



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
June 6, 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, June 6, 2007 at 7:30 p.m. Present were Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez. Mayor Castro was absent

Vivian Mendez led the Invocation.  
Vice-Mayor Daly led the Pledge of Allegiance.  
Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

**Motion: A motion was made by Commissioner Osterman to approve the 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	Absent		

Motion passed 4-0.

**PUBLIC and OTHER COMMENT**

*Palm Beach County Commissioner Karen Marcus* – stated that the Palm Beach County Commission had placed the “Let Us Vote” Home Rule Charter Amendment for discussion on their agenda for June 19, 2007 at 2 pm (see Exhibit “A”). She stated that it was an issue that the Palm Beach County Commission knew nothing about and therefore wanted to move forward and discuss the issue publicly. The Palm Beach County Commission meets with the North County Municipalities on a quarterly basis and she would like to have an emergency meeting to talk about the impacts of the “Let Us Vote” Home Rule Charter Amendment. The Palm Beach County Commission’s attorneys looked at the petition and they did not believe that the petition represented what the information is saying it will do. If one Town voted against the Amendment

than no municipality could implement the Charter Amendment. She gave a history of Charter Amendments that were adopted by Palm Beach County and stated that the "Let Us Vote" Home Rule Charter Amendment could have long range implications. She requested that the Lake Park Commission sit down with the Palm Beach County Commission to discuss the Amendment at the June 19, 2007 meeting.

Vice-Mayor Daly stated that he reviewed the Amendment and found that the Town Commission was requested to contribute \$10,000. He stated that he did not remember the contribution being presented and agreed upon by the Town Commission. He asked Attorney Thomas Baird if he recalled the Town Commission agreeing to a \$10,000 contribution.

Attorney Thomas Baird did not recall a presentation to agree upon a \$10,000 contribution.

Vice-Mayor Daly stated that the "Let Us Vote" Home Rule Charter Amendment and the proposed contribution needed to be revisited and reviewed by the Town Commission.

Palm Beach County Commissioner Karen Marcus stated that there was a broader issue in addition to the financial side of the "Let Us Vote" Home Rule Charter Amendment. The Commission needed to review the Amendment on a global level and pause before moving forward. She would make herself available for any meetings to answer any questions that the Commission might have.

Vice-Mayor Daly directed Town Manager Maria Davis to research the history of the "Let Us Vote" Home Rule Charter Amendment and the decisions that the Commission made on it.

Commissioner Osterman asked Attorney Thomas Baird to review the language of the "Let Us Vote" Home Rule Charter Amendment and give his opinion.

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

**Mayor Castro**

Absent

**Commissioner Carey**

None

**Commissioner Osterman** commended staff for the Planning & Zoning Workshop.

She stated that a small child had been hit by a car a couple of weeks ago on the corner of U.S. Highway One and Park Ave. The child had just been airlifted to Joe DiMaggio Children's Hospital in Fort Lauderdale. The family was having financial hardship and donations could be made to the family through their website at [www.kirramiller.com](http://www.kirramiller.com).

**Commissioner Balius** stated that George Hill was a member of Lake Park's Community Watch. He recommended a proclamation for George Hill to recognize his contributions to the Town.

He stated that there have been many complaints about dogs without leashes and pet owners who were not picking up after their pets.

**Vice-Mayor Daly** stated that Citizens on Patrol were donating a brick paver at the Marina in George Hill's name.

**Attorney Thomas Baird** stated that the 4<sup>th</sup> District Court of Appeal has set the Pension Board Case for oral argument on July 10, 2007. The oral arguments are set to begin at 10 a.m. and they would hear three cases. If anyone wanted to attend he would provide them with the information.

**Town Manager Maria Davis** stated that the Town's Library Director Jane Terwillegar was nominated for the Women in Leadership Award in Excellence in the Job Profession Category by the Executive Women of the Palm Beaches Organization. She stated that it was a positive testament to Jane and the wonderful work she does. She announced with sadness that Library Director Jane Terwillegar would be retiring in August.

She gave an update on the following Town projects:

**Alleyway Project:** There had been a 30 day delay of the bid opening due to a requirement to replace a water line. The bid opening would be in mid-July.

**Recreation Trailer:** The electrical, security screens, and demolition of the interior were complete on the Recreation Trailer. The computer stations would be done by Friday and the A/C would be hooked up. They would be obtaining bids for the stairs, ramps and skirting for the trailer.

