Minutes
Town of Lake Park, Florida
Regular Commission Meeting
July 5, 2006 7:30 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, July 5, 2006 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Paul Carlisle, Town Attorney Karen Roselli, 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
Presentation of a Proclamation to Town Manager Paul Carlisle was added to the agenda.

Motion: A motion was made by Commissioner Carey to approve the agenda as amended; 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.

PRESENTATION:
Proclamation thanking William McDow.

Mayor Castro read the proclamation and presented it to William McDow.

William McDow thanked the Commission and all those that assisted him with the Lake Park Harbor Marina Grand Opening.

Motion: A motion was made by Commissioner Balius to approve the Proclamation for William McDow; 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.

Proclamation for Town Manager Paul Carlisle.

Mayor Castro read the proclamation and presented it to Town Manager Paul Carlisle. Mayor Castro thanked Town Manager Paul Carlisle for all of his service and time dedicated to the Town.

Town Manager Paul Carlisle thanked the Commission.

Motion: A motion was made by Commissioner Balius to approve the Proclamation for Town Manager Paul Carlisle; 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
None

CONSENT AGENDA:

1. Commission Meeting Minutes from June 21, 2006.
2. Letter of appreciation to Sheriff Bradshaw

Public Comment Open.
None
Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve the Consent Agenda; 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 HEARING(S)

ORDINANCE ON SECOND READING
ORDINANCE NO. 02.2006 – Northlake Blvd Overlay Zoning District
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE LAKE PARK TOWN CODE, CHAPTER 78, ARTICLE II, SECTION 78-31 ENTITLED "DIVISION OF TOWN INTO DISTRICTS, DISTRICTS ENUMERATED;" TO ESTABLISH THE NORTHLAKE BOULEVARD OVERLAY ZONING DISTRICT ("NBOZ"); PROVIDING FOR THE AMENDMENT OF THE TOWN'S OFFICIAL ZONING MAP TO REFLECT THE CREATION OF NEW NBOZ DISTRICT; AMENDING CHAPTER 78, ATRICLE III TO CREATE NEW CODE SECTION 78-81 TO BE ENTITLED "NORTHLAKE BOULEVARD OVERLAY ZONING DISTRICT REGULATIONS;" PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Karen Roselli read Ordinance No. 02.2006 by caption only.

Public Hearing Opened.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve the second reading of Ordinance No. 02.2006; 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 33-06-06 – Planner I Position
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN'S CLASSIFICATION PLAN MANUAL TO PROVIDE FOR THE POSITION OF PLANNER I; PROVIDING FOR THE PUBLICATION OF AN UPDATED "CLASSIFICATION PLAN MANUAL"; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Castro recommended that a consultant be hired instead of creating a Planner position.

Town Manager Paul Carlisle stated that walk-in customers would be an issue for a consultant. He stated that there are 150 permits that come through the Community Development Department and that the Community Development Director would be taken from his normal duties to speak with customers at the front counter. Town Manager Paul Carlisle stated that the Planner I position is a needed position.

Mayor Castro stated that he disagreed with creating a Planner I position.

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution 33-06-06; 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		X	

Motion passed 4-1.

RESOLUTION NO. 34-07-06 – Sanitation Rates
A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; PROVIDING A TENTATIVE COLLECTION SCHEDULE AND TENTATIVE SCHEDULE OF FEES AND CHARGES FOR RESIDENTIAL, GOVERNMENTAL AND COMMERCIAL REFUSE AND RECYCLABLES COLLECTION SERVICES; PROVIDING FOR LATE FEES, FREQUENCY OF BILLING AND OTHER MATTERS RELATING TO COLLECTION POLICY; PROVIDING AN EFFECTIVE DATE.

Town Manager Paul Carlisle explained the sanitation rate structure and stated that it would be $164.00 for residential and $98.00 for multi-family.

Commissioner Balius stated that in last fifteen (15) years the rate has raised approximately $42.00 to $52.00.

Town Manager Paul Carlisle stated that the sanitation budget was financially sound and the Town would be getting all new equipment.

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Osterman to approve Resolution 34-07-06; 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.

