

**RESOLUTION NO. 186-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FROM GULF STREAM LUMBER FOR A BUILDING MATERIAL AND STEEL FABRICATION FACILITY ON 13.2 ACRES LOCATED ON THE NORTH EAST CORNER OF 13<sup>TH</sup> STREET AND OF AVENUE "R" IN AN IG ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 31-58, of the City of Riviera Beach Code of Ordinances establishes the requirements for site plan review by the City Council; and,

**WHEREAS**, Section 31-60 (b), of the City of Riviera Beach Land Development Code requires that all approved Site Plans shall automatically expire within 18 months of its development order unless a valid building permit has been issued; and

**WHEREAS**, The Planning & Zoning Board met on September 12, 2002 to review the application and made a recommendation to the City Council of Riviera Beach for the Site Plan application from Gulf Stream Lumber.

**WHEREAS**, The site plan is attached as part of this resolution as "Exhibit A"

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** The Site Plan Application from Gulf Stream Lumber is approved with the following conditions:

- (1) Lumber and other building materials stored outside of building on property must be stacked at a height not to exceed 15 ft.
- (2) For properties and businesses located in Riviera Beach, all future advertising, including but not limited to letterhead, business cards, etc. must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.
- (3) The applicant must provide to the City a landscape bond in the amount of 110% of the cost of landscaping and irrigation prior to obtaining a Certificate of Occupancy.
- (4) Trucks shall access the property by traveling south on Australian Avenue then west on 15th Street. No trucks shall access the site from 13<sup>th</sup> Street. Signs shall be posted by the applicant to this effect.

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- (5) The applicant will provide \$30,000.00 towards the City of Riviera Beach Blue Heron Beautification Fund

**SECTION 2.** This resolution shall take effect immediately upon its passage.

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PAGE -3-

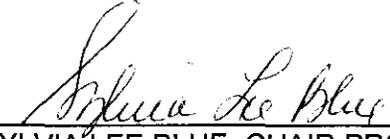
PASSED AND APPROVED this 16th day of October, 2002

APPROVED:

  
MAYOR MICHAEL D. BROWN

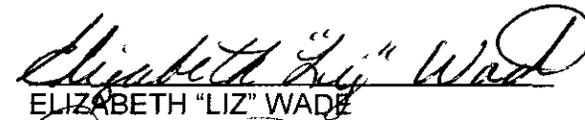
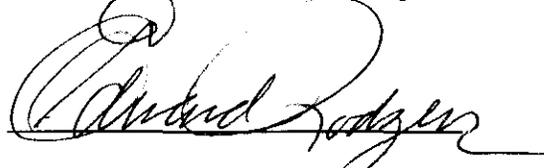
  
DAVID G. SCHNYER, CHAIRPERSON

(MUNICIPAL SEAL)

  
SYLVIA LEE BLUE, CHAIR PRO-TEM

  
DONALD R. WILSON

ATTEST:  
  
GARRIE E. WARD, MMC  
MASTER MUNICIPAL CLERK  
CITY CLERK

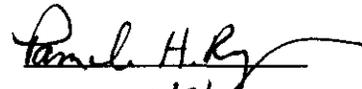
  
ELIZABETH "LIZ" WADE  
  
EDWARD RODGERS  
COUNCIL MEMBERS

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

D. SCHNYER: aye  
S. BLUE: aye  
D. WILSON: aye  
E. WADE: aye  
E. RODGERS: aye

REVIEWED AS TO LEGAL SUFFICIENCY  
City Attorney  
City of Riviera Beach

  
Date: 10/9/02

is a ± 50 ft. canal. Adjacent to the canal is a residential development. The applicant will buffer the west side of the proposed facility with a 25 ft. landscape buffer which will include Ficus hedges. Live Oak will be planted along the top of the 50 ft. drainage easement for an additional screen. There will also be a 6 ft. wall along the entrance of the property on Avenue "R". There will be no public access to the development from the south (13<sup>th</sup> Street). The entrance on the north (15<sup>th</sup> Street) is designated for truck delivery and the one on the west (Avenue "R") is for automobile traffic only.

As a result of the relocation, the company expects to hire approximately 15 new employees from the local area. There will be approximately 75 total employees. Currently, Gulf Stream Lumber has 17 full-time employees with salaries greater than \$50,000.00 per year, excluding benefits, 26 full-time and one part-time employee who gross between \$25,000.00 and \$49,000.00 per year, excluding benefits and 31 full-time and three part-time employees who earn less than \$25,000.00 per year, excluding benefits. The new development is estimated to generate approximately \$200,000.00 in taxes per year. The current taxes on the unimproved site are approximately \$24,125.00. The current value of the property is approximately \$609,339.00. The projected value of the property is approximately \$6,000,000.00.

The proposed site plan is a permitted use within the IG (General Industrial) zoning district.

**Recommendation:** The Planning & Zoning Board reviewed the project on September 12, 2002, and recommended approval of the site plan. Staff also recommends approval of the proposed site plan to construct a lumber yard with the following conditions:

1. Lumber and other outdoor building materials stored at this facility shall be limited to a maximum height of 15 ft.
2. For properties and businesses located in Riviera Beach, all future advertising including but not limited to letter head, business cards, etc. must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.
3. The applicant must provide to the City a landscape bond in the amount of 110% of the cost of landscaping and irrigation prior to obtaining a Certificate of Occupancy.
4. Trucks shall access the property by traveling south on Australian Avenue then west on 15th Street. No trucks shall access the site from 13<sup>th</sup> Street. Signs shall be posted by the applicant to this effect.
5. The applicant will provide \$30,000.00 towards the City of Riviera Beach Blue Heron Beautification Fund.

**STAFF REPORT**

**Case No. SP-02-14**

**CITY OF RIVIERA BEACH**

SEPTEMBER 12, 2002

A SITE PLAN APPLICATION FROM GULF STREAM LUMBER FOR A BUILDING MATERIAL AND STEEL FABRICATION FACILITY ON APPROXIMATELY 13.2 ACRES LOCATED ON THE NORTHEAST CORNER OF 13<sup>TH</sup> STREET AND AVENUE "R" IN AN (IG) GENERAL INDUSTRIAL ZONING DISTRICT.

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**Applicant:** The applicant is Gulf Stream Lumber Company with owner of record being Vacant Land LLC/ DV Acquisitions Corporation. Urban Design Studio will act as agent on behalf of the applicant.

**Request:** The applicant is requesting site plan approval for a 122,725 sq. ft. development consisting of a lumber yard, manufacturing facility with warehouse/offices.

**Location:** The subject property is located on the Northeast corner of 13<sup>th</sup> Street and Avenue "R". (See attached location map).

**Proposed Development Description and Uses:**

**Size:** The subject site is approximately 13.2 acres.

**Existing Land Use:** The property is currently vacant with a Comprehensive Plan Land Use designation of Industrial, and a General Industrial Zoning Classification.

**Adjacent Property:** The adjacent land use and zoning classifications are as follows:

North: Chassis Engineering Building; Industrial Land Use, (IG) General Industrial Zoning Classification.

South: 13<sup>th</sup> Street, Michael Farrington Recreational Field, Tate Recreation Center; Community Facility, and Recreational Land Uses, (CF) Community Facility Zoning Classification.

East: South Florida Industries, Inc.; Industrial Land Use, (IG) General Industrial Zoning Classification.

West: RC-1Canal, and Federal Gardens Residential Neighborhood; Single Family Residential Land Use, (RS-6) Single Family Zoning Classification.