**Lake Shore Park Restoration Project:** The Lake Shore Park project was moving along nicely. The electric was complete with the exception of the light poles which would be arriving in approximately three weeks. The concrete walk had been installed and installation of the heart trail and playground equipment had begun. The two pavilions had roof trusses and sheathing and would be dried shortly. The irrigation lines were in and the tennis court fence replacement had commenced.

**Mirror Ballroom:** A new sound system and stage lighting were installed in the Mirror Ballroom and a baby grand piano was on the way. She stated that the improvements were done through grant proceeds.

**10<sup>th</sup> St. Landscaping Project:** She expressed disappointment with the progress of the 10<sup>th</sup> St. Landscaping Project. It was her understanding that the hold up was due to Florida Power & Light. Florida Power & Light would be putting a meter in the following day so that the contractor could commence work on the project.

**Bert Bostrom Park:** The infield clay and weeds would be removed Friday or Monday. Soil and sod would be replaced on the infields.

**Lake Park Harbor Marina:** The baffles for the retrofit project on the north breakwater were in the process of being fabricated. The design for the south breakwater was in the permit application process and the pilings were in the design phase.

#### **CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of May 2, 2007
2. Regular Commission Meeting Minutes of May 16, 2007

3. State Revenue Sharing Application for FY 2007-2008
4. Authorize Mayor to sign letter of approval for the allocation of Justice Assistance Grant funds
5. Purchase of Bronze Fountain for Lake Shore Park
6. Award contract for Meyers Turf for the fill dirt blend at Lake Shore Park
7. Award contract for the Emergency Contract for installation of temporary pilings to post "no wake zone" signage at the Harbor Marina
8. Award contract to Odum's Sod, Inc. for Lake Shore Park

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve the Consent Agenda; Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 4-0.

**PUBLIC HEARING(S)**

**ORDINANCE ON 1<sup>ST</sup> READING**

**ORDINANCE NO. 03-2007 – Historic Preservation**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 66, SECTION 66-10 ENTITLED "APPLICATION FOR CERTIFICATE OF APPROPRIATENESS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan stated that he was trying to fix a mistake in the Historic Preservation Code. There was an inconsistency and contradiction in the code. The Town did not want to undesignate any historic properties. He explained that the Town knew the importance of its historic properties and wanted to encourage historic property owners to keep their properties and to protect and preserve the Town's past. He pointed out that he was a member of the National Trust and has paid his dues for many years. He stated that he has been very active in promoting historic preservation in previous jobs. He understood how important historic preservation was to the Town. He explained that Section 66 of the Historic Preservation

Code provided a process of designating historic properties and gave the Historic Preservation Board the authority to designate properties. The Town put together a list of houses that might be eligible for historic designation.

He explained the process required to designate a historical property. Many houses were found uneligible. Of the 100 houses surveyed, 56 were not eligible. Fourteen (14) homes were designated and the owners of the 30 remaining homes chose not to be designated. The Commission amended the code to provide for voluntary designation which allowed those property owners who were already designated to opt out of designation. There was a voluntary designation process in place today. All houses on the list must obtain a Certificate of Appropriateness before any work could be done to them. The designation process would not change unless the Commission wanted to change it. The code required a Certificate of Appropriateness whether the house was designated or not.

He presented the question "Can you require an undesignated ineligible house to conform to the secretary of the interior standards for historically designated structures?" It was a contradiction in of itself because many of the structures were not historically designated. The Town of Lake Park was the only community in Florida that required undesignated houses to receive an historic Certificate of Appropriateness before they could build or alter their house. All of the ordinances require the Certificate of Appropriateness for designated houses. He was not aware of anyone in the state or country that does that process. Towns, Cities, Counties, and States do not require undesignated structures to comply with standards for designated structures because to do so violates people rights on many levels.

