



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**April 18, 2007 7:30 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, April 18, 2007 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.  
Mayor Castro led the Pledge of Allegiance.  
Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Item #4 Concrete Slab pulled from Consent Agenda

**Motion: A motion was made by Commissioner Balius to approve the Agenda as modified; Vice-Mayor Daly made the second.**

Vote on Motion:

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

Motion passed 5-0.

**PRESENTATION:**

Proclamation recognizing Public Works Week

Mayor Castro gave a brief statement and thanked the Public Works Department. He stated that the Public Works employees leave their homes and families to help the Town during emergencies. He read and presented the proclamation to Public Works Director Joseph Kroll.

Public Works Director Joseph Kroll thanked the Commission on behalf of the Public Works Department and stated that they would continue to do their best.

Mayor Castro stated that the proclamations were too long and directed Town Manager Maria Davis to take a look at them.

**Motion: A motion was made by Commissioner Balius to approve the proclamation recognizing Public Works Week; Vice-Mayor Daly made the second.**

Vote on Motion:

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

Motion passed 5-0.

**PUBLIC and OTHER COMMENT**

*Genane Doughty, 1008 7<sup>th</sup> St.* – thanked the Commission for allowing her to bring National Day of Prayer (See Exhibit “A”) to the meeting for discussion. She requested approval from the Commission for National Day of Prayer to be held at the Lake Park Town Hall front lawn on May 3, 2007.

**The Commission came to consensus to approve National Day of Prayer to be held at the Lake Park Town Hall front lawn on May 3, 2007.**

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Mayor Castro** – stated that it had been a trying week for everyone in the U.S. and overseas. He stated that he felt for the community of Virginia and the tragedy at Virginia Tech. He stated that over 150 people were killed that day in Iraq. He stated that killings like that happened in Iraq every day and the loss of 30 people in the U.S. brought it home. It seemed like a shock to the U.S. He stated that he was watching the news regarding the tragedy and what was said by the perpetrator. He stated that it was surprising how one person could change the way our Universities, Elementary, Middle, and High Schools operated. He stated that he felt for the families and what happened in the U.S. and he also felt for what was happening around the world. He stated that the Virginia Tech incident was the only other major incident in the U.S. after the World Trade Center incident and the U.S. has been very blessed.

**Commissioner Osterman** – stated that the incident at Virginia Tech was very tragic. She stated that she received a call from a business owner who stated there was a street light damaged by Hurricane Wilma that was not yet repaired in the industrial area behind K-Mart on Old Dixie Hwy. and Killian Rd.

Town Manager Maria Davis stated that it was her understanding that all of the street light fixtures had been fixed by FPL. She stated that she would check into the light behind K-Mart at the gateway to Old Dixie Hwy.

**Vice-Mayor Daly - None**

**Commissioner Balius** – stated that he received a complaint from a woman regarding the condition of Lake Shore Park and that he informed her that it was under reconstruction. He stated that he had an easement behind his house. He stated that if a permit is issued to a utility company, an inspector should come out and re-inspect. He stated that when the work was done behind his home, they left a telephone pole in his yard for two weeks, they tore up his yard, and broke the sidewalk. He stated that they also went down the street and destroyed Ms. Bursey's sprinkler system. He stated that utility companies should tell residents that they are doing work before they come in. He stated that he was still receiving complaints about vehicles parking on sidewalks, and commercial vehicles parked in driveways in residential areas.

Town Manager Maria Davis asked Commissioner Balius to forward the information to her on the locations of the commercial vehicles parked on private property. She stated that shifts were adjusted for the Code Compliance Officers to work nights.

**Commissioner Carey - None**

**Attorney Thomas Baird** – stated that he reviewed the Historic Preservation Ordinance. He stated that there was reference to homes that were more than 50 years old but were non-designated properties. Even though they were non-designated, it was required for them to obtain a Certificate of Appropriateness in order to make any renovations or changes to the homes. He stated that the Ordinance presented a number of constitutional issues and he recommended that the Commission make corrections and embark upon a designation process for those properties or relieve them of the requirement to obtain a Certificate of Appropriateness. Otherwise those property owners have potential for claims as well as taking due process in other claims. He asked the Commission to address the issue.