**Background:** The proposed development is Gulf Stream Lumber. The company was established in Boynton Beach in 1953. Since then, they have opened a second location in Jensen Beach. The company proposes to relocate the existing Boynton Beach lumber yard to Riviera Beach. Gulf Stream Lumber stores and ships building materials wholesale to local businesses and contractors. Gulf Stream Lumber's clientele are professional builders located within Palm Beach County.

The proposed 122,725 sq. ft. manufacturing facility will include a 50,000 sq. ft. main warehouse which will consist of an assembly shop, and a 20,000 sq. ft. office area. It will also include two lumber sheds, when combined will equal 27,000 sq. ft. A 5,625 sq. ft. maintenance building and a 600 sq. ft. shipping office is also proposed. A 19,500 sq. ft. steel fabrication plant is proposed at the farthest eastern portion of the property along 13<sup>th</sup> Street. This location is most ideal, because it is located farthest from the residential homes on the west side of Avenue "R".

The applicant proposes no public access to the development from 13<sup>th</sup> Street, as this street experiences heavy residential traffic. Two entrances are proposed; one on 15<sup>th</sup> Street for truck delivery of materials, and the other on Avenue "R", which is entirely for automobile traffic. For security purposes, Gulf Stream Lumber will have a security guard on site, in addition to gates placed at the entrances of all driveways leading into the facility.

The site plan provides buffering and landscaping with particular emphasis placed along the western boundary of the site, which faces a residential area. The buffer will include ficus hedges to be installed at 36" apart and maintained at 6 ft. in height. Live Oak trees shall be planted along the top of the 50' drainage easement as an additional screen. The southern boundary which faces Michael Farrington Field and Tate Recreation Center will also include ficus hedges planted similar to that on the western boundary, and an 8' wide shrub and groundcover planting area of Fakahatchee Grass, Cocoplum, Firebush shrubs and Plumbago and Wax Jasmine. The estimated landscaping cost for this site is \$101,531.50.

Currently, Gulf Stream Lumber has 17 full-time employees with salaries greater than \$50,000.00 per year, excluding benefits, 26 full-time and one part-time employee who gross between \$25,000.00 and \$49,000.00 per year, excluding benefits and 31 full-time and three part-time employees who earn less than \$25,000.00 per year, excluding benefits. There are approximately 78 employees at the Boynton Beach Facility, some of which will not be relocating to the new facility. The company expects to hire approximately 15 new employees from the local area. However, the actual amount of available positions has not yet been determined.

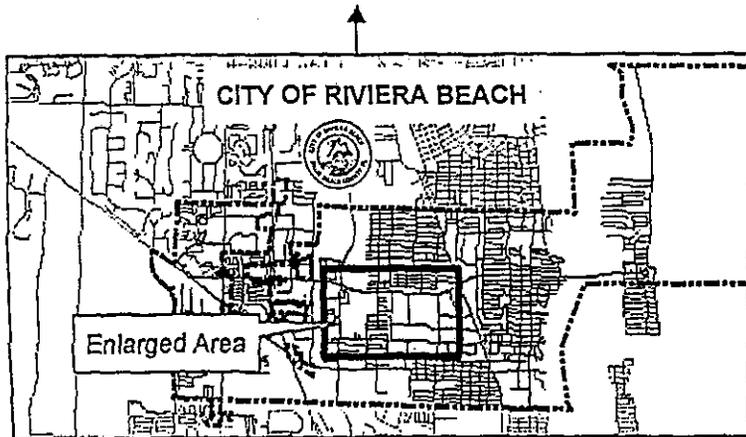
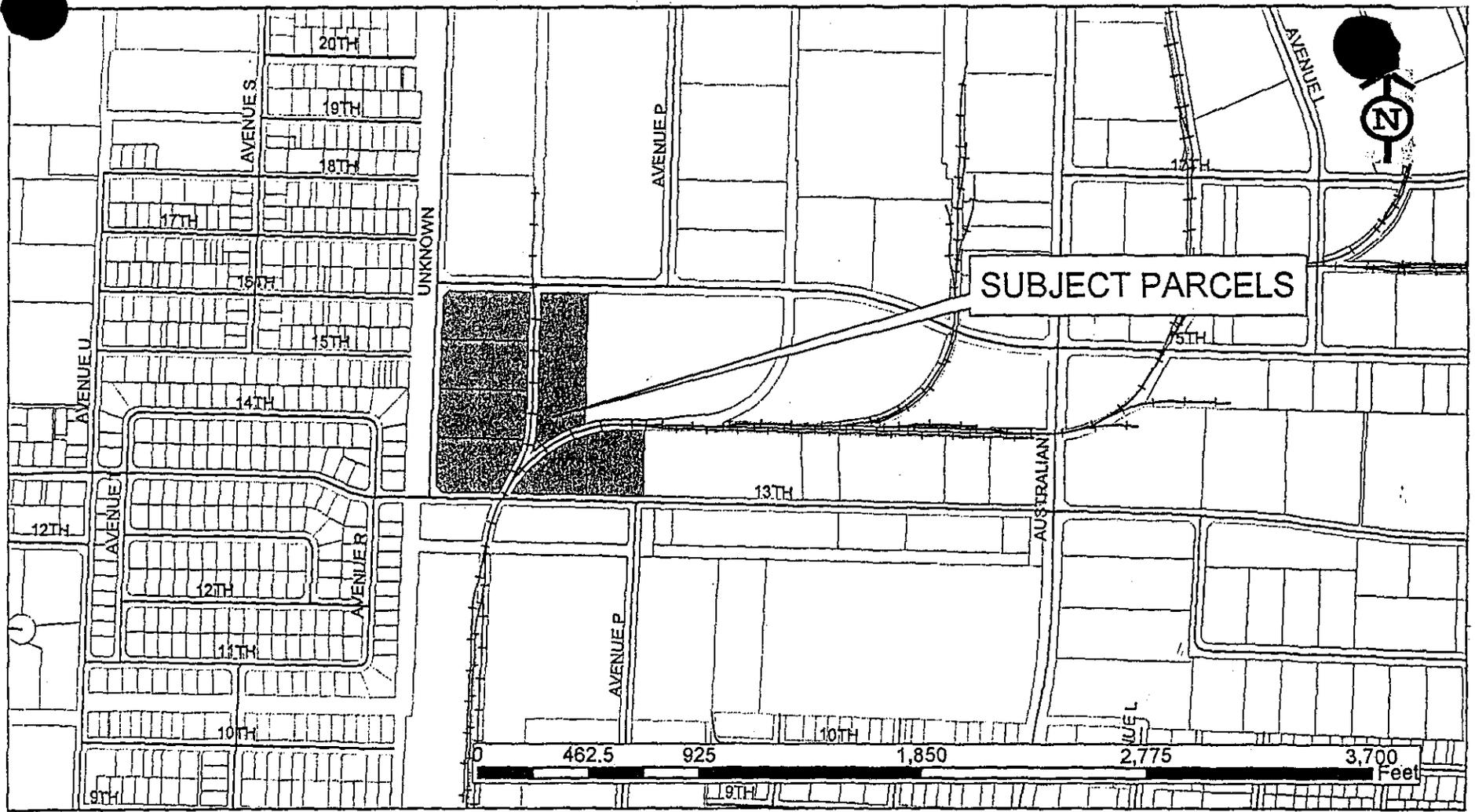
Taxes currently on the unimproved site are approximately \$24,125.00. The estimated taxes after the improvements are approximately \$200,000.00 in taxes per year. The current value of the property is approximately \$609,339.00. The projected value of the property is approximately \$6,000,000.00.