He recommended due process which would require a prior public hearing. Due Process would provide the property owner the opportunity to appeal if they did not agree with the outcome. At the end of the process, the owner is informed that they must comply with certain rules and regulations. The Town's code ignores this process. If the Commission wanted those homes to conform to the standards they must follow the rules and designate them as historic structures and require them to meet the standards. He recommended the voluntary process be changed to a mandatory one, the language in the Town's ordinance be changed and to pass the ordinance that was before them. He recommended dropping the reference to being on the list and leave only historic designation as a trigger for obtaining a Certificate of Appropriateness. It would not eliminate the ability to move forward and work with owners to get their properties designated. He recently sent a letter to most of the owners on the list which stated that the Town was willing to work with them if anyone wanted to apply for designation and encouraged them to take a proactive look at the process which could include tax breaks. He asked the Commission to not leave contradictory or potentially illegal language in the code.

Commissioner Balius asked who did the survey on the houses that were on the list.

Community Development Director Patrick Sullivan stated that a historic preservation consultant did the survey.

Commissioner Balius asked for clarification on why certain homes were not considered historical.

Community Development Director Patrick Sullivan explained that it was not that the homes were not historical but they had been altered in some manner and did not exhibit enough of the criteria

to be considered eligible for designation.

Commissioner Balius stated that the 50 year mark in the ordinance was not irrelevant.

Commissioner Osterman stated that removing the 50 year clause limits the ordinance to those properties that are designated.

Vice-Mayor Daly stated that it was difficult to make a decision because it could pose a legal issue.

Attorney Thomas Baird stated that the process currently established in the code was not providing due process to property owners. It was his recommendation that a new ordinance be drafted with certain language deleted. The Commission could pass the ordinance on 1<sup>st</sup> reading and then look at modifying the language that is proposed to be deleted. There would need to be some standards set in order to require a Certificate of Appropriateness. He would probably not be able to develop such a process before the 2<sup>nd</sup> reading of the ordinance.

Commissioner Osterman stated that the criteria for the designation of historic properties already existed. It may not be difficult to come up with the criteria.

Attorney Thomas Baird explained that it would be difficult for Community Development Director Patrick Sullivan to create the process for designation of historic properties. There would need to be a person with historical expertise to evaluate properties and come up with a process for designation. The Commission could move forward with the new Historic Ordinance and subsequently move forward with an ordinance that repeals the voluntary designation and return to the process where the Historic Preservation Board makes a determination of those remaining 30 properties for designation.

Commissioner Balius recommended a Historical Preservation Board made up of people who were educated in historical preservation.

Attorney Thomas Baird stated that the current composition of the Historical Preservation Board was adequate to make determinations of a historic nature. He explained that in small towns it is required to establish a board that is made up of residents from that community. If the Commission wanted to establish a new Historic Preservation Board that included individuals from outside the community, they would have to establish a new ordinance that would allow them to do so.

Discussion ensued between the Commission and Town Attorney Thomas Baird regarding different options related to Historic Preservation Boards.

Town Attorney Thomas Baird stated that he and Town Manager Maria Davis could bring back some recommendations of different criteria for Historic Preservation Board.

Vice-Mayor Daly stated that he would like to give the Historical Preservation Board and the owners of historic homes the opportunity to bring their ideas and recommendations to the Commission.

Commissioner Balius stated that the Planning & Zoning Board should not be burdened with the

Historical Preservation Board duties.

Commissioner Osterman stated that the Town had legal, operational, cultural, and historic issues. The Town was not legally in the right place by not having due process and treating people equitably. She would like to have clarity on what they were doing in terms of the historic properties.

Vice-Mayor Daly stated that if there was a Historical Preservation Board of experts, it would be a step in the right direction.

Commissioner Osterman stated that the Commission needed to set policy and decide whether or not the properties would be designated.

Vice-Mayor Daly stated that if the Commission had a better understanding from professionals on the designation of homes, perhaps they would be willing to supply the Commission with the information they would need to make a decision.

Commissioner Carey gave an example of a home that was undesignated in the past. He recommended voluntary designation that would be irreversible. He recommended educating the people on the benefits of designation. Designation should be on a voluntary basis through education.

**Public Comment Open.**

*Leigh Kendall, 318 Hawthorne Dr.* - thanked the Commissioners and the Town Attorney for meeting with her over the last couple of weeks. She felt encouraged to know that the Town had a Commission that had the Town's best interests at heart and are open minded enough to explore the direction of historic preservation as an economic development tool to create a definable identity for Lake Park moving into the future. She stated that Kelsey City was one of the most important and well planned communities not only in the county but the whole country. Graduate students from schools thousands of miles away were studying Kelsey City as one of the most innovative and efficient designs known. She spoke to someone with a Masters Degree in Urban Planning who had studied Kelsey City in his program and he told her that he could not believe that the Town was not jumping up and down promoting that impressive status. She stated that there was an opportunity to propel the Town into its full potential using the Town's heritage, remaining historic structures, it's proximity to the waterfront and marina and the Town's quaint commercial downtown district.