Mayor Castro stated that there had been an aggressive Town Manager in 1995 or 1996 that was asked to designate homes as well as create an ordinance, and they overstepped the situation. He stated that if a person wanted to designate their home they should have the right to do so, but if their home was over 50 years old he did not think they should be required to obtain a Certificate of Appropriateness. He recommended that the ordinance be changed so that there be a public forum and due process for a home that needed to be designated.

Commissioner Osterman agreed and stated that most of the homes in Lake Park were built in the 50's and 60's.

**The Commission came to consensus to make changes to the Historic Preservation Ordinance.**

**Town Manager Maria Davis-** stated that they found an electrical issue at Lake Shore Park. The lines to the existing power poles were buried only 6 inches and code was 18 to 24 inches. While scraping, conduit was torn up and there were direct burial lines without conduit which is

extremely dangerous. She stated that the Public Works Director cut all of the lines and would have to go back in and rewire them properly.

Mayor Castro asked who the original contractor was for Lake Shore Park.

Town Manager Maria Davis stated that she did not know who the original contractor on Lake Shore Park was.

Mayor Castro stated that he wanted to document what happened and to go after the original contractor. He directed Town Manager Maria Davis to have the Town's building inspectors inspect all major building projects in the Town.

Town Manager Maria Davis stated they did not have adequate power at Lake Shore Park for proposed electrical that would be added. She stated that there was currently a 300 amp service and would be changing out to a 400 amp service. She stated that because of those two issues they would be going over budget a little. She stated that she did not know how much over budget it would be but would let the Commission know. There were 3 bids still pending that did not come in on time for this agenda. She stated that the Commission had 3 options. The first option was that they could wait for the next Commission meeting of May 2, 2007 to bring them in for award, the second option would be to call a special meeting for approximately 5 minutes the following Wednesday night to award the bids, and the final option would be to give her the authorization to award to the lowest bidders and she could bring them back on May 2, 2007 for confirmation.

Commissioner Osterman stated that she would like to give authorization to the Town Manager to award the lowest bids for the Lake Shore Park project.

Mayor Castro asked Town Manager Maria Davis if she would be choosing the lowest bids.

Town Manager Maria Davis stated that she would choose the lowest bids and bring them back to the Commission at the May 2, 2007 Commission Meeting for confirmation.

**Motion: A motion was made by Commissioner Balius to give Town Manager Maria Davis authorization to award bids for the Lake Shore Park Project; Vice-Mayor Daly made the second.**

Vote on Motion:

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

Castro	X		
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Motion passed 5-0.

Town Manager Maria Davis stated that the Alleyway Project would be going out to bid next week. Work had commenced on the 10<sup>th</sup> St. Landscaping Project. A report on the results from the Public Works Auction was given to the Commission for their review. The wave attenuator drawings were complete for the north side of the Marina and the engineer was obtaining bids. She stated that she and the Vice-Mayor would be going to Port Saint Lucie the following day to look at FEMA trailers again. The first phase of the street lighting upgrade would begin the third week of May.

Mayor Castro thanked Vice-Mayor Daly for accompanying Town Manager Maria Davis to Port Saint Lucie to look at FEMA trailers.

**CONSENT AGENDA:**

1. Priorities Workshop Meeting Minutes of March 28, 2007.
2. Resolution accepting the Florida Department of Law Enforcement Grant
3. Closed Circuit Camera System project award to lowest bidder

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Daly to approve the Consent Agenda; Commissioner Balius made the second.**

Vote on Motion:

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

Motion passed 5-0.

**PUBLIC HEARING(S)**

**RESOLUTION 31-04-07 – Opposition of House Bill 529**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA EXPRESSING ITS OPPOSITION TO HOUSE BILL 529 (“CONSUMER CHOICE ACT OF 2007) AND URGING THE GOVERNOR, MEMBERS OF THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, PALM BEACH COUNTY**

**MUNICIPALITIES, THE FLORIDA LEAGUE OF CITIES, AND THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS TO OPPOSE ITS ENACTMENT, AND PROVIDING AN EFFECTIVE DATE.**

Town Manager Maria Davis explained Resolution 31-04-07.

