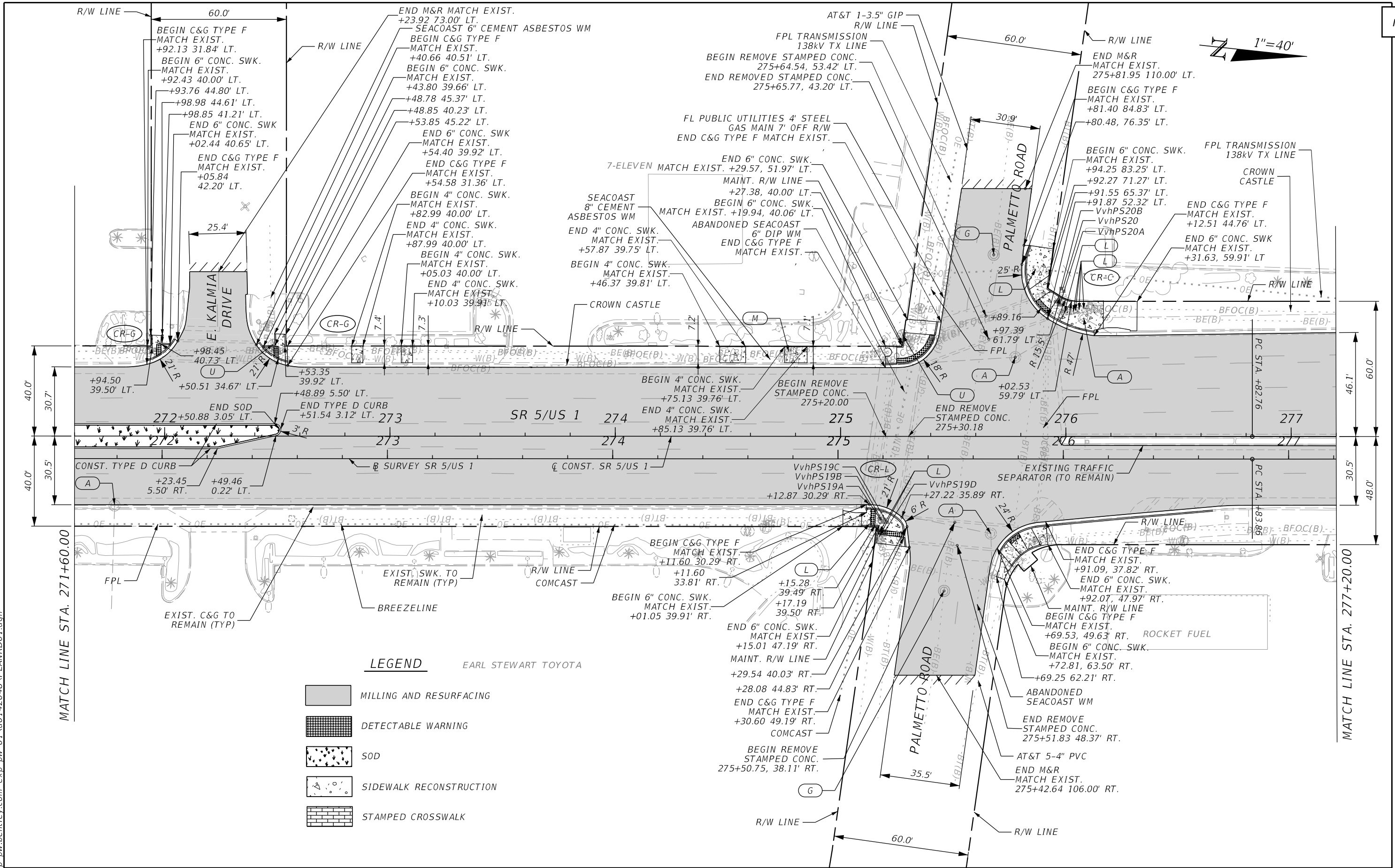
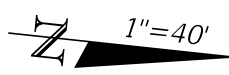
	MILLING AND RESURFACING
	ROADWAY RECONSTRUCTION
	OVERBUILD
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	SIDEWALK RECONSTRUCTION
	DETECTABLE WARNING

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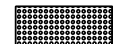

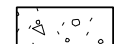

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ROADWAY PLAN



LEGEND EARL STEWART TOYOTA

-  MILLING AND RESURFACING
-  DETECTABLE WARNING
-  SOD
-  SIDEWALK RECONSTRUCTION
-  STAMPED CROSSWALK

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ROADWAY PLAN



Outstanding Project Need within the Town of Lake Park

**From Silver Beach Road to Palmetto Drive
for**

Mobility Improvements Project FM 438386-2

**State Road (SR) 5/US-1 from 59 Street to State Road
850/Northlake Boulevard**

Agenda

- 1. Resolution of Support for Access Management Plan**
- 2. Deadline**
- 3. Questions and Answers**

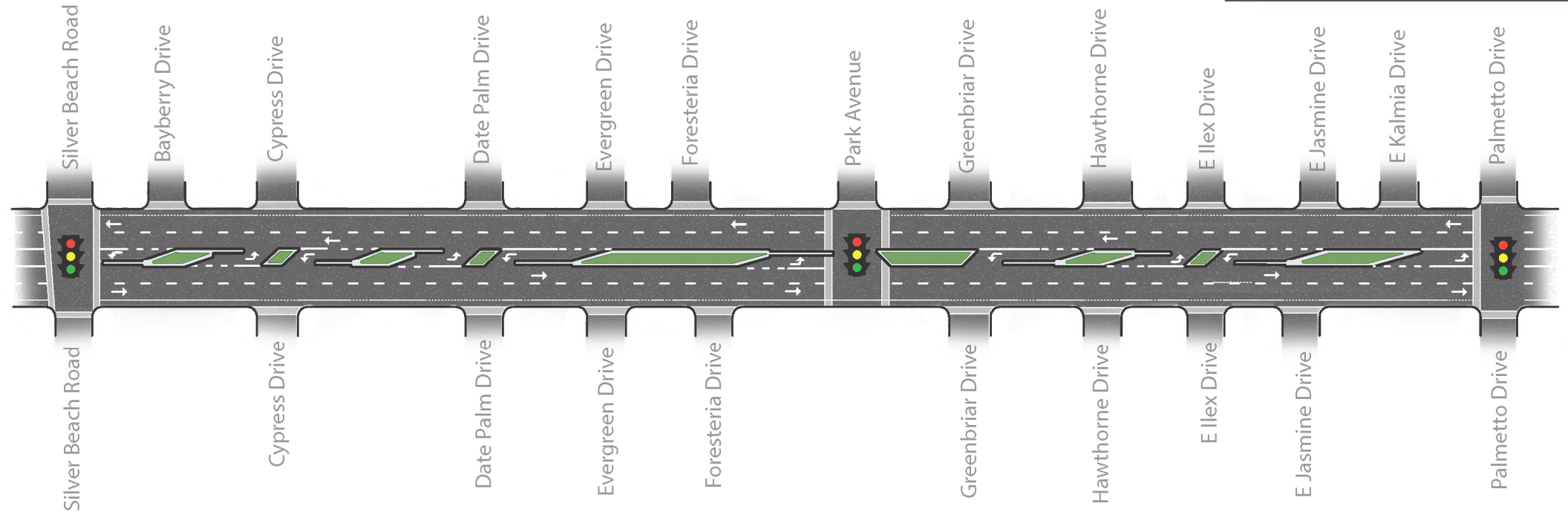
2. Resolution of Support for Access Management Plan

Access Management Plan

Item 6.



Proposed Medians



3. Deadline

Deadline

September 2, 2024 is a courtesy extension provided in lieu of previous deadline of July 1, 2024.

FDOT needs the following documents signed and executed by new deadline:

- * Resolution of Support

After deadline passes without the Resolution of Support, the following changes are made to the plans

- * Resolution of Support

Median proposed from Silver Beach Road and Palmetto Drive will remain as a continuous dual left turn lane as it is today

4. Questions and Answers



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Agenda Item No. _____

Agenda Title:

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 84-10-23 WHICH DECLARED ZONING IN PROGRESS PERTAINING TO THE DEVELOPMENT OF REGULATIONS FOR AFFORDABLE OR WORKFORCE HOUSING BY AMENDING SECTION 5 TO EXTEND THE ZONING IN PROGRESS TO MARCH 31, 2025; AND PROVIDING AN EFFECTIVE DATE.

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager **Bambi McKibbon-Turner** Date: _____

Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town Manager/Human Resources Director,
email=bturner@lakeparkflorida.gov, c=US
Date: 2024.08.15 14:02:34 -04'00'

Name/Title

Originating Department: Community Development	Costs: \$ Legal Review Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Proposed Resolution
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 the agenda.	Yes I have notified everyone ____ or Not applicable in this case <u>X</u> Please initial one.

Summary Explanation/Background:

At the Town Commission Workshop of August 7, 2024 the Commission requested that staff bring back a resolution to extend the period for Zoning in Progress related to the development of regulations for affordable and workforce housing to implement the Live Local Act. The attached ordinance extends the expiration date of the original Resolution # 84-10-23 from September 30, 2024 to March 31, 2025.

RESOLUTION NO. 55-08-24

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 84-10-23 WHICH DECLARED ZONING IN PROGRESS PERTAINING TO THE DEVELOPMENT OF REGULATIONS FOR AFFORDABLE OR WORKFORCE HOUSING BY AMENDING SECTION 5 TO EXTEND THE ZONING IN PROGRESS TO MARCH 31, 2025; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Florida Constitution and Chapter 166, Florida Statutes, the Town Commission of the Town of Lake Park (Town) has the home rule powers and authority to govern development within the Town; and

WHEREAS, with the adoption of resolution 84-10-23, the Town Commission declared zoning in progress to be in effect and directed the Community Development Department (Department) in consultation with the Town Attorney to consider, study and prepare regulations addressing affordable and workforce housing in the Town, including regulations which may govern proposals to develop properties under Fla. Stat. §166.04151(7), known as the Live Local Act (the Act); and

WHEREAS, Resolution 84-10-23 provided that zoning in progress would expire September 30, 2024; and

WHEREAS, the Town Commission has determined that an additional six months' time is needed;

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

SECTION 1. Legislative Findings and Intent. The whereas clauses are incorporated herein, and represent the Town Commission's legislative findings and intent regarding the necessity of extending zoning in progress.

SECTION 2. Section 5 of Resolution 84-10-23 is hereby amended and replaced with the following text:

SECTION 5. The extension of zoning in progress is of a temporary nature to allow the Town Commission additional time to consider and adopt an ordinance prepared by the Department of Community Development regarding regulations and procedures developed to address affordable and workforce housing, including their application to Fla. Stat. §166.04151 (7). Zoning in Progress is hereby extended and shall expire on March 31, 2025, or whenever earlier the Town Commission establishes such regulations and procedures as it deems necessary to further the health safety and general welfare of the Town's residents and businesses.

SECTION 3. This resolution hereby incorporates all other whereas and sections contained in Resolution 84-10-23 included herein as Exhibit A.

SECTION 4. Effective Date, This Resolution shall take effect immediately upon its execution.

EXHIBIT A**RESOLUTION NO. 84-10-23**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, DECLARING ZONING IN PROGRESS PERTAINING TO THE DEVELOPMENT OF REGULATIONS FOR AFFORDABLE OR WORKFORCE HOUSING TO IMPLEMENT THE LIVE LOCAL ACT, INCLUDING SPECIFICALLY SECTION 166.04151(7), FLORIDA STATUTES; PROVIDING THAT WHILE ZONING IN PROGRESS IS IN EFFECT THE TOWN'S COMMUNITY DEVELOPMENT DEPARTMENT SHALL NOT ACCEPT, REVIEW, PROCESS OR CONSIDER ANY APPLICATIONS FOR THE APPROVAL OF DEVELOPMENT ORDERS OR BUILDING PERMITS, WHETHER THEY ARE REQUESTED TO BE ISSUED ADMINISTRATIVELY OR OTHERWISE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Florida Constitution and Chapter 166, Florida Statutes, the Town Commission of the Town of Lake Park (Town) has the home rule powers and authority to govern development within the Town; and

WHEREAS, with the adoption of this resolution, the Town Commission hereby declares zoning in progress to be in effect and directs the Community Development Department (Department) in consultation with the Town Attorney to consider, study and prepare regulations addressing affordable and workforce housing in the Town, including regulations which may govern proposals to develop properties under Fla. Stat. §166.04151(7), known as the Live Local Act (the Act); and

WHEREAS, the Town Commission finds that zoning in progress is necessary to provide the Town Attorney and the Department with adequate time to review the Town's existing zoning and land development regulations and to consider regulations that would implement the Comprehensive Plan and the Act in furtherance of the public's health, safety and welfare; and

WHEREAS, the Act has pre-empted local control regarding affordable and workforce housing in certain aspects, and requires the development of mechanisms for the town to track and monitor the number of units developed under the Act; and

WHEREAS, the Act contains many ambiguities and little guidance to local governments regarding its implementation, administration, monitoring, and other matters; and

WHEREAS, the Act provides for tax exemptions for developers of affordable or workforce housing units, and the implications of the ad valorem taxes the town may receive are not clear, and thus there is the potential for adverse impacts on the ad valorem taxes the town may collect in any given fiscal year; and

WHEREAS, the Act must be reconciled with Policy 1.1 of the Comprehensive Plan Future Land Use Element which requires that the Town’s Land Development Regulations be amended as necessary to “regulate the use and intensity of land development consistent with this element to ensure the compatibility of adjacent land uses” and to “encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas”: and

WHEREAS, the Act authorizes the locations of residential structures without regard to the compatibility of development with surrounding properties as set forth in the Town’s Comprehensive Plan and Land Development Regulations and for the impacts of height, density or intensity on adjacent existing properties, resulting in expected serious land use conflicts, impacts on and the cost of providing public services; and

WHEREAS, the Act allows eligible affordable and workforce housing units to be constructed in existing commercial, industrial, and mixed use zoning districts of the Town, which is not consistent with existing policies of the Town’s Comprehensive Plan, including specifically Future Land Use Element **Policy 5.4** that requires that the Town utilize such techniques as distance requirements, buffering, landscaping, lower-intensity development, and scale-down requirements to provide appropriate transitions between high density uses and zoning districts having different intensities, densities, and functions; and

WHEREAS, in order to implement the Act, and ensure compliance and consistency with the Comprehensive Plan, and to meet the Town’s existing Land Development Regulations, the Department and Town Attorney need adequate time to consider and prepare new regulations and comprehensive plan policies, and to amend existing regulations as may be necessary to implement the Act; and

WHEREAS, court decisions have upheld zoning in progress as a valid and necessary tool available to local governments to further the public’s health, safety, morals, and general welfare; and

WHEREAS, during the zoning in progress period, the commission directs that the Department, in consultation with the Town Attorney, study and develop for the commission’s consideration appropriate changes to the Land Development Code and Comprehensive Plan to insure an affordable and workforce housing program is established to implement the Act in a way to address the needs of the Town’s residents and businesses.