She stated that she felt strongly about historic preservation and that the Commission must take a stand to hold onto the Town's valuable assets. She asked for a copy of the survey of the 56 properties that were designated intelligible. The property owned by Brian and Cynthia Morozzi at 400 Greenbriar Dr. was on the Historic Preservation Board's Agenda for approval of renovations. She stated that the home was not designated but was on the survey of 100 structures that were deemed eligible in the 1998 study. Those 100 homes were currently required to go before the Historic Preservation Board to obtain approval for alterations and renovations. Several of the board members had commented on 400 Greenbriar Dr. and stated that it was one of their favorite historical homes in Lake Park and were happy that Mr. Morozzi had hired a well known architect to restore the property. She stated that if the current code was amended as proposed, the owner of a home such as 400 Greenbriar Dr. would not be required to go before

the Historical Preservation Board for approval and the only permits they would have needed would be a typical building permit issued by staff. It would be a tragedy if someone who did not appreciate those properties and the value they added to the community had the easy opportunity to destroy them. She asked why the Commission would consider to take away the opportunity to review historical properties and make a decision as to whether proposed alterations were appropriate. She stated that if the code was amended a property owner such as Mr. Morozzi could demolish his historic home and there would be no one to tell him he could not do so.

She stated that there are over 2000 homes in Lake Park and only 100 that would be affected by the ordinance. The small percentage of persons applying for building permits would not be enough to bog down staff to the point that it would be a better idea not to protect the historical homes. The homeowners were either notified of the ordinance in 1998 or they were required to find out how their property was zoned when they purchased it. She requested that the Commission vote to table the item for the time being. She would like to make a presentation on the benefits of historic preservation and some specific examples of where historic preservation has had a major economic impact on communities. She requested that her presentation be placed on the agenda for one of the Commission meetings in July.

Vice-Mayor Daly asked Ms. Kendall to provide input on how the Commission and Historical Preservation Board could come to some kind of compromise on the amended ordinance.

Ms. Kendall stated that she was willing to put a full presentation and proposal together on how the Town could move forward with historical preservation. She asked that the Commission not make a decision on the ordinance. She stated the ordinance needed to be changed but she thought there were better ways to do it. The current historical property owners were not encountering a hardship. They would just need to come before the Historical Preservation Board for review of their proposed changes or renovations. Staff in the Community Development Department did not have the expertise to make decisions on alterations or renovations to historical properties.

Vice-Mayor Daly stated that Community Development Director Patrick Sullivan understood the code and knew what could be legally done with regards to historical properties.

Ms. Kendall stated that she needed one month to come back with a proposal to present before the Commission.

Commissioner Carey asked Ms. Kendall if she had a list of the historical homes that were eligible.

Ms. Kendall stated that she had a list of 101 potentially eligible historic homes that were identified in the 1998 survey. She stated that she had not seen the reduced list of 56 homes that were deemed ineligible.

Community Development Director Patrick Sullivan stated that research was done on the list of 100 homes and there were 56 homes on the list that were deemed ineligible for designation at that time. The list had not been revised. The homes that were ineligible for designation were marked on the list.

*Brian Morozzi, 400 Greenbriar Dr.* – stated that his home was built in 1924 and it was not

designated. He stated that his home was not designated by choice because he felt that there was not a Historic Preservation Board that was educated enough to determine what could be done and not done to his house. In the three years that he has owned his home, no one has stopped him from doing any renovations. He has had many people stop and comment on his home. He asked who would make the determination to designate the 101 homes on the list. He recommended forming a Historical Preservation Board that was educated to look at the list of 101 homes and determine which homes should be designated. He stated that when he bought his home he had six contractors come in and tell him to demolish the home and start over. He did not consider demolishing the home because when he bought the home he knew he was being held to a higher standard and wanted to restore his home. He could have bought a new home with all of the money he spent on his current home but he chose to buy an older home.