Mayor Castro stated that he did not see an explanation in the heading of the Resolution as to what was being opposed. He asked that the Resolution heading be more specific when printed in the Agenda in the future.

**Motion: A motion was made by Commissioner Balius to approve Resolution 31-04-07; Vice-Mayor Daly made the second.**

Vote on Motion:

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

Motion passed 5-0.

**RESOLUTION NO. 35-04-07 – National City Corp.**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE DOCUMENTS DESIGNATING NATIONAL CITY CORPORATION AS THE TOWN’S DESIGNATED DEPOSITORY WITH REGARD TO THE TOWN’S BANK ACCOUNTS; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Castro explained Resolution 35-04-07.

**Motion: A motion was made by Commissioner Carey to approve Resolution 35-04-07; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		

Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**Discussions and Possible Action**

**Volunteer Dinner**

Mayor Castro asked for the specifics on the Volunteer Dinner. He asked who was catering and what kind of food would be served.

Town Manager Maria Davis stated that she would bring back the information on a menu for the Volunteer Dinner. She stated that she was requesting the Commission to select a date and to review the list of invitees and make any changes they would like to make.

Discussion ensued among the Commission regarding the invitees of the Volunteer Dinner.

Mayor Castro requested that discussion of the Volunteer Dinner be brought back for discussion. He asked if the Commission would like the dinner to take place on May 14<sup>th</sup> or 18<sup>th</sup>.

Commissioner Osterman stated that she preferred the Volunteer Dinner take place on a Friday.

The Commission agreed to have the Volunteer Dinner on Friday, May 18, 2007.

Town Manager Maria Davis stated that she would bring back the details of the Volunteer Dinner back for discussion.

**Performance Instrument for the Town Manager**

Mayor Castro stated that he liked the Performance Instrument for the Town Manager.

Commissioner Osterman stated that she would like to add the following wording to the Community Relations heading in the Performance Instrument for the Town Manager: "Effectively informs residents of town news and developments through town produced media". She stated that she would like to see a more effective use of the Town newsletter and communication.

Mayor Castro stated that effective communication to the residents was one of Town Manager Maria Davis' five goals.

Commissioner Osterman stated she wanted to specifically add a reference to the Performance Instrument that referred to utilization of the Town newsletter.

Mayor Castro stated that he would like the categories on the Performance Instrument to be more

general and less specific. He stated that he would like to set up a meeting with the Town Manager to talk about the Performance Instrument and get it to her ahead of time.

Commissioner Balius stated that normally on a Performance Instrument he has seen reference to an average score.

Mayor Castro stated that the Performance Instrument was a guideline and could be modified.

**The Commission came to consensus on approval of the Performance Instrument for the Town Manager.**

**BOARD MEMBERSHIP APPOINTMENT:**

Board membership applications

The following persons were appointed to Board Membership:

James Dubois – Reappointed to the Planning & Zoning Board

Otto Fernandez – Regular Member of the Code Compliance Board

Robin Maibach – Regular Member of the Harbor Marina Advisory Board

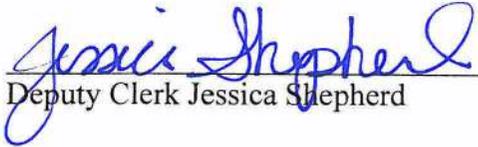
Joseph Sibley – Reappointment to the Library Board

**ADJOURNMENT**

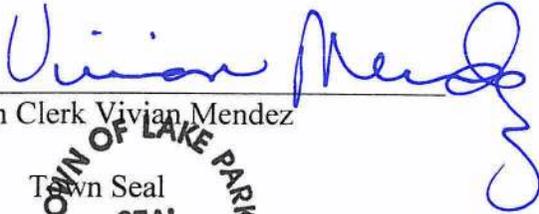
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 8:12 p.m.



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Mayor Paul Castro



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Deputy Clerk Jessica Shepherd



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Town Clerk Vivian Mendez

TOWN OF LAKE PARK  
Town Seal  
SEAL

FLORIDA

Approved on this 2 of May, 2007.