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

SECTION 1. Legislative Findings and Intent. The whereas clauses are incorporated herein, are true and correct, and represent the Commission's legislative findings and intent regarding the necessity of zoning in progress.

SECTION 2. Issuance of Development Permits Withheld. During the period of zoning in progress, the Department of Community Development is directed *not* to process or issue any applications for development permits or orders, amendments to site plans, or other zoning applications, whether administratively or otherwise, for applications submitted under the "Live Local Act," codified at Fl. Stat. §166.04151(7).

SECTION 3. Applicability. This Resolution shall apply to all properties within the corporate limits of the Town and to any applications which seek to use the Act.

SECTION 4. Zoning in Progress Declared. The Town Commission hereby imposes zoning in progress upon the acceptance, processing, consideration or issuance of any applications for development orders, permits, or any application associated with affordable or workforce housing including those proposed under the Live Local Act, Fla. Stat. §166.04151 (7), until the Department of Community Development and the Town Attorney have concluded a study and the Commission has adopted such amendments to the Town's Comprehensive Plan and its LDRs as it deems necessary and appropriate to further the public's health, safety, and general welfare.

SECTION 5. This zoning in progress is of a temporary nature to allow the Town Attorney and Department of Community Development to study and complete in a careful, but expeditious manner, regulations and procedures to provide for affordable and workforce housing, including under Fla. Stat. §166.04151 (7), and shall expire on September 30, 2024, or whenever the Town Commission establishes such regulations and procedures as it deems necessary to further the health safety and general welfare of the Town's residents and businesses, whichever comes sooner.

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its execution.



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Originating Department: Communications And Grants

Resolution Authorizing And Directing The Mayor To Sign The Grant Agreement With Palm Beach County For Funding Through The Community Development Block Grant Program For The Design And Construction Of An Aquatic Center And A Community Center

Agenda Title: Construction Of An Aquatic Center And A Community Center

Approved by Town Manager: Bambi McKibbon-Turner
Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town Manager/Human Resources Director,
Date: email=hturner@lakeparkflorida.gov, c=US
Date: 2024.08.15 16:39:59 -04'00'

Cost of Item: \$0.00 **Funding Source:** _____

Account Number: _____ **Finance Signature:** _____

Advertised: _____

Date: N/A **Newspaper:** _____

Attachments: Resolution No. -08-24
Agreement

Please initial one:

MA Yes I have notified everyone

Not applicable in this case

Summary Explanation/Background:

The Town of Lake Park has been awarded a grant of \$400,916 from Palm Beach County through the Community Development Block Grant program. The grant is for the design of the planned Aquatic Center and Community Center in Bert Bostrom Park. The grant period begins on October 1, 2024.

Under the terms of the Agreement, the scope of work shall include, but not be limited to, the design and construction of a recreational complex that includes an aquatic center with competition-style swimming pool, and a community center.

It is required for the Town to enter into a grant agreement with Palm Beach County for this grant. The purpose of this agenda item is to authorize and direct the Mayor to sign such agreement.

Recommended Motion: I move to approve Resolution No. -08-24

RESOLUTION NO. 57-08-24

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, TO AUTHORIZE THE MAYOR TO SIGN THE GRANT AGREEMENT WITH PALM BEACH COUNTY FOR FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE DESIGN AND CONSTRUCTION OF AN AQUATIC CENTER AND COMMUNITY CENTER AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the Town desires to implement strategies that will improve the quality of life for residents and visitors in the community; and

WHEREAS, Palm Beach County has granted the Town \$400,916 for the purpose of creating the design and beginning construction of an aquatic center and a community center to be built in Bert Bostrom Park; and

WHEREAS, it was necessary for the Town of Lake Park to enter into a grant agreement with Palm Beach County for such grant; and

WHEREAS, the Town Commission has reviewed the grant agreement and determined that it is in the best interest of the Town to authorize the Mayor to sign the grant agreement

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

SECTION 1. The foregoing recitals are incorporated herein.

SECTION 2. The Town Commission hereby authorizes and directs the Mayor to sign the initial grant agreement with Palm Beach County, a copy of

which is attached hereto.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

CDBG CAPITAL IMPROVEMENT AGREEMENT
BETWEEN PALM BEACH COUNTY
AND
TOWN OF LAKE PARK

THIS AGREEMENT, (the “Agreement”) with an effective date of **October 1, 2024** (“Effective Date”), by and between **Palm Beach County** (“County”), a political subdivision of the State of Florida, and the **Town of Lake Park**, a Municipality duly organized and existing by virtue of the laws of the State of Florida, having its principal office at **535 Park Avenue, Lake Park, FL 33403** (“Subrecipient”).

WHEREAS, Palm Beach County has entered into an agreement with the United States Department of Housing and Urban Development (grant number B-24-UC-12-0004) for the execution and implementation of a Community Development Block Grant Program in certain areas of Palm Beach County, pursuant to Title I of the Housing and Community Development Act of 1974 (as amended); and

WHEREAS, Palm Beach County, in accordance with its **FY2024-2025** CDBG Action Plan, and the Subrecipient, desire to provide the activities specified in Exhibit “A” attached hereto and made a part hereof this Agreement; and

WHEREAS, Palm Beach County desires to engage the Subrecipient, to implement such undertakings and pursuant to the terms of this Agreement, shall make available funding in the amount of **\$400.916** (“Grant Funds”) to the Subrecipient in exchange for said activities.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, it is agreed as follows:

1. DEFINITIONS

- (A) "County" means Palm Beach County.
- (B) "CDBG" means the Community Development Block Grant Program of Palm Beach County.
- (C) "DHED" means Palm Beach County Department of Housing & Economic Development.
- (D) "Subrecipient" means the **Town of Lake Park**, a Subrecipient as defined in 2 CFR Parts 184 and 200.
- (E) "DHED Approval" means the written approval of the DHED Director or his designee.
- (F) "HUD" means the Secretary of Housing and Urban Development or a person authorized to act on its behalf.
- (G) "Low and Moderate Income Persons" means a member of a household whose gross annual income does not exceed 80% of the Area Median Income for Palm Beach County, adjusted by family size, and as determined and given to such term by HUD.
- (H) "Program Income" means *gross income from the use or rental of property owned by the Subrecipient that was constructed or improved with CDBG funds, less any costs incidental to the generation of such income, as defined by CDBG regulations at 570.500(a)(1)(iii)*. This distinguishes “income” from revenues where “income” is more limited, and is constituted by revenues less expenses, i.e., profit.

- (I) "Revenues" means funds generated by activities housed on a property assisted with CDBG funds.
- (J) "Project" means the CDBG Eligible Activity as identified in Section 4 below and further detailed in Exhibit "A", for which the County is providing CDBG funding.
- (K) "County's Urban County Program" shall mean the Urban County Qualification Program as defined by HUD.

2. **PURPOSE**

The purpose of this Agreement is to state the terms, covenants and conditions under which the County will provide the Grant Funds to the Subrecipient for implementation of the Project as further detailed in Exhibit "A".

3. **TIME OF PERFORMANCE**

The County's obligations hereunder are contingent upon the timely release of funds for this Project by HUD. The services of the Subrecipient shall be undertaken and completed by the Subrecipient by **December 31, 2025** ("Expiration Date"). Reports and other items shall be delivered or completed in accordance with the detailed schedule set forth in Exhibit "A".

4. **CDBG ELIGIBLE ACTIVITIES AND NATIONAL OBJECTIVE**

The Subrecipient certifies that the activity(ies) carried out under this Agreement will constitute **Public Facilities and Improvements, under 24 CFR 570.201(c)**. The Subrecipient covenants that it will perform the eligible activities carried out under this Agreement in a manner which meets the **CDBG Program National Objectives of benefitting Low and Moderate Income Persons on an Area-Wide Basis**, as described in Exhibit "A" and defined in 24CFR 570.208(a)(1)(i).

5. **FUNDING DISBURSEMENT TO SUBRICIPIENT**

The Subrecipient agrees to accept Grant Funds for Funded Activities as provided in Exhibit "A". In no event shall the total funding or disbursement to be paid hereunder exceed the maximum and total authorized sum of **\$400,916**. Any funds not expended by the Expiration Date of this Agreement shall automatically revert to the County.

The State or Federal funds being provided hereunder shall not be used as a match for other State or Federal grants to the Subrecipient, and the Subrecipient shall not submit requests for the same expenses to more than one funding source or under more than one program. Additionally, DHED shall have the right under this Agreement to suspend or terminate disbursement of funds until the Subrecipient complies with any additional conditions that may be imposed by the County or HUD.

In order to do business with County, Subrecipient shall create a Vendor Registration Account OR activate an existing Vendor Registration Account through the County's Purchasing Department's Vendor Self Service (VSS) system, which can be accessed at <https://pbcvssp.co.palm-beach.fl.us/webapp/vssp/AltSelfService>. If Subrecipient intends to use sub-consultants, Subrecipient shall ensure that all sub-consultants are registered as consultants in VSS.

All subconsultant agreements must include a contractual provision requiring that the sub-consultant register in VSS. County will not finalize an Agreement award until the County has verified that the Subrecipient and all of its sub-consultants are registered in VSS.

6. **CONDITIONS FOR PROJECT IMPLEMENTATION**

(A) **IMPLEMENTATION OF PROJECT ACCORDING TO REQUIRED PROCEDURES**

The Subrecipient shall implement this Agreement in accordance with applicable Federal, State, County, and local laws, ordinances and codes. The Federal, State, and County laws, ordinances and codes are minimal regulations which may be supplemented by more restrictive guidelines set forth by DHED.

The Subrecipient shall prepare a cost allocation plan for all Project funding and submit such plan to the DHED Director or designee.

Should a Project receive additional funding after the commencement of this Agreement, the Subrecipient shall notify DHED in writing within thirty (30) days of receiving notification from the funding source and submit a revised cost allocation plan to the DHED Director or designee within forty-five (45) days of said notification.

(B) **FINANCIAL ACCOUNTABILITY**

The County, at County's expense may have a financial systems analysis and/or an audit of the Subrecipient or of any of its subcontractors, performed by an independent auditing firm employed by the County or by the County Internal Audit Department at any time the County deems necessary to determine if the Project is being managed in accordance with the requirements of this Agreement.

(C) **SUBCONTRACTS**

Any work or services subcontracted hereunder shall be specifically by written contract, written agreement, or purchase order. All subcontracts shall be subject to the requirements of this Agreement. This includes Subrecipient ensuring that all consultant contracts and fee schedules meet the minimum standards as established by Palm Beach County and HUD.

Contracts for architecture, engineering, survey, and planning shall be fixed fee contracts. All additional services shall have prior written approval with support documentation detailing categories of persons performing work plus hourly rates including benefits, number of drawings required, and all items that justify the "Fixed Fee Contract." Reimbursable items will be at cost.

(D) **PURCHASING**

All purchasing of services and goods, including capital equipment, shall be made by purchase order or by a written contract and in conformity with the procedures prescribed 2 CFR Parts 184 and 200, Subrecipient's purchasing code and County's Purchasing Code, which is incorporated herein by reference.

In the event of a conflict, 2 CFR Parts 184 and 200 shall supersede. In the event of a conflict between Subrecipient's purchasing code and County's Purchasing Code, County's Purchasing Code shall supersede.

(E) **REPORTS, AUDITS, AND EVALUATIONS**

Disbursement of funds will be contingent on the timely receipt of complete and accurate reports required by this Agreement, and on the resolution of monitoring or audit findings identified pursuant to this Agreement.

(F) **ADDITIONAL DHED, COUNTY, AND HUD REQUIREMENTS**

DHED shall have the right via this Agreement to suspend/terminate disbursement of funds if after fifteen (15) days written notice the Subrecipient has not complied with any additional conditions that may be imposed, at any time, by DHED, the County, or HUD.

7. **CIVIL RIGHTS COMPLIANCE AND NON-DISCRIMINATION POLICY**

The County is committed to assuring equal opportunity in the award of Agreements and complies with all laws prohibiting discrimination. Pursuant to Palm Beach County Resolution R2017-1770, as may be amended, the Subrecipient warrants and represents that throughout the term of the Agreement, including any renewals thereof, if applicable, all of its employees will be treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information. Failure to meet this requirement shall be considered default of the Agreement.