**Staff Analysis:**

1. The proposed lumber yard and manufacturing facility is a permitted use in the IG zoning district.
2. The 122,725 sq. ft. lumber yard and manufacturing facility is consistent with all required set-backs for the IG zoning district.
3. The site plan provides 124 parking spaces which is consistent with the proposed use and meets the requirements of the City's Land Development Code.
4. The site plan proposes a fence along the entrance of the property with attractive and thick landscaping to buffer the adjacent residential properties in accordance with the requirements of the City's landscape code.

**Staff Recommendation:** Staff recommends approval of the proposed site plan from Gulf Stream Lumber to construct a lumber yard and manufacturing facility on the northeast corner of 13<sup>th</sup> Street and Avenue "R" in Riviera Beach with the following conditions:

1. Lumber and other outdoor building materials stored at this facility shall be limited to a maximum height of 15 ft.
2. For properties and businesses located in Riviera Beach, all future advertising, including but not limited to letterhead, business cards, etc. must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.
3. The applicant must provide to the City a landscape bond in the amount of 110% of the cost of landscaping and irrigation prior to obtaining a Certificate of Occupancy.
4. Trucks shall access the property by traveling south on Australian Avenue then west on 15<sup>th</sup> Street. No trucks shall access the site from 13<sup>th</sup> Street. Signs shall be posted by the applicant to this effect.
5. The applicant will provide \$30,000.00 towards the City of Riviera Beach Blue Heron Beautification Fund.



**LOCATION MAP**

**GULF STREAM LUMBER**

Map Created on August 16, 2002  
 by the City of Riviera Beach Community Development

D:\projects\planning & zoning\Gulf Stream Lumber\location map\_Gulf Stream Lumber

Legend	
	Parcel Boundary
	Street Center Line
	Municipal Boundary
	Gulf_Stream_Lumber

City of Riviera Beach Community Development Department 10 W. Blue Heron Boulevard Riviera Beach, Florida 33404 (561) 845-4060 FAX (561) 845-4038	DATE:	CASE NUMBER:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1 <sup>st</sup> Hearing:	2 <sup>nd</sup> Hearing:
	Publication Dates (if required):	

**UNIFORM LAND USE APPLICATION**  
*(Please attach separate sheet of paper for required additional information)*  
**Complete appropriate sections of Application and sign.**

<b>APPLICANT</b>	Name of Property Owner(s): Vacant Land LLC
	Mailing Address: 5801 Congress Avenue Boca Raton, FL 33487
	Property Address: 15th Street
	Name of Applicant (if other than owner): D.V. Acquisitions Corp c/o Urban Design Studio
	Telephone Numbers: Home: 2000 Palm Beach Lakes Blvd., Ste. 600 WPB 33409 Work: 561-689-0066

**PLEASE ATTACH LEGAL DESCRIPTION**

<b>PROPERTY</b>	Future Land Use Map Designation: Industrial	Current Zoning Classification: IG
	Square footage of site: 13.2+	Property Control Number: See attached list
	Type and gross area of any existing non residential uses on site: vacant	
	Gross area of any proposed structure:	
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [ ] Yes [X] No	
	If yes, please describe:	
	Have there been any land use applications concerning all or part of this property in the last 18 months? [ ] Yes [X] No	
	If yes, indicate date, nature and applicant's name:	
	Briefly describe use of adjoining property: North: Industrial buildings	
	South: Industrial - proposed ball fields	
East: Industrial buildings		
West: Residential homes		

<b>REZONE</b>	Requested Zoning Classification: NOT APPLICABLE
	Is the requested zoning classification contiguous with existing?
	Is a Special Exception necessary for your intended use? [ ] Yes [ ] No
	Is Variance necessary for your intended use? [ ] Yes [ ] No

**RECEIVED**  
JUL 31 2002  
COMMUNITY DEVELOPMENT  
DEPARTMENT

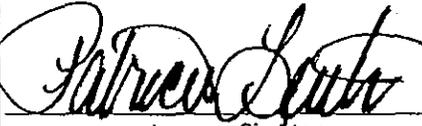
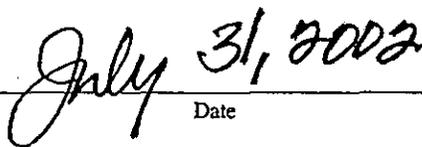
<b>FUTURE LAND USE</b>	Existing Use: <b>NOT APPLICABLE</b>	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North: East:	South: West:
	Size of Property Requesting Land Use Change:	

<b>SPECIAL EXCEPTION</b>	Describe the intended use requiring a Special Exception: <b>NOT APPLICABLE</b>
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code:
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhood:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled: On-site:
	Off-site:
Other:	

<b>SITE PLAN</b>	Describe proposed development: <b>SEE ATTACHED JUSTIFICATION STATEMENT</b>
	Demonstrate that proposed use is appropriate to site: <b>SEE ATTACHED SUBMITTAL</b>
	Demonstrate how drainage and paving requirement will be met: <b>PAVING AND DRAINAGE PLANS INCLUDED IN SUBMITTAL</b>
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: <b>SEE ATTACHED LANDSCAPE PLANS</b>
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: <b>SEE ATTACHED SITE AND LANDSCAPING PLANS</b>
	Demonstrate how utilities and other service requirements of the use can be met: <b>SEE ATTACHED SUBMITTAL</b>
	Demonstrate how the impact of traffic generated will be handled: On-site: <b>SEE ATTACHED SUBMITTAL</b> Off-site: <b>SEE ATTACHED SUBMITTAL</b>

VARIANCE	Describe the Variance Sought: <b>NOT APPLICABLE</b>
	Demonstrate that the variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum variance requirement including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

OTHER	<b>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</b> <b>NOT APPLICABLE</b>
	<ul style="list-style-type: none"> <li>• Three sets of signed and sealed Construction documents, elevations and all equal shelter, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit.</li> <li>• Antenna manufacture cut sheets including antenna size and shape.</li> <li>• Zoning map of area with site clearly marked.</li> <li>• Photos of existing building of tower and surrounding uses.</li> <li>• Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional</li> <li>• Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop.</li> <li>• Letter of structural capacity and building code compliance.</li> <li>• Notes on plan or letter demonstrating floor area coverage not in excess of restrictions.</li> <li>• Provide Photo Enhancements of proposal.</li> <li>• Statement that proposal is in compliance with Environmental Regulations prior to permit issue.</li> </ul>

<b>Confirmation of Information Accuracy</b>	
I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.	
 <hr/> Signature	 <hr/> Date

# AGENT AUTHORIZATION FORM

Owner(s) of Record: Gulf Stream Lumber Company

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared Dennis Vlassis

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

Located on the northeast corner of the intersection of 15th Street and Avenue B  
being bounded on the north by 15th Street, City of Riviera Beach

the street address of which is: to be determined  
and that we hereby appoint:

Name: Henry Skokowski and Urban Design Studio  
Address: 2000 Palm Beach Lakes Blvd., Suite 600  
West Palm Beach, FL 33409  
Telephone: 561-689-0066

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest.

Dennis Vlassis (Seal)  
Dennis Vlassis, President  
\_\_\_\_\_  
(Seal)  
\_\_\_\_\_  
(Seal)

Sworn to and subscribed before me this 28 day of August, 2002.

Mary Jo Mayer  
Notary Public



**PROJECT NARRATIVE  
GULF STREAM LUMBER  
SITE PLAN REVIEW APPLICATION  
JULY 31, 2002**

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Urban Design  
Urban Planning  
Land Planning  
Landscape Architecture  
Communication Graphics

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**Request/Location**

This is a request for a site plan review approval for Gulf Stream Lumber. The current zoning designation of the property is IG-General Industrial District with a Comprehensive Plan designation of Industrial. The property is located on the northeast corner of the intersection of 13<sup>th</sup> Street and Avenue "R", being bounded on the north by 15<sup>th</sup> Street within the City of Riviera Beach.