Commissioner Osterman stated that someone contacted her and informed her that they wanted to buy the home on Park Ave. that was in great disrepair and in need of restoration. They did not buy the home because of the current ordinance.

Mr. Morozzi stated that the man Ms. Osterman was referring to did not understand the ordinance and that he also did not understand the ordinance nor did he know that it existed when he bought his home. He recommended creating an educated Historic Preservation Board and reviewing the list of 101 homes.

*Harvey Oyer, West Palm Beach, FL* – stated that he was the chair of the Historical Society of Palm Beach County. He thanked three of the Commissioners, the Town Attorney, and Community Development Director Patrick Sullivan for meeting with him and Leigh Kendall over the last few weeks. He applauded the Commission as the stewards of one of the Towns with the greatest historical character in Palm Beach County. He stated that with that benefit came an obligation. He was very familiar with the community and historic preservation ordinances in general. He lived in a historical home in Palm Beach County and has gone through the process of designation.

He stated that he disagreed with the legality of the ordinance. He was very familiar with every historic preservation ordinance in the state and he disagreed with the Town attorney and staff's interpretation of the Town's Historic Ordinance. He gave examples of historic neighborhoods in West Palm Beach. He stated that if the homes in those neighborhoods were over 50 years old they were considered a potentially contributing structure in that neighborhood. Those homeowners were subjected to conform to the historic code for the external elevation of the homes only. By purchasing a home in a historic neighborhood he subjected himself to an additional layer of administrative review. He had to present his plans of any exterior renovations of the home to a Historic Preservation Board for review and approval. The process added an additional 30 days. It was not an inordinate burden in any way possible. He stated by over 1000 homes going through this process it has only risen property values and created an identity of a historical downtown for West Palm Beach. There were only five municipalities within the 38 municipalities in Palm Beach County that have a historic preservation abatement ordinance. Lake Park was one of the five but the only town that did not utilize the ordinance.

He encouraged the Commission to utilize the tax abatement procedure that was already in place so that historic property owners would have an economic benefit for restoring their home. He could not find a piece of case law in the state of Florida where anyone has successfully sued a municipality for requiring them to go through the additional administrative process. He stated

that the due process issue had to do with whether or not the Town's citizenry had the opportunity to be heard. He stated that in June 1998 the Town publicly noticed in the newspaper and had two public hearings before the survey was adopted. There was no constitutional issue that he was aware of. He would argue that the specificity with which Town adopted its survey was much greater than the specificity used by Lake Worth, the Town of Palm Beach, West Palm Beach or Delray Beach. He stated that the Town of Lake Park went one step further by identifying the particular historic structures. The structures that were presently ineligible were ineligible because they were altered. In order for a property to eligible it must be in its original historic context.

He stated that it was a complete fallacy to say that it was more costly to a homeowner to restore a home to its original historic context. He stated that if the Town established a legitimate Historical Preservation Board, enforced the current ordinance and subjected the 101 homeowners to the same ordinance that all other communities subject their historical homeowners to, they would find that more people would want to live in the Town of Lake Park, more people who would want to invest in historical homes and it would make the community stronger and more economically viable. He stated that by changing the ordinance the Town would allow alteration one structure at time which would result in the devaluation of the community.

*Diane Munroe, Hawthorne Dr.* – stated that the legitimate Historical Preservation Board should be created the same way all of the other boards in the Town were created.

#### **Public Comment Closed.**

Commissioner Balius stated that it would take the Town and Town Attorney at least a month to get the new Historical Preservation Board up and running.

Town Attorney Thomas Baird stated that the Commission would need to decide whether or not they want the Historical Preservation Board to be made up of a mix of residents and professionals and if it would be a mandatory program or a voluntary program. He stated that currently the Historical Preservation Board makes decisions on the status of properties. He stated that the Commission made reference to wanting the Historical Preservation Board to make recommendations to the Commission and the Commission then make a decision on properties. He stated that the Commission needed to clarify what they wanted in a Historical Preservation Board.

Vice-Mayor Daly recommended that the Historical Preservation Board's function be to come back to the Commission with recommendations and the Commission to make the final decisions.

Commissioner Balius stated that if the ordinance was deferred there would be a homeowner waiting on their permit.

Community Development Director Patrick Sullivan stated that if the ordinance was not in place the homeowner would pay double the cost of the permit and be in compliance. If the ordinance was not in place the homeowner would have to replace the windows on their home.