As a condition of entering into this Agreement, the Subrecipient represents and warrants that it will comply with the County's Commercial Nondiscrimination Policy as described in Resolution 2017-1770, as amended. As part of such compliance, the Subrecipient shall not discriminate on the basis of race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or expression, disability, or genetic information in the solicitation, selection, hiring or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall the Subrecipient retaliate against any person for reporting instances of such discrimination.

The Subrecipient shall provide equal opportunity for subcontractors, vendors and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the County's relevant marketplace in Palm Beach County.

The Subrecipient understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification or debarment of the company from participating in County contracts, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party. Subrecipient shall include this language in its subcontracts.

8. PROGRAM BENEFICIARIES

At least fifty-one percent (51%) of the beneficiaries of a Project funded through this Agreement must be Low and Moderate Income Persons. If the Project is located in an entitlement city, as defined by HUD, or serves beneficiaries countywide, at least fifty-one percent (51%) of the beneficiaries directly assisted through the use of funds under this Agreement must reside in unincorporated Palm Beach County or in municipalities participating in the County's Urban County Qualification Program. The Project funded under this Agreement shall assist beneficiaries as defined above for the time period designated in this Agreement. **Upon request from DHED, the Subrecipient shall provide written verification of compliance.**

9. AUDITS AND INSPECTIONS

The Subrecipient shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the work for at least five (5) years after completion or termination of this Agreement. As often as DHED, the County, HUD, or the Comptroller General of the United States may deem necessary, Subrecipient shall make available to DHED, HUD, or the Comptroller General for examination all its records, and documents as required in this section

for the purpose of inspection or audit during normal business hours, at the Subrecipient's place of business within Palm Beach County, with respect to all matters covered by this Agreement.

10. REPAYMENT PROVISIONS

In the event the Subrecipient fails to comply in whole or in part with the terms and conditions of this Agreement and/or the referenced regulations pertaining to the use of CDBG funds, and where DHED, the County, or HUD has determined that the County or Subrecipient has a repayment obligation required due to the Subrecipient's performance or lack thereof, the Subrecipient shall be responsible to reimburse the County in the amount requested by the County within sixty (60) days of the date of written notification from the County to the Subrecipient.

The requirements of this Section shall survive the early termination or expiration of the Agreement.

11. UNIFORM ADMINISTRATIVE REQUIREMENTS

The Subrecipient agrees to comply with the applicable uniform administrative requirements as described in Federal Regulations 2 CFR Part 200.

12. REVERSION OF ASSETS

Upon expiration of this Agreement, the Subrecipient shall transfer to the County any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. Any real property under the Subrecipient's control upon expiration or earlier termination of this Agreement which was acquired or improved, in whole or part, with CDBG funds in the excess of \$25,000 must either be used to meet one of the national objectives in Federal Community Development Block Grant Regulations 24 CFR 570.208

for a minimum of five (5) years after expiration of the Agreement, or, the Subrecipient shall pay the County an amount equal to the current market value attributable to expenditures of CDBG funds for the acquisition of, or improvements to, the property. **This provision shall survive the expiration or termination of this Agreement.**

13. **DATA BECOMES COUNTY PROPERTY**

All reports, plans, surveys, information, documents, maps, and other data prepared, assembled, or completed by the Subrecipient for the purpose of this Agreement shall be made available to the County at any time upon request by the County, DHED, or the Palm Beach County Inspector General's office, as indicated herein. Upon completion of all work contemplated under this Agreement copies of all documents and records relating to this Agreement shall be surrendered to DHED if requested. In any event, the Subrecipient shall keep all documents and records for five (5) years after expiration of this Agreement.

The Subrecipient shall deliver to the County's representative for approval and acceptance, and before being eligible for final disbursement of any funds due, all documents and materials prepared for the County under this Agreement.

To the extent allowed by Chapter 119, Florida Statutes, all written and oral information not in the public domain or not previously known, and all information and data obtained, developed, or supplied by the County or at its expense will be kept confidential by the Subrecipient and will not

be disclosed to any other party, directly or indirectly, without the County's prior written consent unless required by a lawful court order. All drawings, maps, sketches, programs, data base, reports and other data developed, or purchased, under this Agreement for or at the County's expense shall be and remain the County's property and may be reproduced and reused at the discretion of the County.

All covenants, agreements, representations and warranties made herein, or otherwise made in writing by any party pursuant hereto, including but not limited to any representations made herein relating to disclosure or ownership of documents, shall survive the execution and delivery of this Agreement and the consummation of the transactions contemplated hereby.

Notwithstanding any other provision in this Agreement, all documents, records, reports and any other materials produced hereunder shall be subject to disclosure, inspection and audit, by the Office of the Inspector General pursuant to the Palm Beach County Code Section 2-421 – 2-440, as amended.

14. **INDEMNIFICATION**

Subrecipient shall protect, defend, reimburse, indemnify and hold County, its agents, employees and elected officers harmless from and against all claims, liability, expense, loss, cost, damages or causes of action of every kind or character, including attorney's fees and costs, whether at trial or appellate levels or otherwise, arising during and as a result of the Subrecipient's performance of the terms of this Agreement or due to the acts or

omissions of Subrecipient. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statute, section 768.28. The Subrecipient shall indemnify the County for funds which the County is obligated to refund the Federal Government arising out of the conduct of activities and administration of the Subrecipient.

15. INSURANCE BY SUBRECIPIENT:

Subrecipient shall maintain at its sole expense, in full force and effect, at all times during the term of this Agreement, insurance coverage and limits (including endorsements) as described in Exhibit "A". The requirements contained herein, as well as County's review or acceptance of insurance maintained by the Subrecipient are not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by the Subrecipient under this Agreement.

16. CONFLICT OF INTEREST

The Subrecipient represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of services required hereunder, as provided for in Chapter 112, Part III, Florida Statutes, and the Palm Beach County Code of Ethics. The Subrecipient further represents that no person having any such conflict of interest shall be employed for said performance of services.

The Subrecipient shall promptly notify the County's representative, in writing, by certified mail, of all potential conflicts of interest of any prospective business association, interest or other circumstance which may influence or appear to influence the Subrecipient's judgement or quality of services being provided hereunder. Such written notification shall identify the prospective business association, interest or circumstance, the nature of work that the Subrecipient may undertake and request an opinion of the County as to whether the association, interest or circumstance would, in the opinion of the County, constitute a conflict of interest if entered into by the Subrecipient.

The County agrees to notify the Subrecipient of its opinion within thirty (30) days of receipt of notification by the Subrecipient. If, in the opinion of the County, the prospective business association, interest or circumstance would not constitute a conflict of interest by the Subrecipient, the County shall so state in the notification and the Subrecipient shall, at its option, enter into said association, interest or circumstance and it shall be deemed not in conflict of interest with respect to services provided to the County by the Subrecipient under the terms of this Agreement.

However, these paragraphs shall be interpreted in such a manner so as not to unreasonably impede the statutory requirement that maximum opportunity be provided for employment and participation of Low and Moderate-Income Persons of the Project's target area.

17. RECOGNITION

The Subrecipient shall include a reference to the financial support herein provided by the County in all publications and publicity events, and provide the County copies of all such publications. The Subrecipient shall also notify the County prior to any ceremonies or events relating to facilities or items funded by this Agreement to allow for participation of Mayor, County Commissioners, County Administration, Department Staff or other County Official. In addition, the Subrecipient will make good faith efforts to recognize the County's support for all activities made possible with funds made available under this Agreement.

18. ADDITIONAL REFERENCE DOCUMENTS

This Agreement is subject to CDBG regulations and Federal requirements. Subrecipient shall comply with all applicable laws and regulations including, but not limited to the following:

- (A) 2 CFR Parts 184 and 200: Build America, Buy America Act, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards;
- (B) Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Title II of the Americans with Disabilities Act of 1990;
- (C) Executive Orders 11246, 11478, 11625, 12432, the Davis Bacon Act, and Section 3 of the Housing and Community Development Act of 1968, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;
- (D) Executive Orders 11063, 12259, 12892, the Fair Housing Act of 1988, and Section 109 of the Housing and Community Development Act of 1974, as amended;
- (E) Florida Statutes, Chapter 112;
- (F) Palm Beach County Purchasing Code;
- (G) Federal Community Development Block Grant Regulations (24 CFR Part 570), and Federal Consolidated Plan Regulations (24 CFR Part 91), as amended;
- (H) Section 448.095, Florida Statutes (F.S.) (E-Verify): <https://www.e-verify.gov/>
- (I) Palm Beach County Five (5) Year Consolidated Plan prepared by DHED (24 CFR Part 91).

The Subrecipient shall keep an original of this Agreement, including its Exhibits, Schedules and all Amendments thereto, on file at its principal office.

19. TERMINATION AND SUSPENSION

In the event of early termination, the Subrecipient shall not be relieved of liability to the County for damages sustained by the County by virtue of any breach of the Agreement by the Subrecipient, and the County may withhold any disbursement to the Subrecipient until such time as the exact amount of damages due to the County from the Subrecipient is determined.

(A) TERMINATION FOR CAUSE

If, through any cause, either party shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if either party shall violate any of the covenants, agreements, or stipulations of this Agreement, the other party shall thereupon have

the right to terminate this Agreement or suspend funding, in whole or part, by giving written notice to the other party of such termination or suspension and specifying the effective date of termination or suspension.

Upon early termination, the County, at its sole discretion, may reimburse the Subrecipient for eligible costs incurred that are in compliance with this Agreement up to and including the date of termination.

(B) **TERMINATION FOR CONVENIENCE**

At any time during the term of this Agreement, either party may, at its option and for any reason, terminate this Agreement upon ten (10) working days written notice to the other party. Upon early termination, the County, at its sole discretion, may reimburse the Subrecipient for eligible costs incurred that are in compliance with this Agreement up to and including the date of termination.

(C) **TERMINATION DUE TO CESSATION**

In the event the grant awarded to the County under Title I of the Housing and Community Development Act of 1974 (as amended) is suspended or terminated, this Agreement shall be suspended or terminated effective on the date HUD specifies.

In the event the Subrecipient ceases to exist, or ceases or suspends its operation for any reason, this Agreement shall be suspended or terminated on the date the County specifies. The determination that the Subrecipient has ceased or suspended its operation shall be made solely by the County, and the Subrecipient agrees to be bound by the County's determination. Upon early termination, the County, at its sole discretion, may reimburse the Subrecipient for eligible costs incurred that are in compliance with this Agreement up to and including the date of termination.

20. SEVERABILITY OF PROVISIONS

If any term or provision of this Agreement or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

21. NO ASSIGNMENT

The Subrecipient shall not assign this Agreement, or any interest therein without prior written consent of Palm Beach County which may be granted or withheld at the County's sole discretion, and any such unauthorized assignment shall be void and of no effect.

22. AMENDMENTS

The County may, at its discretion, amend this Agreement to conform with changes required by Federal, State, County, or HUD guidelines, directives, and objectives. Such amendments shall be incorporated by written amendment as a part of this Agreement and shall be subject to approval of the Palm Beach County Board of County Commissioners.

Except as otherwise provided herein, no amendment to this Agreement shall be binding on either party unless in writing, approved by the Board of County Commissioners and the Subrecipient, and signed by both parties.

23. NOTICE

All notices required in this Agreement shall be sent by certified mail, return receipt requested, hand delivery or other delivery service requiring signed acceptance. If sent to the County, notices shall be addressed to:

Sherry Howard, Deputy Director
Department of Housing & Economic Development
100 Australian Avenue, Suite 500
West Palm Beach, FL 33406

With a copy to:

Howard J. Falcon III, Chief Assistant County Attorney
County Attorney's Office
301 N. Olive Ave (6th floor)
West Palm Beach, FL 33401

If sent to the Subrecipient, notices shall be addressed to:

Merrell Angstreich, Grant Writer/Chief Public Information Officer
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

24. INDEPENDENT CONTRACTOR AND EMPLOYEES

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement.

The County shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, or any other benefits, as the Subrecipient is an independent contractor.

25. NO FORFEITURE

The rights of the County under this Agreement shall be cumulative and failure on the part of the County to exercise promptly any rights given hereunder shall not operate to forfeit or waive any of such rights.

26. PERSONNEL

The Subrecipient represents that it has, or will secure at its own expense, all necessary personnel required to perform the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the County.

All of the services required hereunder shall be performed by the Subrecipient or under its supervision, and all personnel engaged in performing the services shall be fully qualified and, if required, authorized or permitted under state and local law to perform such services.

The Subrecipient warrants that all services shall be performed by skilled and competent personnel to the highest professional standards in the field.

All of the Subrecipient's personnel (and all Subconsultants), while on County premises, will comply with all County requirements governing conduct, safety and security.

27. FEDERAL AND STATE TAX

The County is exempt from payment of Florida State Sales and Use Taxes. The County will sign an exemption certificate submitted by the Subrecipient. The Subrecipient shall not be exempted from paying sales tax to its suppliers for materials used to fulfill contractual obligations with the County, nor is the Subrecipient authorized to use the County's Tax Exemption Number in securing such materials.

The Subrecipient shall be responsible for payment of its own and its share of its employees' payroll, payroll taxes, and benefits with respect to this Agreement.

28. COMPLIANCE WITH ALL LAWS AND REGULATIONS

The Subrecipient shall comply with all laws, ordinances and regulations applicable to the services contemplated herein, to including, without limitation, those applicable to conflict of interest and collusion. Subrecipient is presumed to be familiar with all federal, state and local laws, ordinances, codes and regulations that may in any way affect the services provided pursuant to this Agreement.