**History/Program**

The subject site is part of the Lewis Terminal plat within the City of Riviera Beach. The property is currently vacant with very little landscaping on site. Gulf Stream Lumber Company was established in 1953 with their first location in Boynton Beach. Gulf Stream Lumber has a second location in Jensen Beach. Currently, there are 70 employees at the Boynton Beach location and 25 employees at Jensen Beach.

Gulf Stream Lumber is not open to the public for retail sales. Gulf Stream Lumber is an outside sales organization and ships building materials to professional builders as ordered. The majority of the business is within Palm Beach County. As the company moves north to this proposed location in Riviera Beach it will reduce some of their shipping time and thereby increase service to their customers. The move to this new facility will also allow the modernization of the facility.

Gulf Stream Lumber is a family oriented business and a community oriented business. Gulf Stream Lumber has a history of donating substantial amount of building materials and cash donations to various non-profit organizations within the community.

As stated above, there are about 70 employees currently at their Boynton Beach location. Not all of the employees will be making the move to Riviera Beach. Therefore, there will be some immediate job opportunities for the local community. As their business continue to grow there will be more job opportunities. Gulf Stream Lumber will also benefit the tax base for Riviera Beach and as a non-residential development it does not require a

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2000 Palm Beach Lakes Boulevard  
Suite 600 The Concourse  
West Palm Beach, Florida 33409  
561.689.0066 561.689.0551 fax

Irvine, CA 714.489.8131

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high level of service provision from the City. Gulf Stream Lumber paid the City of Boynton Beach approximately \$32,000.00 in taxes for the year 2001.

RESOLUTION NO. 187-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM HENNESSY DENTAL LABORATORY FOR A 12,216 SQUARE FOOT OFFICE/MANUFACTURING FACILITY ON 1.02 ACRES OF LAND LOCATED ON LOT 7 OF PLAT NO. 2, INTERSTATE INDUSTRIAL PARK; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**WHEREAS**, Section 31-58, of the City of Riviera Beach Code of Ordinances establishes the requirements for site plan review by the City Council; and,

**WHEREAS**, Section 31-60 (b), of the City of Riviera Beach Land Development Code requires that all approved Site Plans shall automatically expire within 18 months of its development order unless a valid building permit has been issued; and

**WHEREAS**, The Planning & Zoning Board met on September 12, 2002 to review the application and made a recommendation to the City Council of Riviera Beach for the approval of Site Plan application from Ahrens Companies.

**WHEREAS**, the site plan is attached as part of this resolution as "Exhibit A".

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** The Site Plan Application from Hennessy Dental Laboratory for a 12,216 square foot office/manufacturing facility is approved with the following condition:

(1) For properties / businesses located in Riviera Beach, all future advertising, including but not limited to letter head, business cards, etc., must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition..

**SECTION 2.** This resolution shall take effect immediately upon its passage.

bridges, casting, and ceramics. Currently the company employs 18 personnel at its present facility located at 3965 Investment Lane in Unincorporated Palm Beach County.

Taxes on the vacant site are approximately \$5,096.58 per year; the present taxable value is \$169,886. After completion of the project the estimated taxes will be \$16,350 per year, with a proposed taxable value of \$545,000.

The Planning and Zoning Board reviewed the site plan on September 12, 2002 and recommended approval. Staff also recommends approval of the site plan application.

**STAFF REPORT**  
**Case No. SP-02-18**  
**CITY OF RIVIERA BEACH**

October 16, 2002

**A SITE PLAN APPLICATION FROM HENNESSY DENTAL LABORATORY FOR A 12,216 SQUARE FOOT OFFICE/MANUFACTURING FACILITY ON 1.02 ACRES OF LAND LOCATED ON LOT 7 OF PLAT NO. 2, INTERSTATE INDUSTRIAL PARK IN AN IG ZONING DISTRICT.**

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A. **Applicant:** The owner is Michael J. Hennessy Land Trust. The applicant is Greg Celentano for Ahrens Companies.

B. **Request:** The applicant is requesting to construct a dental prosthetics office/manufacturing facility.

C. **Location:** The subject property is located on Interstate Industrial Park Road South, Lot 7 of Plat No. 2, Interstate Industrial Park. (See attached location map).

D. **Property Description:**

*Size:* The size of the property is approximately 1.02 acres.

*Existing Land Use:* The property is currently vacant and undeveloped.

*Future Land Use:* The Future Land Use designation is Industrial.

*Zoning:* The subject property is located in an IG General Industrial Zoning District.

E. **Adjacent Property:** The adjacent land use and zoning classification are as follows:

*North:* The site is currently undeveloped with an Industrial Future Land Use classification and is zoned IG General Industrial.

*South:* The site is currently undeveloped with an Industrial Future Land Use classification and is zoned IG General Industrial.

*East:* The site is currently undeveloped with an Industrial Future Land Use classification and is zoned IG General Industrial.

*West:* The site is currently undeveloped with an Industrial Future Land Use classification and is zoned General Industrial.

- F. **Proposed development:** The proposed development is an office/manufacturing facility for Hennessy Dental Laboratory. The total building coverage will be 12,216 square feet of which will include 9,826 square feet for manufacturing and 2,390 square feet for office use. The facility will manufacture dental devices such as dentures, bridges, casting, and ceramics for custom order wholesale. Currently the company employs 18 personnel at it present facility located at 3965 Investment Lane in Unincorporated Palm Beach County.

Taxes on the vacant site are approximately \$5,096.58 per year; the present taxable value is \$169,886. After completion of the project the estimated taxes will be \$16,350 per year, with a proposed taxable value of \$545,000.

G. **Staff Analysis:**

1. The proposed office/manufacturing facility is a permitted use in the IG zoning district.
2. The proposed development is consistent with all required setbacks for an IG zoning district.
3. The site plan has met the parking and vehicle accessibility requirements. Furthermore, the traffic study indicates that the project will not have a negative effect on the adjacent roadway network.
4. The landscaping plan is consistent with the City of Riviera Beach Landscape Code requirements.
5. The City Engineer has approved the drainage plan.

I. **Staff Recommendation:** Staff recommends approval of the proposed site plan with a condition.

1. For properties / businesses located in Riviera Beach, all future advertising, including but not limited to letter head, business cards, etc., must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.

<b>City of Riviera Beach</b>  Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404  (561) 845-4060    FAX (561) 845-4038	DATE:	CASE NUMBER:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1 <sup>st</sup> Hearing:	2 <sup>nd</sup> Hearing:
	Publication Dates (if required):	

**UNIFORM LAND USE APPLICATION**

*(Please attach separate sheet of paper for required additional information)  
 Complete appropriate sections of Application and sign.*

**RECEIVED**

AUG 11 2007

<b>APPLICANT</b>	Name of Property Owner(s): Michael J. Hennessy Land Trust	COMMUNITY DEVELOPMENT DEPARTMENT
	Mailing Address: 3965 Investment Lane # A-11, Riviera Beach, FL 33404	
	Property Address: Lot 7, Interstate Park Road South	
	Name of Applicant (if other than owner): Ahrens Companies, Greg Celentano	
	Telephone Numbers:    Home: 561-718-9961                      Work: 561-863-9004	