Commissioner Carey asked if there were homeowners that were not aware that their homes were on the list of designated homes.

Community Development Director Patrick Sullivan stated that homeowners were not notified when their homes were designated.

Commissioner Carey asked if the Town could notify homeowners of designated homes.

Attorney Thomas Baird recommended developing a notice that could be recorded against the property so that potential buyers could know that the homes they want to purchase were designated and potentially subject to the Historical Ordinance. He stated that the Ordinance could be passed on 1<sup>st</sup> reading. They could then see how much progress is made between 1<sup>st</sup> and 2<sup>nd</sup> reading. The Commission could then decide whether or not to postpone the ordinance or take action.

Commissioner Osterman stated that historic homes and the historic aspect of Kelsey City was an important part of the Town. She stated that she felt that the Town was not marketing and taking advantage of its historical value. She stated that aspects of historic preservation could be placed on the Town's website. She stated that she was not an advocate of mandatory historic designation but was an advocate of education and making people aware of the economic advantages.

Discussion ensued between Community Development Director Patrick Sullivan and the Commission regarding clarification of what decisions needed to be made regarding the Historical Ordinance.

**Motion: A motion was made by Commissioner Balius to approve Ordinance 03-2007 upon 1<sup>st</sup> reading with the condition that it be reviewed and changed by Town Attorney Thomas Baird and Town staff; Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 4-0.

**The Commission broke for a brief recess at 9:05 p.m.**

**The Commission reconvened at 9:15 p.m.**

Town Attorney Thomas Baird read Ordinance 03-2007 by caption only

**ORDINANCE NO. 09-2007 – Water Violation Fine Structure**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ARTICLE 11, DIVISION 2, SECTION 32-57 ENTITLED "PENALTIES.;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan explained that the South Florida Water Management District requested that the Town place a water violation fine structure into the Town's code. He reviewed the fine structure of other municipalities and decided that a tiered fine structure would work best for the Town and it would not have to be reviewed by the Special Magistrate each time. He gave examples of fines that were imposed in different communities.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve Ordinance 09-2007; 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	Absent		

Motion passed 4-0.

Town Attorney Thomas Baird read Ordinance 09-2007 by caption only.

**RESOLUTION NO. 44-06-07 – Summer Ramp Passes for Local Boaters  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE IMPLEMENTATION OF A FREQUENT SUMMER RAMP PASS PROGRAM AT THE LAKE PARK HARBOR MARINA; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Maria Davis explained that Resolution 44-06-07 was a measure that was prudent for the summer. She stated that the Commission had asked staff to come up with alternatives for ramp passes. The Town was proposing six summer ramp passes for the price of five for the period between June 7, 2007 and September 7, 2007.

Commissioner Carey asked if the summer ramp passes were for anyone.

Town Manager Maria Davis stated that the summer ramp passes were for anyone. This included residents and non-residents.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 44-06-07; Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 4-0.

**QUASI-JUDICIAL HEARING**

**RESOLUTION NO. 45-06-07 – Out Board Motor Business**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR A MARINE REPAIR BUSINESS, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON 0.086 ACRES OF PROPERTY, OWNED BY DEBONIS PROPERTY, INC. AND LOCATED AT 1344 S. KILLIAN DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ex-parte communication was declared as follows:

Mayor Castro – Absent

Vice-Mayor Daly – none

Commissioner Balius – none

Commissioner Carey – none

Commissioner Osterman – none

Town Clerk Vivian Mendez swore in all witnesses

Community Development Director Patrick Sullivan explained that there was a finite amount of acceptable uses written in the code for the C-4 District. He stated that there were extra businesses that come in and inquire about moving to the C-4 District. These businesses have to be brought before the Commission for a special exception. The application for Palm Beach Outboard met all of the criteria. Staff recommended that the application be approved and moved forward. The only condition that staff wanted was to have the business install a fence along Gateway Rd. and a hedge to be placed along the fence to screen the outdoor storage from view.

Commissioner Carey asked how the water restrictions would affect the planting of a new hedge.

Community Development Director Patrick Sullivan stated that there were exemptions for watering of new landscaping.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 45-06-07; Commissioner Carey made the second.**

Vote on Motion:

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

Motion passed 4-0.