29. SCRUTINIZED COMPANIES

(A) As provided in F.S. 287.135, by entering into this Agreement or performing any work in furtherance hereof, the Subrecipient certifies that it, its affiliates, suppliers, subconsultants and consultants who will perform hereunder, have not been placed on the Scrutinized Companies that boycott Israel List, or is engaged in a boycott of Israel, pursuant to F.S. 215.4725.

Pursuant to F.S. 287.135(3)(b), if Subrecipient is found to have been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel, this Agreement may be terminated at the option of the County.

- (B) **When contract value is greater than \$1 million:** As provided in F.S. 287.135, by entering into this Agreement or performing any work in furtherance hereof, the Subrecipient certifies that it, its affiliates, suppliers, subconsultants and consultants who will perform hereunder, have not been placed on the Scrutinized Companies With Activities in Sudan List or Scrutinized Companies With Activities in The Iran Petroleum Energy Sector List created pursuant to F.S. 215.473 or is engaged in business operations in Cuba or Syria.

If the County determines, using credible information available to the public, that a false certification has been submitted by Subrecipient, this Agreement may be terminated and a civil penalty equal to the greater of \$2 million or twice the amount of this Agreement shall be imposed, pursuant to F.S. 287.135. Said certification must also be submitted at the time of Agreement renewal, if applicable.

30. SUCCESSORS AND ASSIGNS

The County and the Subrecipient each binds itself and its successors and assigns to the other party and to the successors and assigns of such other party, in respect to all covenants of this Agreement.

31. INDEBTEDNESS

The Subrecipient shall not pledge the County's credit or attempt to make it a guarantor of payment or surety for any contract, debt, obligation, judgement, lien, or any form of indebtedness. The Subrecipient further warrants and represents that it has no obligation or indebtedness that would impair its ability to fulfill the terms of this Agreement.

32. PUBLIC ENTITY CRIMES

As provided in F.S. 287.133, by entering into this Agreement or performing any work in furtherance hereof, the Subrecipient certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the thirty six (36) months immediately preceding the date hereof. This notice is required by F.S. 287.133(3)(a).

33. PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL

Palm Beach County has established the Office of Inspector General in Palm Beach County Code, Chapter 2 – Article XII, as may be amended. The Inspector General's authority includes, but is not limited to, the power to review past, present and proposed County Agreements, contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the Subrecipient, its officers, agents, employees, and lobbyists in order to ensure compliance with Agreement requirements and detect corruption and fraud.

Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Chapter 2 – Article XII, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

34. REMEDIES

This Agreement shall be governed by the laws of the State of Florida. Any legal action necessary to enforce the Agreement will be held in a state court of competent jurisdiction located in Palm Beach County, Florida. Unless provided otherwise herein, no remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, by statute or otherwise.

No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizen or employees of the County and/or the Subrecipient.

35. SOURCE OF FUNDING

The County's performance and obligation to pay under this Agreement for subsequent fiscal years are contingent upon annual appropriations for its purpose by the Board of County Commissioners. In addition, this Agreement and all obligations of County hereunder are subject to and contingent upon receipt of funding from HUD for the purposes provided for herein. Nothing in this Agreement shall obligate the County to provide funding from any other source, including, but not limited to, funds from the County's annual budget and appropriations.

36. PUBLIC RECORDS

Notwithstanding anything contained herein, as provided under Section 119.0701, F.S., if the Subrecipient: (i) provides a service; and (ii) acts on behalf of the County as provided under Section 119.011(2) F.S., the Subrecipient shall comply with the requirements of Section 119.0701, Florida Statutes, as it may be amended from time to time. The Subrecipient is specifically required to:

- A. Keep and maintain public records required by the County to perform services as provided under this Agreement.
- B. Upon request from the County's Custodian of Public Records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119 or as otherwise provided by law.

The Subrecipient further agrees that all fees, charges and expenses shall be determined in accordance with Palm Beach County PPM CW-F-002, Fees Associated with Public Records Requests, as it may be amended or replaced from time to time.

- C. Ensure that public records that are exempt, or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement, if the Subrecipient does not transfer the records to the County.
- D. Upon completion of the Agreement the Subrecipient shall transfer, at no cost to the County, all public records in possession of the Subrecipient unless notified by County's representative/liaison, on behalf of the County's Custodian of Public Records, to keep and maintain public records required by the County to perform the service.

If the Subrecipient transfers all public records to the County upon completion of the Agreement, the Subrecipient shall destroy any duplicate public records that are exempt, or confidential and exempt from public records disclosure requirements. If the Subrecipient keeps and maintains public records upon completion of the Agreement, the Subrecipient shall meet all applicable requirements for retaining public records.

All records stored electronically by the Subrecipient must be provided to County, upon request of the County's Custodian of Public Records, in a format that is compatible with the information technology systems of County, at no cost to County.

Failure of the Subrecipient to comply with the requirements of this article shall be a material breach of this Agreement. County shall have the right to exercise any and all remedies available to it, including but not limited to, the right to terminate for cause. Subrecipient acknowledges that it has familiarized itself with the requirements of Chapter 119, F.S., and other requirements of state law applicable to public records not specifically set forth herein.

IF THE SUBRECIPIENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUBRECIPIENT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, PLEASE CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT RECORDS REQUEST, PALM BEACH COUNTY PUBLIC AFFAIRS DEPARTMENT, 301 N. OLIVE AVENUE, WEST PALM BEACH, FL 33401, BY E-MAIL AT RECORDSREQUEST@PBC.GOV OR BY TELEPHONE AT 561-355-6680.

37. COUNTERPARTS OF THE AGREEMENT

This Agreement, including the exhibits referenced herein, may be executed in one or more counterparts, all of which shall constitute collectively one and the same Agreement. The County may execute the Agreement through electronic or manual means. Subrecipient shall execute by manual means only, unless the County agrees otherwise. A copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

38. E-VERIFY EMPLOYMENT ELIGIBILITY

Subrecipient warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended, and that it: (1) is registered with the E-Verify System (E-Verify.gov), and uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers; and (2) has verified that all of Subrecipient's contractors, subcontractors and or subconsultants performing the duties and obligations of this Agreement are registered with the E-Verify System, and use the E-Verify System to electronically verify the employment eligibility of all newly hired workers.

Subrecipient shall obtain from each of its contractors, subcontractors and or subconsultants an affidavit stating that the contractor, subcontractor and or subconsultant does not employ, contract with, or subcontract with an Unauthorized Alien, as that term is defined in section 448.095(1)(k), Florida Statutes, as may be amended. Subrecipient shall maintain a copy of any such affidavit from a contractor, subcontractor and or subconsultant for, at a minimum, the duration of the subcontract and any extension thereof. This provision shall not supersede any provision of this Agreement which requires a longer retention period.

County shall terminate this Agreement if it has a good faith belief that Subrecipient has knowingly violated Section 448.09(1), Florida Statutes, as may be amended. If County has a good faith belief that Subrecipient's contractor, subcontractor and or subconsultant has knowingly violated section 448.09(1), Florida Statutes, as may be amended, County shall notify Subrecipient to terminate its contract with the contractor, subcontractor and or subconsultant and Subrecipient shall immediately terminate its contract with the contractor, subcontractor and or subconsultant.

If County terminates this Agreement pursuant to the above, Subrecipient shall be barred from being awarded a future Agreement by County for a period of one (1) year from the date on which this Agreement was terminated. In the event of such Agreement termination, Subrecipient shall also be liable for any additional costs incurred by County as a result of the termination.

39. CDBG SPECIFIC REQUIREMENTS

- A. Compliance: The Subrecipient shall comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG), including subpart K of these regulations, except that (1) the Subrecipient does not assume the County's environmental responsibilities described in 24 CFR 570.604 and (2) the Subrecipient does not assume the County's responsibility for initiating the review process under the provisions of 24 CFR Part 52.

This Agreement is not to substitute for or replace existing or planned projects or activities of the Subrecipient. The Subrecipient agrees to maintain a level of activities and expenditures, planned or existing, for projects similar to those being assisted under this Agreement, which is not less than that level existing prior to this Agreement. **The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.**

- B. Evaluation and Monitoring: The Subrecipient agrees that DHED will carry out periodic monitoring and evaluation of activities as determined necessary by DHED or the County. Any disbursement of funds, or the continuation of this Agreement is dependent upon satisfactory evaluation conclusions based on the terms of this Agreement. Due to the regulatory requirements, the performance requirements of this Agreement, and as detailed in Exhibit "A" will be closely monitored by DHED. **Substandard performance, as determined by DHED, will constitute noncompliance with this Agreement.**

The Subrecipient agrees to furnish upon request to DHED, the County, or the County's designees copies of transcriptions of such records and information as is determined necessary by DHED or the County. The Subrecipient shall submit status reports required under this Agreement on forms approved by DHED to enable DHED to evaluate progress. The Subrecipient shall provide information as requested by DHED to enable DHED to complete reports required by the County or HUD. The Subrecipient shall allow DHED, the County, or HUD to monitor the Subrecipient on site. Such visits may be scheduled or unscheduled as determined by DHED or HUD.

Upon request, DHED shall provide a monitoring checklist which contains the minimum monitoring measures to be used by the County and is similar to the formal checklist the County will use during its formal monitoring visit(s). Other measures of monitoring may also be utilized.

- C. Program Income: The Subrecipient shall report annually to DHED all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with CDBG funds made available under this contract. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balances on hand.

All unexpended program income shall be returned to the Subrecipient at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not program income and shall be remitted promptly to the Subrecipient.

- D. Opportunities: To the greatest extent feasible, lower-income residents of the Project areas shall be given opportunities for training and employment; and to the greatest extent feasible, eligible business concerns located in or owned in substantial part by persons residing in the Project areas shall be awarded contracts in connection with the Project.

The Subrecipient shall comply with the Section 3 Clause of the Housing and Community Development Act of 1968. In the procurement of supplies, equipment, construction, or services to implement this Agreement, the Subrecipient shall make a positive effort to utilize small business and minority/women-owned business enterprises for supplies and services, and provide these sources the maximum feasible opportunity to compete for contracts to be performed pursuant to this Agreement.

To the maximum extent feasible, these small business and minority/women-owned business enterprises shall be located in or owned by residents of the CDBG areas designated by Palm Beach County in the Consolidated Plan approved by HUD.

- E. Citizen Participation: The Subrecipient shall cooperate with DHED in the implementation of the Citizen Participation Plan, as defined by HUD, by establishing a citizen participation process to keep residents and/or clients informed of the activities the Subrecipient is undertaking in carrying out the provisions of this Agreement. Representatives of the Subrecipient shall attend meetings and assist in the implementation of the Citizen Participation Plan, as requested by DHED.
- F. Reduction in funding: In the event the grant to the County under Title I of the Housing and Community Development Act of 1974 (as amended) is reduced, suspended, or terminated by HUD, this Agreement will be amended, or terminated as provided herein, to reflect the funding reductions imposed by HUD and the reduction in the number of beneficiaries commensurate with the revised funding level.
- G. Drug-Free Workplace: The Subrecipient shall provide a drug and alcohol free environment by developing policies and carrying out a drug-free program in compliance with the Drug-Free Workplace Act of 1988.
- H. Religious Activities: CDBG funds may be used by religious organizations or on property owned by religious organizations only in accordance with provisions specified in 24 CFR 570.200(j), and only with prior written approval from DHED. The Subrecipient agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization.

- I. Discharge of Beneficiaries: The Subrecipient agrees to develop and implement to the maximum extent practical and, where appropriate, written policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or corrections programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. In lieu of developing written policies, the Subrecipient may adopt an existing countywide discharge plan, with approval from DHED.

40. INCORPORATION BY REFERENCE

Exhibits attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference. To the extent of a conflict between the terms of this Agreement and Exhibit "A", the terms of the Agreement shall govern. To the extent that any provision of this Agreement or any Exhibit conflict with the terms of 2CFR Part 200 as shown in Exhibit "B", the terms of Exhibit "B" shall govern.

41. ENTIRE UNDERSTANDING

The County and the Subrecipient agree that this Agreement sets forth the entire understanding between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

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WITNESS our Hands and Seals on this _____ day of _____, 20____.

(SUBRECIPIENT SEAL BELOW)

TOWN OF LAKE PARK

By: _____
Roger Michaud, Mayor

By: _____
Vivian Mendez, Town Clerk

By: _____
John D' Agostino, Town Manager

By: _____
Attorney for Subrecipient
(Signature Optional)

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Agreement on behalf of the County.

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida
For its BOARD OF COUNTY COMMISSIONERS**

By: _____
Jonathan B. Brown, Director
Dept. of Housing & Economic Development

**Approved as to Form and
Legal Sufficiency**

**Approved as to Terms and Conditions
Dept. of Housing & Economic Development**

By: _____
Howard J. Falcon III
Chief Assistant County Attorney

By: _____
Sherry Howard
Deputy Director

EXHIBIT "A"**CAPITAL PROJECT**
SCOPE OF WORK

- A. PROJECT SCOPE:** The scope of work for **the Aquatic and Community Center Phase I and II** shall include, but not be limited to the design and construction of a recreational complex that includes an aquatic center with competition-style swimming pool, and a community center to hosts sports events. Improvements typical of aquatic centers and community building improvement type projects are deemed eligible, along with restoration of areas disturbed by the installation of the above improvements. The scope of the herein improvements may be modified based on the availability of CDBG and/or City funds.