**PLEASE ATTACH LEGAL DESCRIPTION**

<b>PROPERTY</b>	Future Land Use Map Designation: Industrial	Current Zoning Classification: <b>IG</b>
	Square footage of site: 44,585	Property Control Number: 56434231050000070
	Type and gross area of any existing non residential uses on site: None	
	Gross area of any proposed structure: 12,216 S.F.	
	Is there a current or recent use of the property that is/was in violation of City Ordinance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If yes, please describe: N/A	
	Have there been any land use applications concerning all or part of this property in the last 18 months? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If yes, indicate date, nature and applicant's name: N/A	
	Briefly describe use of adjoining property:    North: Vacant- Industrial	
	South: Vacant- Industrial	
East: Vacant- Industrial		
West: Vacant- Industrial		

<b>REZONE</b>	Requested Zoning Classification: N/A
	Is the requested zoning classification contiguous with existing?
	Is a Special Exception necessary for your intended use? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Is Variance necessary for your intended use? <input type="checkbox"/> Yes <input type="checkbox"/> No

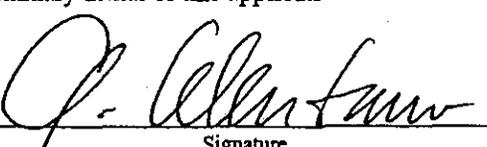
FUTURE LAND USE	Existing Use: N/A	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North: East:	South: West:
	Size of Property Requesting Land Use Change:	

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception: N/A
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code:
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhood:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled: On-site:
	Off-site:
Other:	

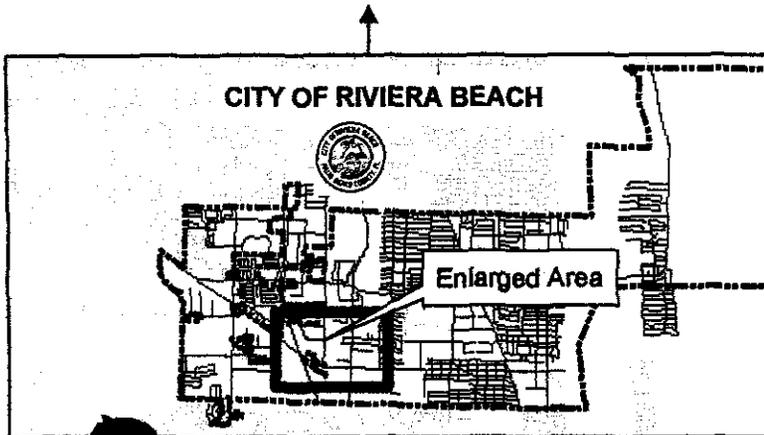
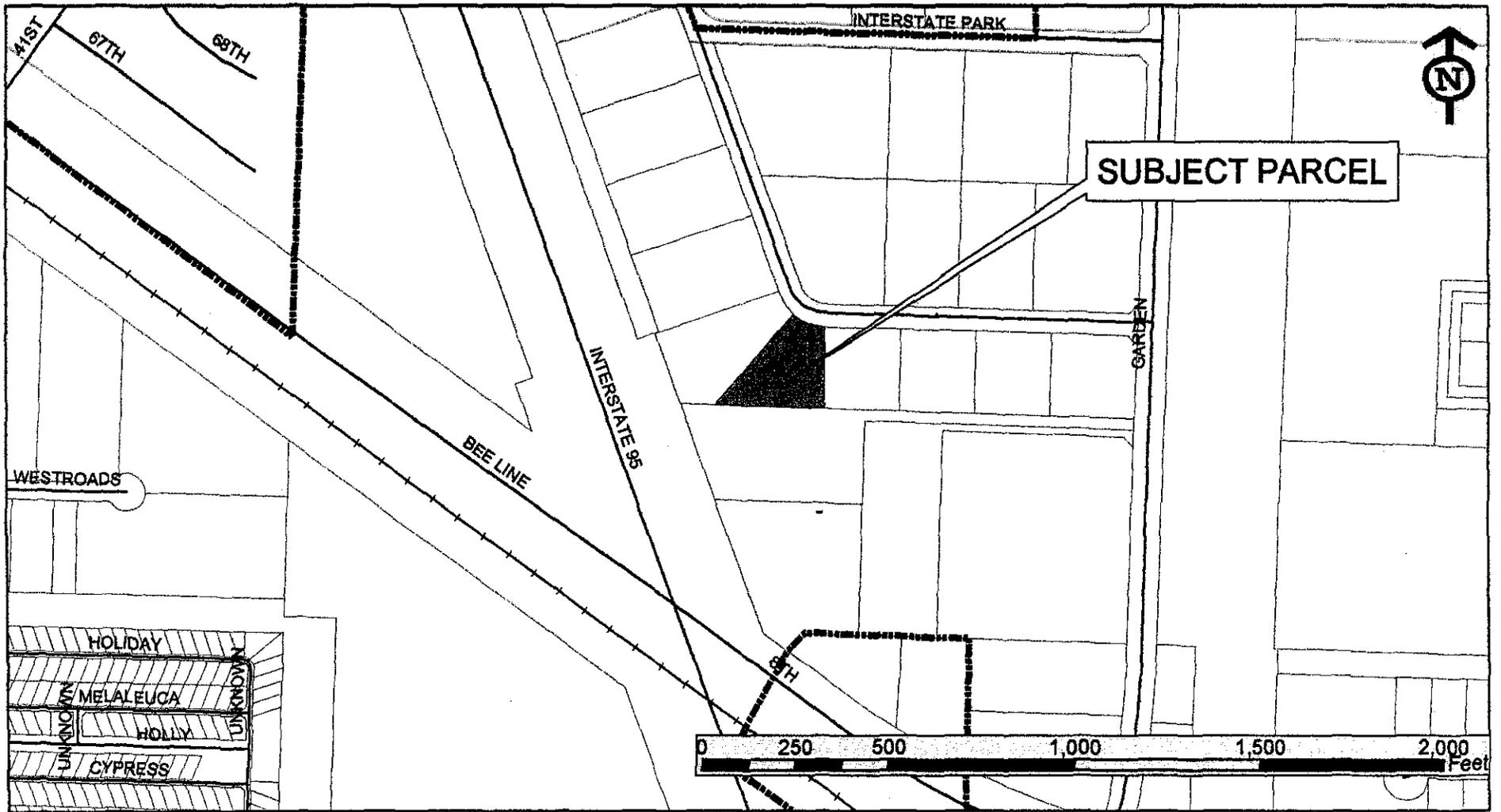
SITE PLAN	Describe proposed development: 12,216 S.F office/manufacturing facility with required site work, potentially one tenant (3,553 S.F.).
	Demonstrate that proposed use is appropriate to site: Falls within appropriate land use (industrial and zoning IG).
	Demonstrate how drainage and paving requirement will be met: See drainage plan and statement from Cunningham and Durrance.
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: See landscape plan from Seminole Bay Land Company.
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: No nuisances or hazards.
	Demonstrate how utilities and other service requirements of the use can be met: See water and sewer utility plan attached
	Demonstrate how the impact of traffic generated will be handled: On-site: Adequate drive aisles for proper circulation and sufficient radii-see site plan.
	Off-site: See traffic statement, only 60 trips.