**QUASI-JUDICIAL HEARING**

**RESOLUTION NO. 46-06-07 – Sonic Site Plan**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A SONIC FAST FOOD RESTAURANT WITH DRIVE-THROUGH ISLE ONLY, WITH WAIVERS AND SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON 1.31 ACRES OF PROPERTY, OWNED BY RS VENTURES, LLC. AND LOCATED ON THE NORTHWEST CORNER OF CONGRESS AVENUE AND PARK AVENUE WEST; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ex-parte communication was declared as follows:

Mayor Castro – Absent

Vice-Mayor Daly – none

Commissioner Balius – none

Commissioner Carey – none

Commissioner Osterman – none

Town Clerk Vivian Mendez swore in all witnesses

Community Development Director Patrick Sullivan stated that staff had gone over the Sonic Restaurant application and everything was in line. Staff recommended moving forward on the project. He stated that staff had concerns about the security issues. The Palm Beach County Sheriff's Office inspected the property and made recommendations for lighting, fencing and security cameras. The recommendations for security were incorporated into the conditions and Sonic graciously accepted them.

Jamie Gentile of Gentile, Holloway, & Mahoney gave details and description of the location of the proposed Sonic Restaurant. He stated that it was located at the northwest corner of Park Ave. West and Congress Ave. Sonic agreed with all of the conditions regarding security. The wrong prototype of the building was submitted to the building department. The prototype was 193 square feet less than what they were proposing. They were proposing 193 square feet more for storage space. They increased the length of the building into the patio area by seven feet. The traffic consultant revised their traffic study and the site's parking requirements have been exceeded. The property was in the T&D Zoning District which limits them to a minimum of three parking spaces. They were requesting a waiver for the parking because there were actually 30 parking spaces. There was a total of 11 waivers which were related to the T&D District. The applicant has agreed to all conditions from Town staff and they were ready to move forward.

Vice-Mayor Daly asked what type of restaurant the proposed Sonic would be.

Mr. Gentile explained that Sonic was a 50's style diner with drive thru and drive up style service. There was an outdoor eating area in front of the building but no indoor seating.

Vice-Mayor Daly asked if the landscaping for the building would block its view from the street.

Mr. Gentile stated that there was a required landscape buffer on the West side. Additional landscape and fencing were added which were consistent with recommendations given by Town staff and the Sheriff's Department. They had to meet the minimum requirements for landscaping along Congress Ave. and Park Ave.

Commissioner Osterman asked Community Development Director Patrick Sullivan if the change in the size of the building met all requirements.

Community Development Director Patrick Sullivan stated that the change in the size of the building met all the requirements.

Commissioner Osterman stated that the proposed Sonic site plan called for a black vinyl coated

chain link fence on the property. She would rather see an aluminum or wrought iron fence on the property.

Mr. Gentile explained that there would be a 15 gallon bougainvillea hedge planted next to the fence which would eventually wrap itself around the fence and obscure it from view. He stated that an aluminum fence was an easier fence to penetrate than a black chain link fence.

**Public Comment Open**

*Edna Trimble, McCraney Property Co.* – stated she owned property on the east side of Congress Ave. across from the proposed Sonic Restaurant. She stated that they were working on site plan approval. They had concerns with security, safety, lighting, and potential loitering. She stated that Community Development Director Patrick Sullivan and Jaime Gentile assured her that they would address those concerns on the Sonic property and she would be addressing the same concerns on her property.

**Public Comment Closed**

Commissioner Osterman commended Community Development Director Patrick Sullivan and staff for seeking out the assistance of the Sheriff’s Department and for being proactive.

Community Development Director Patrick Sullivan stated that traffic could go into the Sonic Restaurant from Wal-Mart without going back out onto Congress Ave. The Sheriff’s Office made the recommendation for the black vinyl coated chain link fence.

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 46-06-07; Commissioner Carey made the second.**

Vote on Motion:

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

Motion passed 4-0.

**General Approval of Item**  
**Lake Shore Park Dedication Bronze Plaque Language**

Town Manager Maria Davis stated that she was bringing draft language as the proposed language for the Lake Shore Park Dedication Plaque to the Commission. She would like comments and recommendations from the Commission before getting the plaque cast. She read

the draft language to the Commission.