Project Area: The proposed location of the improvements noted herein is as follows:

- Improvements are located within the Bert Bostrom Park at 311 7th Street, Lake Park, FL 33403, between 7th and 8th Street bordered on the north by Date Palm Drive and on the South by Bayberry Drive.

The exact geographic limits of the project may be more or less than the area noted above depending on the availability of CDBG and local funds and the bid pricing.

Procurement process and contract award for all goods and services shall be in compliance with the City's Procurement Code, 2 CFR Parts 184 and 200 and all regulations applicable to CDBG funding and this Agreement.

In the event specifications for goods, services and or construction activities are required, the following shall apply:

- (1) Should the Subrecipient use a brand name or multiple brand names in its bid package/drawings/ specifications for this project, then these documents shall:
 - (a) Clearly note that specified brand name(s) are used for descriptive purposes only,
 - (b) State that "equal" equipment or materials will be accepted, and
 - (c) Identify the minimum requirements to establish equality.
- (2) The Subrecipient shall prepare a bid package complete with drawings, specifications, and any items required for a competitive bid of the project. The bid process shall not allow for any local procurement preferences with regard to contract award. **The Subrecipient's advertisement for bid shall contain language noting that the project is federally funded through funds provided by Palm Beach County via of the US Department of HUD, and that Davis-Bacon and Related Acts and wage rates apply. The advertisement shall also encourage participation by MBE/WBE, Section 3 businesses, meet requirements of the Build America, Buy America Act (2 CFR Part 184) and the Uniform Administrative Requirements (2 CFR Part 200).**

Following the bid process, the Subrecipient shall submit to DHED a copy of the bid document package including any addendums, a notice of contract award, a copy of the executed construction contract, and documentation regarding any protests filed regarding the bids.

Prior to the Subrecipient's first reimbursement, DHED shall review the Subrecipient's procurement process and contract award to determine compliance with 2 CFR Parts 184 and 200 and all regulations applicable to CDBG funding and this Agreement.

(3) The Subrecipient shall prioritize the work in the project, and shall bid such work in a manner that requires the receipt of itemized costs from bidders. This would then allow the award of items that can be funded by the budget provided that the extent of work awarded will result in a functioning facility in the opinion of DHED.

(4) The Subrecipient shall not award the construction contract for the project until sufficient funding is available to complete the established scope of work. All construction work shall be included in one contract.

(5) Should the amount of eligible costs exceed the amount to be funded by the County through this Agreement, then the Subrecipient shall fund all amounts in excess of the amount to be funded by the County.

(6) The Subrecipient shall inform DHED of any environmental findings or conditions discovered during project implementation. Applicable mitigation measures must be incorporated into the project by the Subrecipient in order to proceed with the project. Such mitigation measures may affect the total project cost. Where funds are not available from the CDBG allocation contained herein, the Subrecipient shall be responsible for all costs of mitigation.

(7) The Subrecipient shall recognize Palm Beach County as a funding participant in the project's implementation and shall affix the County's logo to any project sign on the project site during the construction process. The Subrecipient shall also acknowledge the County's participation whenever the situation presents itself.

The Subrecipient further agrees that DHED, in consultation with any parties it deems necessary, shall be the final arbiter on the Subrecipient's compliance with this Agreement's requirements and shall make the final determination of the Subrecipient's compliance with applicable regulations governing the CDBG funding of this project.

- B. PROFESSIONAL SERVICES:** The Subrecipient, using its own resources, may retain a Florida professional consultant to provide design services to create plans and specifications for the **construction of an Aquatic and Community Center**, within, the Bert Bostrom Park, in the Town of Lake Park. Additionally, the Subrecipient and consultant shall prepare, obtain and review bids, prepare contract documents, inspect work in

progress, recommend payment to contractors, and provide other professional services customarily provided by similar professionals for this type of project. The consultant shall also coordinate the design and construction work with the asbestos abatement contractor, should abatement become necessary.

Alternatively, the Subrecipient shall have the option of performing any portion of the consultant's services described above by its own staff provided such staff possess the necessary competency to do so. All costs associated with the above services shall be paid for by the Subrecipient.

C. FUNDS DISBURSEMENT TO SUBRECIPIENT

The County agrees to disburse Grant Funds on a reimbursement basis to the Subrecipient for all budgeted costs permitted by Federal, State, and County guidelines. The Subrecipient shall not request reimbursement for work performed and/or payments made by the Subrecipient, before the Effective Date of this Agreement, nor shall it request reimbursement for payments made after the Expiration Date of this Agreement, and in no event shall the County provide advance funding to the Subrecipient or any subcontractors hereunder.

The Subrecipient shall request disbursements of funds from the County by submitting to DHED proper documentation of expenditures consisting of originals of invoices, receipts, or other evidence of indebtedness, and when original documents cannot be presented, the Subrecipient may furnish copies if deemed acceptable by DHED. Each request for disbursement submitted by the Subrecipient shall be accompanied by a letter from the Subrecipient, provided on the Subrecipient's letterhead, referencing the name of the project funded herein, the date of this Agreement and/or its document number, and containing a statement requesting the disbursement and its amount, as well as the name and signature of the person making the request. Disbursement shall be made by the Palm Beach County Finance Department upon presentation of the aforesaid proper documentation of expenditures as approved by DHED.

The Subrecipient may at any time after the expiration of this Agreement request from the County reimbursement for payments made by the Subrecipient during the term of this Agreement by submitting to DHED the aforesaid proper documentation of expenditures, and provided that DHED has determined that the funds allocated to the Subrecipient through this Agreement are still available for payment, and provided that DHED approves such payment, the Palm Beach County Finance Department shall make payment as stated above.

D. PERFORMANCE REQUIREMENTS: The time-frame for completion of the outlined activities shall be as follows:

Award Construction Contract by:	March 31, 2025
Submit for 50% Reimbursement of CDBG Funds by:	July 15, 2025
Complete Construction by:	November 30, 2025
Submit for 100% Reimbursement of CDBG funds by:	December 31, 2025

If unforeseen circumstances occur that prevent the Subrecipient from meeting the performance dates and revisions are required thereto, the Subrecipient shall request, in writing, that the dates used as performance requirements listed above be revised/amended. The County Administrator, or DHED Director may, at his/her sole discretion, revise/amend the performance dates via written notification to the Subrecipient. The Completion Date for all activities may be revised only by an Amendment to this Agreement.

The Subrecipient may be subject to decrease and/or recapture of project funds by the County if the above Performance Requirements are not met. Failure by the Subrecipient to comply with these requirements may negatively impact Subrecipient's ability to receive future grant awards.

E. ASBESTOS REQUIREMENTS: The Subrecipient shall comply with all applicable requirements contained in Schedule "II", attached hereto, for construction work in connection with the project funded through this Agreement.

F. DAVIS-BACON AND RELATED ACTS (DBRA):

The Davis-Bacon Act Coverage applies to contracts in excess of \$2000 to which the Federal Government or the District of Columbia is a party for construction, alteration, or repair (including painting and decorating) of public buildings or public works and requires that contractors and subcontractors pay their laborers and mechanics employed under such contracts no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Subrecipient shall request from the County a copy of the Requirements for Federally Funded Projects and the applicable DBRA Wage Decision for the project PRIOR to advertising the construction work. The Subrecipient shall incorporate a copy of the DBRA Wage Decision and the Final Rule Requirements for Federally Funded Projects in its bid documents and shall include these documents as part of the construction contract. The Subrecipient shall require the contractor to include these Federal Requirements and Wage Decision(s) in all subcontracts for the work performed under the construction contract.

The Subrecipient shall perform all tasks required for DBRA compliance, including, but not limited to the following:

- (1) Compliance with applicable DBRA Wage Decisions(s) or salaries per trade.
- (2) Use of the Labor Compliance Reporting System (LCRS) to record work performed.
- (3) Contractor and sub-contractor debarment affidavits.
- (4) Obtaining contractor and subcontractor certified payrolls.
- (5) Review of certified payrolls and documentation related thereto.
- (6) Compliance actions for payroll related issues.
- (7) Employee/worker interviews and follow-up review of certified payrolls.
- (8) Ensure restitution due underpaid workers has been paid prior to project completion.

The Subrecipient shall certify, at the time they request a reimbursement from DHED that payrolls from the contractor and sub-contractors are current, have been reviewed and approved by Subrecipient staff, and that any DBRA compliance issues have been or are in the process of being resolved. The Subrecipient shall review and approve payrolls through the Labor Compliance Reporting System prior to submitting a reimbursement request to DHED. **Prior to release of Retainage/Final Payment the Subrecipient shall provide to DHED, proof in writing that the project meets DBRA compliance and all workers have been paid in accordance with DBRA requirements.**

DHED may monitor the Subrecipient, its contractors, and subcontractors for DBRA compliance at any time, as outlined under 'County Obligations', of this Agreement.

G. BUILD AMERICA BUY AMERICA (BABA)

Subrecipient shall comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301, and all applicable rules and notices, as may be amended, if applicable to the Subrecipient's project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

Subrecipient acknowledges that any funds received by the County from HUD, subsequent to November 14, 2022 are subject to the Federal Build America, Buy America Act as described in 2 CFR Part 184 which states that the provided funds may not be used for an infrastructure project unless:

- (1) all iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; and
- (2) All manufactured products used in the project are produced in the United States – This means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- (3) All construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

H. REQUIRED USE OF THE LABOR COMPLIANCE REPORTING SYSTEM (LCRS):

As part of the County's commitment to assist the Subrecipient and its contractors/subcontractors to comply with legal and contractual requirements including Davis Bacon and Related Acts (DBRA) and Section 3 requirements at 24 CFR Part 75, the Department of Housing & Economic Development has established a Labor Compliance

Reporting System (“LCRS”) for this project. The Subrecipient’s contractors/subs will no longer be required to submit paper copies of fringe benefits statements, weekly-certified payroll reports and/or work performance reports, and shall instead use the LCRS for all DBRA reporting and tracking. The LCRS is available for use 24-hours a day, 7 days a week, at no cost for reporting weekly certified payrolls, labor hours on Section 3 Covered Projects, and labor compliance related documents. Utilization of this system should also prove helpful in expediting the process of reviewing payrolls, approving progress payments to contractors and reimbursement payments to Subrecipients/developers.

User Responsibilities

- (1) Subrecipients, and its contractors/subs shall NOT create internet links to the Service or Frame or mirror any content on any other server or wireless or internet-based device.
- (2) Subrecipient and its contractors/subs are responsible for all activity occurring under User account and shall abide by all applicable local, state, national laws, treaties and regulations in connection with the use of the service, including those related to data privacy, international communications and the transmission of technical data. The LCRS Web Address for contractors/subs use will be provided by DHED, along with Federal Requirements and Wage Decision(s).
- (3) Subrecipient shall require its contractor and subs to register through the Labor Compliance Reporting System. This language shall be contained in the Subrecipient’s Bid and Construction documents.
- (4) Subrecipient shall require all fringe benefits statements, weekly-certified payroll reports to be submitted through the LCRS and this language shall be contained in the Subrecipient’s Bid and Construction documents.

Disclaimer of Warranties for LCRS

County makes no representation, warranty, or guaranty as to the reliability, timeliness, quality, suitability, truth, availability, accuracy or completeness of the service or any content. County does not represent or warrant that:

- (1) The use of the service will be secure, timely, uninterrupted or error-free or operate in combination with any other hardware, software, system or data.
- (2) The service will meet Subrecipient’s requirements or expectations.
- (3) Any stored data will be accurate or reliable.
- (4) The quality of any products, services, information or other material purchased or obtained by Subrecipient through the service will meet Subrecipient’s requirements or expectations.
- (5) Errors or defects will be corrected.
- (6) The service or the servers that make the service available are free of viruses or other harmful components.

All content is provided to Subrecipient strictly on an “AS IS” basis. All conditions, representations and warranties, whether expressed or implied, statutory or otherwise, including, without limitation, any implied warranty of merchantability or fitness for a particular purpose are hereby disclaimed by County to the maximum extent permitted by applicable law.

I. INSURANCE BY SUBRECIPIENT:

Without waiving the right to sovereign immunity as provided by section 768.28, Florida Statutes, (Statute), the Municipality represents that it is self-insured with coverage subject to the limitations of the Statute, as may be amended.

If Municipality is not self-insured, Municipality shall maintain at its sole expense, in force and effect at all times during the life of this Agreement, insurance coverage and limits not less than those contained in the Statute.

Should Municipality purchase excess liability coverage, Municipality agrees to include County as an Additional Insured.

The Municipality agrees to maintain or to be self-insured for Workers' Compensation insurance in accordance with Chapter 440, Florida Statutes.

- (1) **Waiver of Subrogation:** Except where prohibited by law, Municipality hereby waives any and all rights of Subrogation against the County, its officers, employees and agents for each required policy except Professional Liability. When required by the insurer, or should a policy condition not permit an insured to enter into a pre-loss agreement to waive subrogation without an endorsement, then Municipality shall notify the insurer and request the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent.

This Waiver of Subrogation requirement shall not apply to any policy that includes a condition to the policy specifically prohibiting such an endorsement or voids coverage should Municipality enter into such an agreement on a pre-loss basis.

- (2) **Certificates of Insurance:** Prior to each subsequent renewal of this Agreement, within forty-eight (48) hours of a request by County, and subsequently, prior to expiration of any of the required coverage throughout the term of this Agreement, the Municipality shall deliver to the County, a signed Certificate(s) of Insurance evidencing that all types and minimum limits of insurance coverage required by this Agreement have been obtained and are in full force and effect.