<b>VARIANCE</b>	Describe the Variance Sought: N/A
	Demonstrate that the variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum variance requirement including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

<b>OTHER</b>	<p><b>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</b></p> <ul style="list-style-type: none"> <li>• Three sets of signed and sealed Construction documents, elevations and all equal shelter, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit.</li> <li>• Antenna manufacture cut sheets including antenna size and shape.</li> <li>• Zoning map of area with site clearly marked.</li> <li>• Photos of existing building of tower and surrounding uses.</li> <li>• Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional</li> <li>• Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop.</li> <li>• Letter of structural capacity and building code compliance.</li> <li>• Notes on plan or letter demonstrating floor area coverage not in excess of restrictions.</li> <li>• Provide Photo Enhancements of proposal.</li> <li>• Statement that proposal is in compliance with Environmental Regulations prior to permit issue.</li> </ul>
--------------	--

<b>Confirmation of Information Accuracy</b>	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 <hr/> Gregory L. Celentano <small>Signature</small>	<hr/> August 8, 2002 <small>Date</small>





**LOCATION MAP**  
**LOT 7,**  
**INTERSTATE PARK ROAD, SOUTH**

**Legend**

-  Parcel Boundary
-  Street Center Line
-  Municipal Boundary
-  Hennessy\_Land\_Trust

Map Created on August 22, 2002  
 by the City of Riviera Beach, Dept. of Community Development

D:\projects\planning & zoning\Hennessy Land Trust\location map\_Hennessy.mxd

RESOLUTION NO. 188-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, INCREASING THE SALARIES OF ADMINISTRATIVE, SUPERVISORY AND CONFIDENTIAL EMPLOYEES BY THREE PERCENT (3%) FOR FISCAL YEAR 2002-2003; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it has been deemed that increases be granted to the Administrative, Supervisory and Confidential Employees; and

**WHEREAS**, funds have been provided in the Contingency Fund for salary increases; and

**WHEREAS**, it is proposed that the salaries of Administrative, Supervisory and Confidential employees be increased by three percent (3%) for the 2002-2003 Fiscal Year.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA AS FOLLOWS:**

**SECTION 1.** That the salaries of the Administrative, Supervisory and Confidential employees be increased by three percent (3%) for the 2002-2003 Fiscal Year.

**SECTION 2.** That employees will be paid retroactively to October 1, 2002 after approval of this resolution. Employees must be employed on date this resolution is approved to be eligible for retroactive pay.

**SECTION 3.** That at this time, the minimum and maximum salary for the pay grades will not be adjusted. However, employees who are at the maximum of their pay grade will be eligible for the salary adjustment in the form of a lump sum payment that will not be added to their base salary.

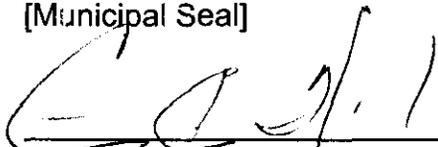
**SECTION 4.** That this resolution shall be effective as of October 1, 2002.

RESOLUTION NO. 188-02

-2-

APPROVED:

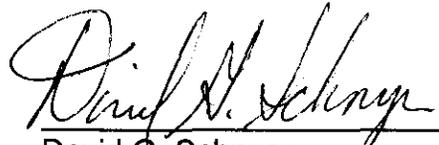
  
\_\_\_\_\_  
Michael D. Brown  
MAYOR

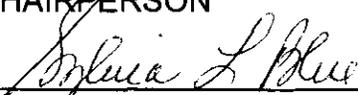
[Municipal Seal]  
  
\_\_\_\_\_  
Carrie E. Ward  
Master Municipal Clerk  
CITY CLERK

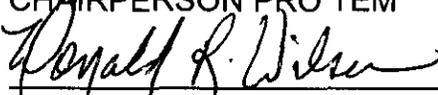
Motioned by: E. Wade  
Seconded by: S. Blue

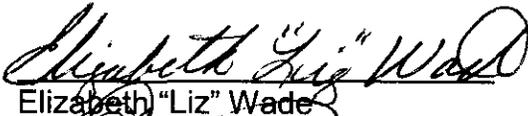
D. Schnyer aye  
S. Blue aye  
D. Wilson aye  
E. Wade aye  
E. Rodgers aye

PDW:dpm (101002)

  
\_\_\_\_\_  
David G. Schnyer  
CHAIRPERSON

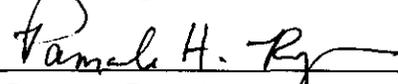
  
\_\_\_\_\_  
Sylvia L. Blue  
CHAIRPERSON PRO TEM

  
\_\_\_\_\_  
Donald R. Wilson

  
\_\_\_\_\_  
Elizabeth "Liz" Wade

  
\_\_\_\_\_  
Edward Rodgers  
COUNCIL MEMBERS

Approved as to legal sufficiency:

By:   
\_\_\_\_\_  
Pamala H. Ryan, City Attorney

Date: 10/11/02

**RESOLUTION NO. 189-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING GENERAL CONDITION SUPERFUND REMEDIAL COOPERATIVE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE SAME; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council passed Resolution No. 172-02, dated September 18, 2002 authorizing the Mayor and City Clerk to execute the Superfund State Contract between the State of Florida, The City of Riviera Beach, and the U.S. Environmental Protection Agency Region IV for Phase One remedial action at the Trans Circuit Site; and

**WHEREAS**, the Superfund State Contract purpose is to pay for the operation and maintenance of the air stripping towers; and

**WHEREAS**, the general condition Superfund Remedial Cooperative Agreement outlines the administrative conditions required to expedite the award; and

**WHEREAS**, the budget period for the project is 10/01/2002 – 9/30/2004 and the total budget for the project is \$442,846.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA AS FOLLOWS:**

**SECTION 1.** That the City Council accepts the general condition Superfund Remedial Cooperative Agreement and authorizing the Mayor to execute the agreement on behalf of the City.

**SECTION 2.** That the Finance Director is authorized to set up a budget for same.

**SECTION 3.** This resolution shall take effect immediately upon its approval by the City Council.

RESOLUTION NO. 189-02

-2-

APPROVED:

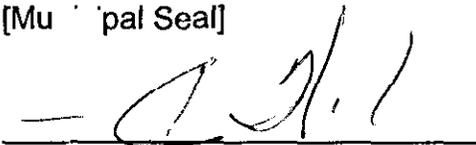


Michael D. Brown  
MAYOR

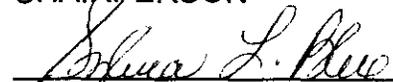


David G. Schnyer  
CHAIRPERSON

[Municipal Seal]



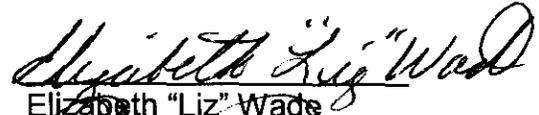
Donald R. Wilson  
Master Municipal Clerk  
CITY CLERK



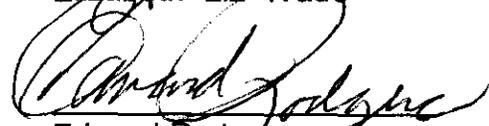
Sylvia L. Blue  
CHAIRPERSON PRO TEM



Donald R. Wilson



Elizabeth "Liz" Wade

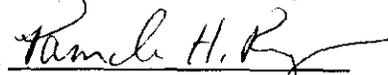


Edward Rodgers  
COUNCIL MEMBERS

Motioned by: E. Wade  
Seconded by: S. Blue

D. Schnyer aye  
S. Blue aye  
D. Wilson aye  
E. Wade aye  
E. Rodgers aye

Approved as to legal sufficiency:

By: 

Pamala H. Ryan, City Attorney

Date: 10/9/02

GS:dpm (100902)



**U.S. ENVIRONMENTAL PROTECTION AGENCY**

**Cooperative Agreement**

**ASSISTANCE ID NO.**

PRG	DOC ID	AMEND#
V -	97465602	- 0

**DATE OF AWARD**  
SEP 26 2002

**TYPE OF ACTION**  
New

**MAILING DATE**  
OCT 03 2002

**PAYMENT METHOD:**  
Reimbursement

**ACH#**

**RECIPIENT TYPE:**  
Municipal

**Send Payment Request to:**  
Financial Management Office

**RECIPIENT:**

**PAYEE:**

City of Riviera Beach  
600 West Blue Heron Blvd.  
Riviera Beach, FL 33404  
EIN: 59-6000417