**The Commission reached consensus to approve the proposed draft language for the Lake Shore Park Dedication Plaque.**

Commissioner Balius recommended that the amount that the Town Manager can approve on purchases be changed from \$5,000 to \$10,000.

**The Commission reached consensus to place on the next agenda discussion of changing the amount the Town Manager can approve on purchases for the Town.**

**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 9:38 p.m.



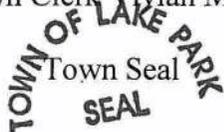
\_\_\_\_\_  
Mayor Castro



\_\_\_\_\_  
Deputy Clerk Jessica Shepherd



\_\_\_\_\_  
Town Clerk Vivian Mendez



FLORIDA

Approved on this 18 of July, 2007.

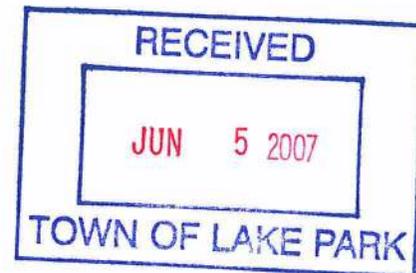
**Board of County Commissioners**

Addie L. Greene, Chairperson  
Jeff Koons, Vice Chair  
Karen T. Marcus  
Warren H. Newell  
Mary McCarty  
Burt Aaronson  
Jess R. Santamaria

**County Administrator**  
Robert Weisman



June 4, 2007



Honorable Paul Castro, Mayor  
and Members of the Town Commissioners  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

Dear Mayor and Commission Members:

The purpose of this letter is to ask that you allow me the opportunity to discuss the proposed County Charter Amendment with you at an upcoming Town meeting.

The County Commission has not been given the opportunity to discuss this proposal with the League of Cities, and frankly, I am disappointed that the League did not bother to discuss this with us. The amendments that have been passed, Wellfield, TPS, etc., have not had a negative or financial impact on the cities. The County has floated several bond referendums which have directly benefited the cities.

I would greatly appreciate the opportunity to address the Commission about this matter, and look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen T. Marcus".

Karen T. Marcus  
County Commissioner

KTM/pw

c: Maria Davis, Town Manager

"An Equal Opportunity Affirmative Action Employer"

P.O. Box 1989 West Palm Beach, FL 33402-1989 (561) 355-2001 FAX: (561) 355-3990

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REGULAR COMMISSION MEETING  
Action Minutes from June 6, 2007



- A. CALL TO ORDER 7:30 p.m.
- B. INVOCATION Town Clerk
- C. PLEDGE OF ALLEGIANCE Vice-Mayor Daly
- D. ROLL CALL Mayor Castro Absent
- E. ADDITIONS/DELETIONS. None
- F. PUBLIC and OTHER COMMENT  
This time is provided for audience members to address items that **do not** appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember, comments are limited to a **TOTAL** of three minutes. Palm Beach County Commissioner Karen Marcus
- G. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER.
- H. 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 in the rear of the Chambers and give it to the Town Clerk. Cards must be submitted before the item is discussed.
1. Regular Commission Meeting minutes of May 2, 2007
  2. Regular Commission Meeting minutes of May 16, 2007
  3. State Revenue Sharing Application for FY 2007-2008
  4. Authorize Mayor to sign letter of approval for the allocation of Justice Assistance Grant funds
  5. Purchase of Bronze Fountain for Lake Shore Park
  6. Award contract to Meyers Turf for the fill dirt blend at Lake Shore Park
  7. Award contract for the Emergency Contract for installation of temporary pilings to post "no wake zone" signage at the Harbor Marina
  8. Award contract to Odum's Sod, Inc for Lake Shore Park Consent Agenda Approved
- I. PUBLIC HEARING (S)  
Ordinance on First Reading:
9. Ordinance 03-2007 Historic Preservation Approved
  10. Ordinance 09-2007 Water Violation Fine Structure Approved
- J. RESOLUTION(S):
11. Resolution No. 44-06-07 Summer Ramp Pass for Local Boaters Approved
- Quasi-Judicial Hearing(s)
12. Resolution 45-06-07 Special Exception for Out Board Motor Business Approved
  13. Resolution 46-06-07 Sonic Site Plan Approved
- K. General Approval of Item:
14. Lake Shore Park Dedication Bronze Plaque Language. Consensus
- L. ADJOURNMENT: 9:38 p.m.