The Certificate Holder shall read:

Palm Beach County Board of County Commissioners
c/o Department of Housing & Economic Development
100 Australian Ave, 5th Floor
West Palm Beach, FL 33406

When requested, the Municipality shall provide an affidavit or Certificate of Insurance evidencing insurance or self-insurance. Compliance with the foregoing requirement shall not relieve the Municipality of its liability and obligations under this Agreement.

- (3) **Right to Revise or Reject**: County, by and through its Risk Management Department in cooperation with the contracting/monitoring department, reserves the right to review, modify, reject, or accept any required policies of insurance, including limits, coverage, or endorsements.

Should Municipality contract with a third-party (Contractor) to perform any service related to the Agreement, Municipality shall require the Contractor to provide the following minimum insurance:

- (a) **Commercial General Liability**: Municipality shall maintain limit of liability insurance with minimum limits of \$1,000,000 combined single limit for property damage and bodily injury per occurrence. Such policy shall be endorsed to include Municipality and County as Additional Insureds. Municipality shall also require that the Contractor include a Waiver of Subrogation against County.

Additional Insured Endorsement: The Commercial General Liability policy shall be endorsed to include in the Description of Operations section or elsewhere: "Palm Beach County Board of County Commissioners, a Political Subdivision of the State of Florida, its Officers, Employees, and Agents" as an Additional Insured. A copy of the endorsement shall be provided to County upon request.

- (b) **Business Automobile Liability**: Insurance with minimum limits of \$1,000,000 combined single limits for property damage and bodily injury per occurrence.
- (c) **Workers' Compensation**: Insurance in compliance with Chapter 440, Florida Statutes, and which shall include coverage for Employer's Liability.

- J. **BONDING REQUIREMENTS**: The Subrecipient shall comply with the requirements of 2 CFR Part 200 in regard to bid guarantees, performance bonds, and payment bonds. For contracts exceeding the current dollar amount set by the Federal Acquisition Regulation at [48 CFR subpart 2.1](#), which is adjusted periodically for inflation in accordance with [41 U.S.C. 1908](#), defined by HUD as Simplified Acquisition Threshold (SAT), the Subrecipient shall require a bid guarantee from each bidder equivalent to five percent (5%) of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified. In addition, for contracts exceeding the current SAT, the Subrecipient shall also require a performance bond on the part of the contractor for 100 percent (100%) of the contract price and a payment bond on the part of the contractor for 100 percent (100%) of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. All bonds shall be executed by a corporate surety company of recognized standing, authorized to do business in the State of Florida. The Subrecipient may follow its own requirements relating to bid guarantees, performance bonds, and payment bonds for contracts for less than the current SAT.

- K. CONSTRUCTION PAYMENT RETAINAGE:** Throughout the term of this Agreement, the Subrecipient shall withhold retainage upon each progress draw at the maximum percentage allowed by Florida law as specified in the construction contract. The Subrecipient shall abide by Florida law and this Agreement regarding the payment of retainage funds and project closeout procedures. The Subrecipient shall certify to DHED that the contractor and subcontractors have complied with the requirements of DBRA, that all wages and restitution due to workers has been paid, and that satisfactory project closeout documentation has been reviewed and approved by the Subrecipient prior to releasing retainage/final payment. **Subrecipient shall provide documentation for approval to DHED, as proof of compliance prior to the Subrecipient releasing retainage/final payment.**
- L. REPORTS:** The Subrecipient shall submit to DHED a detailed Monthly Report in the form provided as Schedule "I" to this Agreement, or other form as may be required by DHED. Each Monthly Report must account for the total activity for which the Subrecipient is funded under this Agreement, and a Subrecipient representative must certify to the accuracy of the Monthly Report. These Monthly Reports shall be submitted to DHED beginning with the month of the effective date of the Agreement. They shall be used by DHED to assess the Subrecipient's progress in implementing the project.
- M. USE OF THE PROJECT FACILITY/PROPERTY:** The Subrecipient agrees in regard to the use of the facility/property whose acquisition or improvements are being funded in part or in whole by CDBG funds as provided by this Agreement, that for a period of five (5) years after the expiration date of this Agreement (as may be amended from time to time):
- (1) The Subrecipient shall properly maintain the facility/project, and may not change the use or planned use, or discontinue use, of the facility/property (including the beneficiaries of such use) from that for which the acquisition or improvements are made, unless the Subrecipient provides affected citizens with reasonable notice of, and opportunity to comment on, any such proposed change and either:
 - (a) The new use of the facility/property qualifies as meeting one of the national objectives defined in the regulations governing the CDBG program, and is not a building for the general conduct of government; or
 - (b) The requirements of paragraph (2) of this section are met.

- (2) If the Subrecipient determines, after consultation with affected citizens, that it is appropriate to change the use of the property to a use which does not qualify under paragraph (1) (a) of this section or discontinue the use of the facility/property, it may retain or dispose of the facility for such use if the County is reimbursed in the amount of the current fair market value of the facility/property less any portion thereof attributable to expenditures of non-CDBG funds for acquisition of, or improvements to the facility/property.

The final determination of the amount of any such reimbursement to the County under this paragraph shall be made by the County.

- (3) Following the reimbursement of CDBG funds by the Subrecipient to the County pursuant to paragraph (2) above, the facility/property will then no longer be subject to any CDBG requirements.

The provisions of this clause shall survive the expiration or early termination of this Agreement.

- N. HUD SECTION 3 REQUIREMENTS:** The Subrecipient agrees to comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 170 1u (Section 3) and 24 CFR Part 75, as they apply to Section 3 Covered Projects as defined by HUD in 24 CFR Part 75.3(a)(2) when funded, in part or in whole, through this Agreement and awarded for Section 3 Covered Projects. For the purposes of this Agreement, the requirements of Section 3 Covered Projects shall apply to the herein described construction contract with the prime contractor covering all construction work associated with the Project, all subcontracts arising from said construction contract, excluding licensed professional services contracts entered into after November 30, 2020.

Section 3 Reporting Requirements: All Labor hours for a Section 3 Covered Project; all labor hours for Section 3 Workers; and all labor hours for Section 3 Targeted Workers as defined in 24 CFR Part 75, shall to be reported to the County through the Labor Compliance Reporting System (LCRS) throughout the Section 3 Covered Project. See Exhibit "A" - Section (D): Required Use of the Labor Compliance Reporting System (LCRS).

Additional Section 3 reporting requirements: In the event Section 3 benchmark goals identified in 24 CFR Part 75 are not met at completion of a Section 3 Covered Project, the Subrecipient must also submit a written report to the County on the qualitative nature of its activities and those of its contractors and subcontractors pursued per 24 CFR Part 75.

Section 3 Clause: The Subrecipient shall include the following, referred to as the Section 3 Clause, in every solicitation and every contract and subcontract issued after November 30, 2020, for every Section 3 Covered Project:

Section 3 Clause:

(i) The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u (Section 3) and 24 CFR Part 75.

The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3 are to the greatest extent feasible directed to low-and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

The Section 3 Clause provides that total labor hours for the project shall be reported; labor hours for Section 3 Workers shall be reported; and labor hours for Section 3 Targeted Workers as defined in 24 CFR Part 75 shall be reported by the Subrecipient to the County for submittal to the Department of Housing and Urban Development.

(ii) The contractor agrees to include this Section 3 Clause in every subcontract on a Section 3 Project subject to compliance with regulations in 24 CFR Part 75.

(iii) Non-compliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted projects.

O. ENVIRONMENTAL CONDITIONS: The County shall perform an Environmental Review (ER) of the project to assess existing conditions and identify all potential environmental impacts, whether beneficial or adverse, and any required conditions or mitigation measures that the Subrecipient must consider in the design and implementation of the project. The Subrecipient acknowledges that construction may not start until DHED notifies the Subrecipient of the results of the ER and the Release of Funds from HUD. Where applicable, the Subrecipient shall submit to DHED a plan of action and an implementation schedule for complying with any identified conditions requiring mitigation. Where applicable, mitigation measures shall be included in the bid documents. The Subrecipient shall comply with all requirements established by the County emanating from the completion of the ER.

ER costs incurred by the County may be charged to the project identified above. In addition, the Subrecipient shall immediately inform DHED of any environmental findings or conditions discovered during activity implementation, and agrees that applicable mitigation measures, subject to DHED approval, shall be incorporated in order to proceed with the project.

The Subrecipient acknowledges that such mitigation measures may affect the total project cost and that Subrecipient may be responsible for implementation of corrective actions and the costs associated therewith.

P. COUNTY OBLIGATIONS:

- (1) Provide funding for the above-specified improvements as described above in “Project Scope”, during the term of this Agreement, in the amount of **\$400,916**. However, the County shall not be obligated to provide any funding for the construction work until the Subrecipient provides documentation showing that sufficient funds are available to complete the project.
- (2) County reserves the right to withhold funding for the construction work until the Subrecipient provides documentation showing that Subrecipient’s construction contract has been procured in compliance with applicable requirements for the CDBG funds provided under this Agreement.
- (3) Provide technical assistance to the Subrecipient when requested.
- (4) Monitor the Subrecipient at any time during the term of this Agreement. Visits may be announced or unannounced, as determined by DHED, and will serve to ensure compliance with HUD regulations that planned activities are conducted in a timely manner, and to verify the accuracy of reporting to DHED on program activities.
- (5) Allowable costs that may be paid by the County under this Agreement in addition to those stated in paragraph P(2) above:
 - (a) Costs of asbestos surveys, asbestos abatement, and abatement monitoring.
 - (b) Costs of any other services customarily associated with projects of the nature of the project contemplated by this Agreement.

The County shall review requests by the Subrecipient for expenditures on the above items prior to undertaking the services associated with them, and approve any such expenditure it deems appropriate for this project.

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SCHEDULE "I"

MONTHLY PERFORMANCE REPORT

Reporting Period:	Month	Year
Subrecipient Name:		
Agreement/ MOU/ Amendments include Start Date, End Date		
Project Name:		

A. Reimbursement Request Requirements Per Agreement (Cumulative)	
50% reimb date	\$0.00
100% reimb date	\$0.00 <i>Total Funding Amount</i>

B. CDBG Reimbursement Requests

1. Enter information in the BLUE cells only. In Column C, enter the monthly Projected Reimbursement Request amounts for each month. The projections should meet the target dates in your agreement.

2. In Column D, enter the amount of Actual Reimbursement Requests, if any, for the reporting period.

3. Column F tracks the Actual Reimbursement Request vs. the full funding amount. In order to meet the July 15 Performance Requirements, the cells in Column F should be yellow by the July 15 date. In order to meet your 100% expenditure, the cells should be green by the 100% expenditure date.

A	B	C	D	E	F
Reporting Period	Cumulative Requirement per Agreement	Reimb Request per month (Projected)	Reimb Request per month (Actual)	Cumulative Reimb Request (Actual)	Difference to Total Funding Amount
Oct-22				0.00	★ 0.00
Nov-22				0.00	★ 0.00
Dec-22				0.00	★ 0.00
Jan-23				0.00	★ 0.00
Feb-23				0.00	★ 0.00
Mar-23				0.00	★ 0.00
Apr-23				0.00	★ 0.00
May-23				0.00	★ 0.00
Jun-23				0.00	★ 0.00
Jul-23				0.00	★ 0.00
Aug-23				0.00	★ 0.00
Sep-23				0.00	★ 0.00
Oct-23				0.00	★ 0.00
Nov-23				0.00	★ 0.00
Nov-23				0.00	★ 0.00
Jan-24				0.00	★ 0.00
Feb-24				0.00	★ 0.00
Mar-24				0.00	★ 0.00
Apr-24				0.00	★ 0.00

MONTHLY PERFORMANCE REPORT (CONT'D)

May-24				0.00	★	0.00
Jun-24				0.00	★	0.00
Jul-24				0.00	★	0.00
Aug-24				0.00	★	0.00
Sep-24				0.00	★	0.00
Oct-24				0.00	★	0.00
Nov-24				0.00	★	0.00
Dec-24				0.00	★	0.00
Jan-25				0.00	★	0.00
Feb-25				0.00	★	0.00
Mar-25				0.00	★	0.00
Apr-25				0.00	★	0.00
May-25				0.00	★	0.00
Jun-25				0.00	★	0.00
Jul-25				0.00	★	0.00
Aug-25				0.00	★	0.00
Sep-25				0.00	★	0.00
Oct-25				0.00	★	0.00
Nov-25				0.00	★	0.00
Dec-25				0.00	★	0.00
TOTAL FUNDING				0.00		0.00
<i>difference to total funding</i>				\$0.00		\$0.00

C. Amounts Budgeted/ Expended to date:				
Enter any additional sources of funds and the amount of the funds budgeted/ expended in this period.				
Funding Source	Budgeted	Expended	Percentage Expended	Requested for Reimbursement
CDBG Funds		\$0.00		\$0.00
Other				
Other				
Total		\$0.00		

D. Describe any changes in budgeted amounts during this reporting period, and the source of funds.

E. Project Performance				
Enter the projected and actual dates for each Performance Benchmark. For benchmarks with a "Required Date", enter Y or N in the "Benchmark Met" column to indicate whether the required date was met.				
Performance Benchmark	Required Date	Projected Date	Actual Date	Benchmark Met Y/N
Start Design				
Complete Design				
Advertisement Date				
Bid Opening Date				
Contract Award Date				

MONTHLY PERFORMANCE REPORT (CONT'D)

Submit 50% Reimbursement Request				
Complete Construction				
Submit 100% Reimbursement Request				

F. Describe your project progress during this reporting period.

G. Report prepared by:	
Enter the name of the person completing this report, contact number and the date of signing. Double-click on the X line to save a copy of this file and digitally sign this report.	
Name	
Tel/ Contact No.	
Date	
Signature	_X_

Send report to: Bud Cheney or Project Coordinator, CIREIS Division
Housing & Economic Development

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SCHEDULE "II"

ASBESTOS REQUIREMENTS
SPECIAL CONDITIONS FOR DEMOLITION AND RENOVATION OF BUILDINGS

The provisions of this part apply to all demolition and renovation work contemplated in this Agreement and described in Exhibit "A" of this Agreement.