City of Riviera Beach  
600 West Blue Heron Blvd.  
Riviera Beach, FL 33404

**PROJECT MANAGER**

David W. Wagner  
600 West Blue Heron Blvd.  
Riviera Beach, FL 33404  
E-Mail:  
Phone: 202-789-6068

**EPA PROJECT OFFICER**

Rosemary Patton  
61 Forsyth Street  
Atlanta, GA 30303-8960  
E-Mail: Patton.Rosemary@epa.gov  
Phone: 404-562-8866

**EPA GRANT SPECIALIST**

Hector Buitrago  
Grants Management Office  
E-Mail: Buitrago.Hector@epa.gov  
Phone: 404-562-8397

**PROJECT TITLE AND DESCRIPTION**

Superfund Remedial - Trans Circuit Site - Riviera Beach, Palm Beach County, Florida  
Implementation of Phase One of the remedial action at the Trans Circuits Superfund Site. The City of Riviera Beach will operate and maintain the existing air stripper towers in the water treatment plant until the contaminated plume is isolated from the well field in accordance with the EPA Record of Decision (ROD).

**BUDGET PERIOD**

10/01/2002 - 09/30/2004

**PROJECT PERIOD**

10/01/2002 - 09/30/2004

**TOTAL BUDGET PERIOD COST**

\$442,846.00

**TOTAL PROJECT PERIOD COST**

\$442,846.00

**NOTE:** The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

**OFFER AND ACCEPTANCE**

The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the City of Riviera Beach for 100.00 % of all approved costs incurred up to and not exceeding \$442,846 for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed 09/17/2002 included herein by reference.

**ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)**

**ORGANIZATION / ADDRESS**

61 Forsyth Street  
Atlanta, GA 30303-8960

**AWARD APPROVAL OFFICE**

**ORGANIZATION / ADDRESS**

U.S. EPA, Region 4  
Waste Management Office  
61 Forsyth Street  
Atlanta, GA 30303-8960

**THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY**

**SIGNATURE OF AWARD OFFICIAL**

**TYPED NAME AND TITLE**

J. I. Palmer, Jr., Regional Administrator

SEP 26 2002

This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

**BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION**

**SIGNATURE**

**TYPED NAME AND TITLE**

Michael D. Brown, Mayor

**DATE**

10/16/02

# EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 442,846	\$ 442,846
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 442,846	\$ 442,846

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Site Specific Cooperative Agreements	CERCLA: Sec. 104	40 CFR PTS 31 & 35 SUBPT O

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
TRANS CIRC	DT2164	02	TC	4AD0R	50102D	41.85	047URA01	C001	442,846
									442,846

## Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$236,000
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$56,710
5. Supplies	\$43,156
6. Contractual	\$26,944
7. Construction	\$0
8. Other	\$80,036
9. Total Direct Charges	\$442,846
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$442,846
12. Total Approved Assistance Amount	\$442,846
13. Program Income	\$0

## **Administrative Conditions**

### **A. GENERAL CONDITION SUPERFUND REMEDIAL COOPERATIVE AGREEMENTS:**

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this Cooperative Agreement in accordance with all applicable provisions of 40 CFR Chapter I, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, including those carrying out actions under this Cooperative Agreement, will comply with all applicable provisions of 40 CFR Chapter I, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR Part 35 Subpart O. This award may be reduced or terminated at such time the recipient fails to comply with the program objectives, grant award conditions, or Federal reporting requirements.

### **B. TERMS AND CONDITIONS:**

#### **1. Purpose and Limitation**

The purpose of this agreement is set forth in the "Project Title and Description" block above. EPA execution of this agreement is not intended to, nor does it, constitute any agreement or commitment by EPA, either express or implied, to provide any additional federal funds for any future activities relating to the Trans Circuit Site.

#### **2. Matching Share**

In accordance with Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the State of Florida (State) is required to provide a ten (10) percent cost share for all Fund-lead remedial actions in the State. Pursuant to a Superfund State Contract (SSC) with the State, EPA shall invoice the State for the ten (10) percent cost share in accordance with the payment schedule specified in the SSC.

#### **3. Audit and Inspection**

Recipient standards of administration, financial management, procurement and property management, as well as records and facilities of recipients, their contractors and subcontractors are subject to audit and inspection by the Comptroller General of the United States and the U. S. Environmental Protection Agency in accordance with the Office of Management and Budget (OMB) Circulars A-87, A-102, A-133 and 40 CFR, Part 35 Subpart O.

#### **4. Financial Management and Recordkeeping**

The recipient shall comply with the financial management requirements for Superfund remedial action cooperative agreements in accordance with 40 CFR Part 35.6270 and 35.6275, including the requirements regarding documentation and recordkeeping in accordance with 40 CFR

35.6700, 35.6705 and 35.6710. If necessary, the recipient agrees to modify its normal accounting procedures to ensure compliance with the applicable financial management and recordkeeping requirements listed above and that costs incurred and charged to the site accounting records are current, accurate and complete and supported by adequate source documentation including, but not limited to, time and attendance records and/or labor distribution records backed up by time sheets which clearly document all activities performed and charged to the site, canceled checks, invoices, receipts for paid bills, payrolls, contract and/or purchase order documents, etc.

## **5. Payment**

The recipient must request reimbursements, not advances, using Standard Form 270 (SF-270), "Request for Advancement or Reimbursement" as costs are incurred under the assistance agreement. The SF-270 should be submitted quarterly, along with quarterly progress reports, as specified below.

Reimbursement requests should be submitted to:

Rosemary Patton, Project Officer  
U.S. Environmental Protection Agency  
Waste Management Division  
CERCLA Services Section  
61 Forsyth St., S. W.  
Atlanta, GA 30303-8960

Along with the SF-270, the recipient shall provide sufficient documentation of expenditures, such as invoices, receipts, narrative or other types of itemization. Only those costs associated with activities specified in the cooperative agreement (i.e., EPA-approved budget and workplan) are eligible for reimbursement. Any additional activities/expenses must be approved by EPA prior to incurring such costs and reimbursement to recipient.

## **6. Quality Assurance, Quality Control**

Any environmentally related measurements or data generated under this cooperative agreement must comply with 40 CFR Part 31.45 and shall be consistent with the Florida Department of Environmental Protection (FDEP) quality assurance and control procedures as specified in the EPA-approved Quality Assurance Management Plan.

## **7. Interim Financial Status Reports**

Within 90 days after the end of each project year, the recipient shall submit two copies of the Financial Status Report (Standard Form 269) to the EPA Grants Specialist listed under Block #14 of the Assistance Agreement.

## **8. Progress Reporting**

The recipient is required to submit quarterly progress reports to EPA and the Florida Department of Environmental Protection within 30 days following the end of each Federal Fiscal Quarter. These reports should document project tasks/activities during the quarter and identify expenditures associated with each task.

Quarterly Progress reports should be submitted to:

Rosemary Patton  
U.S. Environmental Protection Agency  
Waste Management Division  
CERCLA Services Section  
61 Forsyth St., S. W.  
Atlanta, GA 30303-8960

Kelsey Helton  
Florida Department of Environmental Protection  
Bureau of Waste Management  
2600 Blair Stone Road  
Tallahassee, FL 32399

## **9. Final Report**

At the end of the project, the recipient shall prepare a final report, which includes an overview of the project and a final accounting of project costs.