I. DEFINITIONS

- ACM: Asbestos Containing Materials
- AHERA: Asbestos Hazard Emergency Response Act
- EPA: Environmental Protection Agency
- FLAC: Florida Licensed Asbestos Consultant
- DHED: Palm Beach County Department of Housing and Economic Development
- NESHAP: National Emission Standards for Hazardous Air Pollutants
- NRCA: National Roofing Contractors Association
- NVLAP: National Voluntary Laboratory Accreditation Program
- OSHA: Occupational Safety & Health Administration
- PBCAC: Palm Beach County Asbestos Coordinator (in Risk Management)
- PLM: Polarized Light Microscopy
- RACM: Regulated Asbestos Containing Materials
- TEM: Transmission Electron Microscopy

II. ASBESTOS SURVEYS

All properties scheduled for renovation or demolition are required to have a comprehensive asbestos survey conducted by a Florida Licensed Asbestos Consultant (FLAC). The survey shall be conducted in accordance with AHERA guidelines. Analysis must be performed by a NVLAP accredited laboratory.

For Renovation Projects (projects which will be reoccupied):

- Point counting should be conducted on all RACM indicating 1% - 10% asbestos by PLM analysis. If the asbestos content by PLM is less than 10%, the building owner/operator can elect to:
 1. Assume the material is greater than 1% and treat it as RACM, or
 2. Require verification by point counting
- Samples of resilient vinyl floor tile indicating asbestos not detected must be confirmed by transmission electron microscopy (TEM)
- Joint compound shall be analyzed as a separate layer
- Roofing material shall be sampled only if a renovation requires the roof to be disturbed. In lieu of sampling the roof, it will be presumed to contain asbestos

For Demolition Projects:

- Point counting should be conducted on all RACM indicating 1% - 10% asbestos by PLM analysis. If the asbestos content by PLM is less than 10%, the building owner/operator can elect to:
 1. Assume the material is greater than 1% and treat it as RACM, or
 2. Require verification by point counting
- Composite sample analysis is permitted for drywall systems (combining the drywall and joint compound constituents)
- All Category I and II non-friable materials, as defined in EPA/NESHAP, shall be sampled to determine asbestos content

If the Subrecipient has a recent asbestos survey report prepared by a Florida Licensed Asbestos Consultant, a copy may be provided to DHED for review by the PBCAC to determine if the survey is adequate to proceed with renovation/demolition work. If no survey is available, a survey may be initiated by the Subrecipient or requested by DHED. If the survey is through DHED, a copy of the completed survey will be forwarded to the Subrecipient.

III. ASBESTOS ABATEMENT

A. RENOVATION

- (a) Prior to a renovation, all asbestos containing materials that will be disturbed during the renovation, must be removed by a Florida Licensed Asbestos Contractor under the direction of a FLAC. Exceptions may be granted by DHED prior to the removal. The Subrecipient must obtain approval for all exceptions from DHED. DHED will request the PBCAC to review and approve all exceptions.
- (b) Asbestos abatement work may be contracted by the Subrecipient or by DHED upon request.
- (c) If the Subrecipient contracts the asbestos abatement, the following documents are required to be provided to the DHED.
 1. An Asbestos Abatement Specification (Work Plan)
 2. Post Job submittals, reviewed and signed by the FLAC
- (d) If the Subrecipient requests DHED to contract the asbestos abatement, DHED will initiate the request through the PBCAC who will contract the asbestos abatement. DHED will provide a copy of all contractor and consultant documents to the Subrecipient.
- (e) Materials containing <1% asbestos are not regulated by EPA/NESHAPS. However, OSHA compliance is mandatory. OSHA requirements include training, wet methods, prompt cleanup in leak tight containers, etc.

The renovation contractor must comply with US Dept of Labor, OSHA Standard Interpretation, "Compliance requirements for renovation work involving material containing <1% asbestos", dated 11/24/2003. The renovation contractor must submit a work plan to DHED prior to removal of the materials.

B. DEMOLITION

All RACM must be removed by a Florida Licensed Asbestos Contractor under the direction of an FLAC prior to demolition. Examples of RACM include: popcorn ceiling finish, drywall systems, felt or paper-backed linoleum, resilient floor tile which is not intact, asbestos cement panels/pipes/shingles ("transite").

NESHAP Category I non-friable materials, such as intact resilient floor tile & mastic and intact roofing materials, may be demolished with the structure, using adequate controls. The demolition contractor shall be made aware of the asbestos-containing materials and shall exercise adequate control techniques (wet methods, etc.). Any exceptions to these guidelines shall be requested through and approved by DHED prior to the removal. Demolition work should be monitored by a FLAC to ensure proper control measures and waste disposal. This is the responsibility of the Subrecipient.

- (a) Asbestos Abatement work may be contracted by the Subrecipient or by DHED upon request.
- (b) If the Subrecipient contracts the asbestos abatement, the following documents must be provided to the DHED and reviewed by the PBCAC.
 1. An Asbestos Abatement Specification (Work Plan).
 2. Post Job submittals, reviewed and signed by the FLAC.
- (c) If the Subrecipient requests DHED to contract the asbestos abatement, DHED will initiate the request through the PBCAC who will contract the asbestos abatement. DHED will provide a copy of all contractor and consultant documents to the Subrecipient.
- (d) Recycling, salvage or compacting of any asbestos containing materials or the substrate is strictly prohibited.
- (e) In all cases, compliance with OSHA "Requirements for demolition operations involving material containing <1% asbestos" is mandatory.
- (f) If suspect materials are discovered that were not previously sampled and identified in the survey, stop all work that will disturb these materials and immediately notify DHED.

IV. NESHAP NOTIFICATION

A. RENOVATION

A NESHAP form must be prepared by the Subrecipient or its Contractor and submitted to the Palm Beach County Health Department at least ten (10) working days prior to an asbestos activity that involves removal of regulated asbestos containing material, including linoleum, greater than 160 square feet or 260 linear feet or 35 cubic feet. For floor tile removal greater than 160 square feet, the Subrecipient or its Contractor shall provide a courtesy NESHAP notification to the Palm Beach County Health Department at least three (3) working days prior to removal.

The Subrecipient shall provide a copy of the asbestos survey to the renovation contractor to keep onsite during the work activity.

B. DEMOLITION

A NESHAP form must be prepared by the Subrecipient or its Contractor and submitted to the Palm Beach County Health Department at least ten (10) working days prior to the demolition for projects demolished by the Subrecipient.

C. NESHAP FORM

The NESHAP form is available online through the Florida Department of Environmental Regulations. The notification shall be sent to the address shown below. A copy shall be included in the Subrecipient post job documentation submitted to DHED. All fees shall be paid by the Subrecipient .

Palm Beach County Department of Health
Asbestos Coordinator
800 Clematis Street
Post Office Box 29
West Palm Beach, Florida 33402

V. APPLICABLE ASBESTOS REGULATIONS/GUIDELINES

The Subrecipient, through its demolition or renovation contractor, shall comply with the following asbestos regulations/guidelines. This list is *not* all inclusive:

- (a) Environmental Protection Subrecipient (EPA) NESHAP, 40 CFR Parts 61 Subpart M National Emission Standard for Asbestos, revised July 1991
- (b) Occupational Safety & Health Administration (OSHA) Construction Industry Standard, 29 CFR 1926.1101

- (c) EPA: A Guide to Normal Demolition Practices under the Asbestos NESHAP, September 1992
- (d) Demolition practices under the Asbestos NESHAP, EPA Region IV
- (e) Asbestos NESHAP Adequately Wet Guidance
- (f) Florida State Licensing and Asbestos Laws
 1. Title XVIII, Chapter 255, Public property and publicly owned buildings.
 2. Department of Business and Professional Regulations, Chapter 469 Florida Statute, Licensure of Asbestos Consultants and Contractors
- (g) Resilient Floor Covering Institute (RFCI), Updated Recommended Work Practices and Asbestos Regulatory Requirements, current version.
- (h) Florida Roofing Sheet Metal and Air Conditioning Contractors Association, NRCA, June 1995, or current version.
- (i) US Department of Labor, OSHA Standard Interpretation
 1. Application of the asbestos standard to demolition of buildings with ACM in Place, dated 8/26/2002.
 2. Requirements for demolition operations involving material containing <1% asbestos, dated 8/13/1999.
 3. Compliance requirements for renovation work involving material containing <1% asbestos, dated 11/24/2003.

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SCHEDULE "III"

PROJECT BUDGET

ORGANIZATION: Town of Lake Park						CONTACT NAME: Merrell Angstreich					
PROGRAM: CAPITAL IMPROVEMENTS - Aquatic and Community Center Project						TITLE: Grant Writer/Chief Public Information Officer					
FY 2024-2025 PALM BEACH COUNTY CDBG						PHONE: 561-882-1819					
A. CAPITAL IMPROVEMENTS											
		Annual Salary	% Alloc to Program	County CDBG Funding	% Alloc to Program	Town Funding	% Alloc to Program	Town CRA Funding	% Alloc to Program	Other Funding	TOTAL
Deliverables											
Project Administration		\$0	0%	\$0	0%	\$25,000	0%	\$0	0%	\$0	\$0
Planning & Design		\$0	0%	\$400,916	0%	\$195,000	0%	\$0	0%	\$0	\$595,916
Mobilization		\$0	0%	\$0	0%	\$0	0%	\$0	0%	\$0	\$0
Demolition		\$0	0%	\$0	0%	\$0	0%	\$0	0%	\$0	\$0
Construction Implementation		\$0	0%	\$0	0%	\$500,000	0%	\$500,000	0%	\$300,000	\$1,300,000
Materials		\$0	0%	\$0	0%	\$0	0%	\$0	0%	\$0	\$0
Sub-Total		\$0		\$400,916		\$720,000		\$500,000		\$300,000	\$1,895,916
Salaries / Other Items:											
FICA		\$0	0%	\$0	0%	\$0	0%	\$0	0%	\$0	\$0
Retirement		\$0	0%	\$0	0%	\$0	0%	\$0	0%	\$0	\$0
Health Insurance/Life Insurance		\$0	0%	\$0	0%	\$0	0%	\$0	0%	\$0	\$0
Workman's Comp		\$0	0%	\$0	0%	\$0	0%	\$0	0%	\$0	\$0
Overtime & Assoc. FICA/Unemployment		\$0	0%	\$0	0%	\$0	0%	\$0	0%	\$0	\$0
Sub-Total		\$0		\$0		\$0		\$0		\$0	\$0
TOTAL PROGRAM BUDGET				\$400,916		\$720,000		\$500,000		\$300,000	\$1,920,916

EXHIBIT "B"**COMMUNITY DEVELOPMENT BLOCK GRANT
FEDERAL PROVISIONS AND CERTIFICATIONS
INCLUDING 2 CFR Part 200 Appendix II**

For purposes of this Exhibit "B" Subrecipient shall also be defined as Contractor

1. Equal Opportunity.

Contractor shall at all times comply with the provisions of 41 CFR 60-1.4(b), the Equal Opportunity Clause, which is incorporated herein by reference.

During the performance of this Agreement, the contractor agrees as follows:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(c) The contractor will not discharge or in any manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(d) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's

commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(e) The contractor and all subcontractors of contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60) and of the rules, regulations, and relevant orders of the Secretary of Labor.

(f) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering SUBRECIPIENT and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(g) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(h) The contractor will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering SUBRECIPIENT may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering SUBRECIPIENT, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

2. Contract Work Hours and Safety Act (40 U.S.C. § 3702 and 3704).

Contractor shall comply with the Contract Work Hours and Safety Act (for contracts in excess of \$100,000 that involve the employment of mechanics or laborers) in accordance to 40 U.S.C. §§ 3702 and 3704, as supplemented by Department of Labor regulations at 29 C.F.R. Part 5 and 29 C.F.R. Part 1926.

(a) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such work week unless such

laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (a) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (a) of this section, in the sum of \$27 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (a) of this section.

(c) Withholding for unpaid wages and liquidated damages. The COUNTY shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally – assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b) of this section.

(d) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (a) through (d) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (a) through (d) of this section.

3. Clean Air Act Clean Water Act (for contracts exceeding \$150,000).

(a) Clean Air Act (Contracts in excess of \$150,000)

(1) The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.

(2) The contractor agrees to report each violation to COUNTY and understands and agrees that the COUNTY will, in turn, report each violation as required to assure notification to the U.S. HUD and the appropriate Environmental Protection SUBRECIPIENT Regional Office.

(3) The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by the U.S. HUD.

(b) Federal Water Pollution Control Act (Contracts in excess of \$150,000)

(1) The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

(2) The contractor agrees to report each violation to the COUNTY and understands and agrees that the COUNTY will, in turn, report each violation as required to assure notification to the U.S. HUD and the appropriate Environmental Protection SUBRECIPIENT Regional Office.

(3) The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by the U.S. HUD.