## **10. Procurement**

The cost of any contracts and/or small purchases approved for this assistance agreement and procured in compliance with the minimum standards for procurement in accordance with 40 CFR Part 35, Subpart O are allowable costs for reimbursement with grant funds. No grant funds may be used to reimburse the federal share of any procurement action(s) found to be in noncompliance with the grant procurement regulations.

The recipient agrees to conduct any procurement action(s) under this assistance agreement in compliance with 40 CFR 35.6550 - 35.6610. The recipient may follow their own procurement procedure which may reflect compliance with applicable State and Local laws, regulations, ordinances, etc., provided that all procurement actions comply with the minimum standards for procurement under assistance agreements per 40 CFR Part 35, Subpart O. The recipient agrees to submit to EPA for pre-award and/or post award review procurement documents including, but not limited to: selection procedures, invitations for bids, independent cost estimates, requests for qualifications and/or proposals, evaluation methodology and results, memorandum of review or negotiation, cost and/or price analysis, proposed contract documents (prior to execution), disadvantaged business enterprise documentation, etc.

## 11. MBE/WBE and Small Business Condition for non-SRF Recipients

### Requirements

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority, and Women's Business Enterprises in any procurement under assistance agreements.

### Fair Share Goals

- (a) The recipient accepts the Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) "fair share" goals and objectives negotiated with EPA as follows:

#### FLORIDA

SRF Construction: 11% MBE and 3% WBE  
(both SRFs)  
A & E Services: 10% MBE and 15% WBE  
Commodities: 7% MBE and 17% WBE  
Contractual: 14% MBE and 36% WBE  
Construction: 10% MBE and 11% WBE  
(non SRF)

- (b) If the recipient does not want to rely on the applicable State's MBE/WBE goals, the recipient agrees to submit proposed MBE/WBE goals based on availability of qualified minority and women-owned businesses to do work in the relevant market for construction, services, supplies and equipment. "Fair share" objectives must be submitted to the EPA Grants Management Office, 61 Forsyth Street, Atlanta, GA 30303 within 30 days of award and approved by EPA no later than 30 days thereafter.

### Purpose and Objective

The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and Historically Black Colleges and Universities.

### Bid Documents for Prime and Subcontractors

The recipient agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.

### Required Steps and Documentation

The recipient agrees to follow the six affirmative steps or positive efforts stated in 40

CFR §30.44(b), 40 CFR §31.36(e), or 40 CFR §35.6580, as appropriate, and retain records documenting compliance.

### **Reporting**

The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements," beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. **These reports must be submitted to the Grants Management Office within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30, and October 30).**

### **Race and Gender Neutral Action**

If race and /or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objective.

### **Small and Rural Businesses**

In accordance with Section 129 of Public Law 100-590, the Small Business Administration Reauthorization and Amendment Act of 1988, the recipient agrees to utilize and to encourage any prime contractors under the assistance agreement to utilize small business located in rural areas to the maximum extent possible. The recipient agrees to follow the six affirmative steps stated in 40 CFR 30.44(b), 31.36 or 35.6580 as appropriate, in the award of any contracts under this assistance agreement. Compliance with this requirement will be monitored during management review conducted by EPA.

## **12. Lobbying and Litigation Restrictions**

The recipient agrees to provide EPA Form 5700-53, Lobbying and Litigation Certificate as mandated by EPA's annual appropriations act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The certification must be submitted in accordance with the instructions provided by the EPA award official and is due 90 days after the end of the project period.

## **13. Lobbying Condition for States, Local Government & Tribal Governments**

Pursuant to the Lobbying Disclosure Act of 1995, any organization described in Section 501(c)(4) of the Internal Revenue Code of 1986 shall not be eligible for subgrants under this Agreement, unless such organization warrants that it does not, and will not, engage in lobbying activities prohibited by the Act as a special condition of the subgrant. This restriction does not apply to loans made pursuant to approved revolving loan programs or to contracts awarded using proper procurement procedures.

#### **14. Recycled Paper Condition**

Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to the Agency. This requirement does not apply to reports which are prepared on forms supplied by EPA. This requirement applies even when the cost of recycled paper is higher than that of virgin paper.

#### **15. Hotel/Motel Condition**

The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with The Hotel and Motel Fire Safety Act of 1990.

RESOLUTION NO. 190-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 1665 MARTIN LUTHER KING BLVD. (W. 8<sup>th</sup> STREET), LOTS 000, BLK 1, TAYLOR TOWN ALL, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF ~~\$41,725.00~~<sup>15,955</sup>; AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE A RELEASE OF LIEN ON SAID PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, property located at 1665 Martin Luther King Blvd. (W. 8<sup>th</sup> Street), Lots 000, Blk 1, Taylor Town All, was found to be in violation of the City's Code of Ordinances on September 9, 1997, pursuant to Case No. CEB 98-013, 98-014, 98-015 dated March 25, 1998; and

**WHEREAS**, Case No. CEB 99-013, 98-014, 98-015 was complied by the Code Enforcement Division on September 3, 2001; and

**WHEREAS**, City staff recommends an offer of settlement with Mahmud Mizhar & Mahmou Mahmoud in the amount of \$41,725.00; and

**WHEREAS**, pursuant to Section 162.09(3), Florida Statutes, the City Council has the authority to execute a release of lien; and

**WHEREAS**, the City Council finds it in the best interest of the City to release the liens on the subject properties.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true and are hereby incorporated into this resolution.

**Section 2.** The City Council hereby accepts the sum of \$41,725.00 as consideration for the release of liens hereby granted on the subject property.

**Section 3.** The Mayor and the City Clerk are authorized to execute a release of lien on the subject property upon payment in full of the aforementioned amount. The amount shall be paid within thirty (30) days of approval or this resolution shall become null and void.

**Section 4.** This resolution shall take effect immediately upon its passage and adoption.

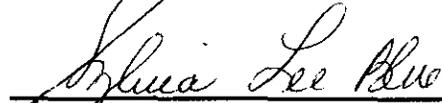
**PASSED and APPROVED** this 16th day of October, 2002.

**APPROVED:**

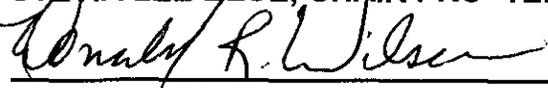
  
\_\_\_\_\_  
MICHAEL D. BROWN, MAYOR

  
\_\_\_\_\_  
DAVID G. SCHNYER, CHAIRPERSON

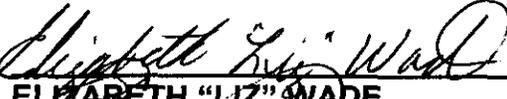
{MUNICIPAL SEAL}

  
\_\_\_\_\_  
SYLVIA LEE BLUE, CHAIR PRO-TEM

**ATTEST:**

  
\_\_\_\_\_  
DONALD R. WILSON

  
\_\_\_\_\_  
CARRIE E. WARD,  
Master Municipal Clerk  
CITY CLERK

  
\_\_\_\_\_  
ELIZABETH "LIZ" WADE

  
\_\_\_\_\_  
EDWARD RODGERS  
COUNCIL MEMBERS

Motioned By: S. Blue  
Seconded By: D. Wilson

D. Schnyer \_\_\_\_\_  
S. Blue \_\_\_\_\_  
D. Wilson \_\_\_\_\_  
E. Wade \_\_\_\_\_  
E. Rodgers \_\_\_\_\_

**Reviewed as to Legal Sufficiency**

\_\_\_\_\_  
City Attorney  
City of Riviera Beach

Date: \_\_\_\_\_