4. Suspension and Debarment (Certification required).

This Agreement is a covered transaction for purposes of 2 C.F.R. pt. 180 and 31 C.F.R. pt. 19. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

The contractor must comply with 2 C.F.R. pt. 180, subpart C and 31 C.F.R. pt. 19, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

This certification is a material representation of fact relied upon by COUNTY. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 31 C.F.R. pt. 19 subpart C, in addition to remedies available to COUNTY, the federal government may pursue available remedies, including but not limited to suspension and/or debarment.

The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 31 C.F.R. pt. 19 subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

A completed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Participation form (attached hereto and titled Certification Regarding Debarment) is required in Contractor's sealed bid or proposal or as otherwise required by the COUNTY. Upon request, successful Contractor agrees to provide the COUNTY with subsequent certification(s) for it and/or its suppliers, subcontractors and subconsultants after Contract award.

5. Byrd Anti-Lobbying Amendment 31 U.S.C. § 1352 and 31 CFR Part 21 (Certification required).

Contractors who apply or bid for or receive an award of \$100,000 or more at any tier under a federal grant shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any SUBRECIPIENT, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the awarding SUBRECIPIENT.

A completed certificate (attached hereto and titled Certification Regarding Lobbying) is required in Contractor's sealed bid or proposal or as otherwise required by the COUNTY. Upon request, successful Contractor agrees to provide the COUNTY with subsequent certification(s) for it and/or its suppliers, subcontractors and subconsultants after Contract award.

6. Recovered Materials.

In the performance of this Agreement, the Contractor shall make maximum use of products containing recovered materials that are EPA designated items unless the product cannot be acquired:

- (a) Competitively within a timeframe providing for compliance with the contract performance schedule;
- (b) Meeting contract performance requirements; or
- (c) At a reasonable price.

Information about this requirement along with a list of EPA-designated items is available at EPA's Comprehensive Procurement Guidelines web site:

<https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

7. Prohibition on Contracting for Covered Telecommunications Equipment or Services.

(a) Definitions.

Backhaul means intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network (e.g., connecting cell phones/towers to the core telephone network). Backhaul can be wireless (e.g., microwave) or wired (e.g., fiber optic, coaxial cable, Ethernet).

Covered foreign country means the People's Republic of China.

Covered telecommunications equipment or services means:

- 1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- 2) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- 3) Telecommunications or video surveillance services provided by such entities or using such equipment; or
- 4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Interconnection arrangements means arrangements governing the physical connection of two or more networks to allow the use of another's network to hand off traffic where it is ultimately delivered (e.g., connection of a customer of telephone provider A to a customer of telephone company B) or sharing data and other information resources.

Roaming means cellular communications services (e.g., voice, video, data) received from a visited network when unable to connect to the facilities of the home network either because signal coverage is too weak or because traffic is too high.

Substantial or essential component means any component necessary for the proper function or performance of a piece of equipment, system, or service.

Telecommunications equipment or services means telecommunications or video surveillance equipment or services, such as, but not limited to, mobile phones, land lines, internet, video surveillance, and cloud servers.

(b) Prohibitions.

(1) Section 889(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, and 2 C.F.R. § 200.216 prohibit the head of an executive SUBRECIPIENT on or after Aug. 13, 2020, from obligating or

expending grant, cooperative agreement, loan, or loan guarantee funds on certain telecommunications products or from certain entities for national security reasons.

(2) Unless an exception in paragraph (c) of this clause applies, the contractor and its subcontractors may not use grant, cooperative agreement, loan, or loan guarantee funds from the U.S. HUD to:

(i) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(ii) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(iii) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or

(iv) Provide, as part of its performance of this Agreement, subcontract, or other contractual instrument, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) Exceptions.

(1) This clause does not prohibit contractors from providing:

(i) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) By necessary implication and regulation, the prohibitions also do not apply to:

(i) Covered telecommunications equipment or services that:

i. Are not used as a substantial or essential component of any system;
and

ii. Are not used as critical technology of any system.

(ii) Other telecommunications equipment or services that are not considered covered telecommunications equipment or services.

(d) Reporting requirement.

(1) In the event the contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any

system, or as critical technology as part of any system, during contract performance, or the contractor is notified of such by a subcontractor at any tier or by any other source, the contractor shall report the information in paragraph (d)(2) of this clause to the recipient or subrecipient, unless elsewhere in this Agreement are established procedures for reporting the information.

(2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause:

(i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments.

8. Domestic Preference for Procurements.

As appropriate, and to the extent consistent with law, the contractor should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. This includes, but is not limited to iron, aluminum, steel, cement, and other manufactured products.

For purposes of this clause:

Produced in the United States means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. Manufactured products mean items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

9. Notice of COUNTY Reporting Requirements.

(a) General. The COUNTY is using CDBG Funds awarded by the U.S. HUD, in whole or in part, for the costs incurred under this Agreement. As a condition of this funding, the U.S. HUD requires the COUNTY to provide various financial and performance reporting.

(1) It is important that the contractor is aware of these reporting requirements, as the COUNTY may require the contractor to provide certain information, documentation, and other reporting in order to satisfy reporting requirements.

(2) Contractor shall cooperate and comply with all requests for information and documentation from the COUNTY as necessary to satisfy and comply with the award requirements. Failure to do so is a material breach of this Agreement.

(3) Failure of the COUNTY to satisfy reporting requirements to the U.S. HUD is a breach of its agreement with U.S. HUD and could result in loss of federal financial assistance awarded to fund this Agreement.

(b) Applicable Reporting Requirements. Grant reporting includes both financial and program reporting requirements. There are a variety of applicable federal, state and local laws, regulations, requirements, and policies setting forth various reporting requirements, including, but not limited to COUNTY policies and procedures, U.S. HUD guidance and federal regulations such as Subpart D, Post Federal Award requirements, Standards for Financial and Program Management, 2 C.F.R. § 200.300 through 2 C.F.R. § 200.345. Performance reporting includes, but is not limited to, the status of the project, the status of the funds, key performance indicators. Contractor shall comply with any and all reporting requirements.

10. Records Requirements.

(a) Records Retention. Pursuant to 24 CFR § 570.502, Contractor shall retain all records, including but not limited to, all books, records, accounts and reports required under this Agreement for a period of the longer of 3 years after the expiration or termination of the subrecipient agreement under 24 CFR § 570.503 or 3 years after the submission of the annual performance and evaluation report in which the specific activity is reported on for the final time.

Records for individual activities subject to the reversion of assets provisions at § 570.503(b)(7) or change of use provisions at § 570.505 must be maintained for as long as those provisions continue to apply to the activity. Records for individual activities for which there are outstanding loan balances, other receivables, or contingent liabilities must be retained until such receivables or liabilities have been satisfied.

Notwithstanding the foregoing, in the event of litigation or settlement of claims arising from the performance of this Agreement, Contractor agrees to maintain same until the COUNTY or the U.S. HUD, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related to the litigation or settlement of claims.

(b) Access to Records. The following access to records requirements apply to this Agreement:

(1) The contractor agrees to provide the COUNTY, the U.S. HUD, the U.S. Treasury's Office of Inspector General, the U.S. Government Accountability Office or any of their authorized representative's, access to any books, documents, papers, and records (electronic or otherwise) of the Contractor which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions.

(2) The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

11. Compliance with Federal Laws. This Agreement is being funded in whole or in part with federal funds awarded to the COUNTY by the U.S. HUD. The Contractor shall comply with all applicable federal statutes, regulations, and executive orders. Contractor shall insert the substance of this clause in all subcontracts and other contractual instruments.

12. False Statements. The Contractor understands that making false statements or claims in connection with this Agreement is a violation of federal law which may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

13. No Obligation by the U.S. Government. The U.S. Government is not a party to this Agreement and is not subject any obligations or liabilities to the Contractor, the COUNTY or any third party resulting from the performance of this Agreement.

14. Increasing Seat Belt Use in the United States. COUNTY encourages the Contractor to adopt and enforce an on-the-job seat belt policy and program for its employees.

15. Reducing Text Messaging While Driving. COUNTY encourages the Contractor to adopt and enforce a policy that bans text messaging while driving.

16. Title VI of the Civil Rights Act of 1964. The Contractor shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this Agreement.

Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this Agreement. Contractor shall insert the substance of this clause in all subcontracts and other contractual instruments.

17. Affirmative Socioeconomic Steps. If subcontracts are to be let, the Contractor is required to take all necessary steps identified in 2 CFR 200.321(b)(1)-(5) to ensure that small and minority businesses, women's business enterprises, and labor surplus are firms are used when possible.

18. Reimbursement. under this Agreement may be from funds distributed from the U.S. HUD and payments may be considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. Any party receiving such funds shall comply with said provisions, and shall fully cooperate with any other party's compliance with said provisions.

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SCHEDULE "I"
(TO EXHIBIT "B")

CERTIFICATION REGARDING DEBARMENT

The Subrecipient certifies that:

1. This Agreement is a covered transaction for purposes of 2 CFR, Part 180 and 31 CFR Part 19 such, the Subrecipient is required to verify that none of the Subrecipient, its principals (defined at 2 CFR 180.995), or its affiliates (defined at 2 CFR 180.905) are excluded (defined at 2 CFR 180.940) or disqualified (defined at 2 CFR 180.935).
2. The Subrecipient must comply with 2 CFR Part 180, subpart C and 31 CFR Part 19, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
3. This certification is a material representation of fact relied upon by the County. If it is later determined that the Subrecipient did not comply with 2 CFR Part 180, subpart C and 31 CFR Part 19, subpart C, in addition to remedies available to the County, the federal government may pursue available remedies, including but not limited to suspension and/or debarment.
4. The Subrecipient agrees to comply with the requirements of 2 CFR Part 180, subpart C and 31 CFR Part 19, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Subrecipient further agrees to include a provision requiring such compliance in its lower tier covered transactions, including submission to Subrecipient of this Certification completed by its suppliers, subcontractors and subconsultants.

SUBRECIPIENT NAME: **Town of Lake Park**

ADDRESS: **535 Park Avenue, Lake Park, FL 33403**

SUBRECIPIENT'S AUTHORIZED OFFICIAL:

John D' Agostino, Town Manager

Date

SCHEDULE "II"
(TO EXHIBIT "B")

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements
(To be submitted with each bid, proposal, or contract exceeding \$100,000)

The undersigned Subrecipient certifies, to the best of his or her knowledge, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an Subrecipient, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any SUBRECIPIENT, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Subrecipient, **Town of Lake Park**, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Subrecipient understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

John D' Agostino, Town Manager

Date



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 21, 2024

Originating Department: Communications And Grants

Resolution Authorizing And Directing The Town's Grants Writer To Complete And Submit An Application To The Department Of Transportation Under The Reconnecting Communities Program To Obtain Funds To Begin The Park Avenue Extension Project

Agenda Title: Obtain Funds To Begin The Park Avenue Extension Project

Approved by Town Manager: Bambi McKibbon-Turner
Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town Manager/Human Resources Director, email=bturner@lakeparkflorida.gov, c=US
Date: Date: 2024.08.15 16:41:31 -04'00'

Cost of Item: \$0.00 **Funding Source:** _____

Account Number: _____ **Finance Signature:** _____

Advertised: _____

Date: N/A **Newspaper:** _____

Attachments: Resolution No. -08-24

Agreement

Please initial one:

_____ Yes I have notified everyone

MA _____ Not applicable in this case

Summary Explanation/Background:

The extension of Park Avenue is a potential redevelopment catalyst project that is part of the 2022 CRA Master Plan update. When completed, the road will facilitate traffic into and out of Lake Park, making it easier for the public to access the Town's business and other amenities. The first steps of this process are to conduct a feasibility analysis on the possibility and configuration of an extension, followed by beginning the process to extend Park Avenue west from Dixie Highway to Park Avenue West (which begins just east of Congress Avenue).

The Town must secure funding in order to undertake this endeavor. One potential funding source that has been identified is the Reconnecting Communities Pilot (RCP) Discretionary Grant Program issued by the

Department of Transportation. The goal of the RCP is to support projects that “reconnect communities by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity, including to mobility, access, or economic development.”

If awarded, the grant will fund 80% of a planning grant that includes “the study of removing, retrofitting, or mitigating an existing facility to restore community connectivity; conduct public engagement, and other transportation planning activities.”

Staff has determined that the proposed Park Avenue Extension project fits the criteria for this funding program and that the required 20% match will come from the CRA budget. At this time, staff is requesting approval from the Commission to apply for the RCP grant.

Recommended Motion: I move to approve Resolution No. -08-24

RESOLUTION NO. 58-08-24

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, TO AUTHORIZE THE TOWN'S GRANTS WRITER TO COMPLETE AND SUBMIT AN APPLICATION TO THE DEPARTMENT OF TRANSPORTATION UNDER THE RECONNECTING COMMUNITIES PROGRAM TO OBTAIN FUNDS TO BEGIN THE PARK AVENUE EXTENSION PROJECT AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the Town desires to implement projects and strategies that will improve the quality of life for residents, business owners and visitors in the community; and

WHEREAS, it is necessary for the Town of Lake Park to seek grant funding in order to undertake these projects and implement these strategies; and

WHEREAS, the extension of Park Avenue has been identified as such a project; and

WHEREAS, the Reconnecting Communities Pilot (RCP) Discretionary Grant Program has, in turn, been identified as a potential funding source for this project; and

WHEREAS, Town Staff is requesting permission from the Town Commission in order to pursue this funding opportunity.

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

SECTION 1. The foregoing recitals are incorporated herein.

SECTION 2. The Town Commission hereby authorizes the Town's Grants

Writer to apply for the RCP grant.

SECTION 3. This Resolution shall take effect immediately upon its adoption.