Quasi-Judicial Hearing:

RESOLUTION NO. 35-07-06 – Watertower Commons
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF AN OFFICE/WAREHOUSE FACILITY, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON 1.26 ACRES OF PROPERTY, OWNED BY WATERTOWER COMMONS LLC AND LOCATED AT 1420 WATERTOWER ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Vivian Mendez sworn in all witness. The Commission declared Ex-Parte communication prior to this Quasi Judicial Hearing as follows:

Mayor Castro – none
Vice-Mayor Daly - none
Commissioner Balius – none
Commissioner Osterman – none
Commissioner Carey - none

Community Development Director Patrick Sullivan made a presentation and explained the purpose of the Watertower Rd. project. Patrick Sullivan stated that the project complies with traffic, landscaping, drainage and parking. Patrick Sullivan stated that the Planning & Zoning Board approved the project on June 12, 2006 with five (5) recommendations as follows: outdoor lights for security, signage on building to be same font color and size to bring uniformity, a sign placed at front entrance stating "No Truck Access", and changes to the landscape plan.

Vice-Mayor Daly asked if there were any modifications to the sidewalk.

Community Development Director Patrick Sullivan stated that the Planning & Zoning Board did not make sidewalk modifications a recommendation for the Watertower project.

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 35-07-06; 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	X		

Motion passed 5-0.

RESOLUTION NO. 36-07-06 – Appointing Cynthia R. Sementelli to serve on the Seacoast Utilities Board

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK APPOINTING CYNTHIA R. SEMENTELLI TO SERVE AS THE REPRESENTATIVE OF THE TOWN ON THE GOVERNING BOARD OF SEACOAST UTILITY AUTHORITY; PROVIDING THAT THE COMPENSATION DESIGNATED BY THE BOARD FOR SUCH REPRESENTATIVE SHALL BE PAYABLE TO THE TOWN AND PROVIDING

FOR AN EFFECTIVE DATE.

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Vice-Mayor Daly to approve Resolution No. 36-07-06; 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.

RESOLUTION NO. 37-07-06 – Debris removal contract with RKC
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A DEBRIS REMOVAL CONTRACT FOR THE 2006 HURRICANE SEASON BETWEEN THE TOWN OF LAKE PARK AND RKC LAND DEVELOPMENT, INC.; AND PROVIDING AN EFFECTIVE DATE

Mayor Castro asked if RKC Land Development, Inc. would show up to remove debris.

Town Manager Paul Carlisle stated that RKC Land Development, Inc. was the company that showed up to remove debris the last two (2) years.

Town Manager Paul Carlisle asked that the motion be amended pending minor revisions to the contract.

Town Attorney Karen Roselli explained the pending revisions to Resolution No. 37-07-06

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to make revisions to Resolution No. 37-07-06; Commissioner Carey made the second.

Vote on Motion:

Commission	Aye	Nay	Other

Member			
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

DISCUSSION AND POSSIBLE ACTION

Appointing Cynthia R. Sementelli to serve on the Northlake Blvd. Task Force

Town Manager Paul Carlisle stated that Cynthia R. Sementelli would be appointed as an alternate member.

Motion: A motion was made by Commissioner Osterman to appoint Cynthia R. Sementelli to serve as an alternate member on the Northlake Blvd. Task Force; 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.

Trees in Swales

Mayor Castro provided his suggestions regarding trees in the swales. Mayor Castro spoke about the possible dangers and liabilities associated with trees in the swales.

Town Manager Paul Carlisle stated that a lot of criteria would need to be developed regarding trees in swales such as minimum height requirements, species of trees, distance between trees, and penalties for not maintaining the trees.

Mayor Castro stated that the criteria must be very specific with regards to the species of trees allowed in swales.

Town Manager Paul Carlisle stated that Public Works had been in the process of re-contouring swales.

Commissioner Carey expressed safety concerns over trees that are not maintained and may block a stop sign and asked if there would be a penalty for un-maintained trees.

Town Manager Paul Carlisle stated a maintenance standard or requirement would have to be stated in the ordinance.

Public Comment
The following person(s) addressed the Commission:
Trudy Gomez, 546 Foresteria Dr. – Mrs. Gomez stated that she felt strongly about her palm trees and wanted to re-plant them in her swale. Mrs. Gomez stated that she spoke with the North Palm Beach Code Enforcement Department and obtained their ordinance and criteria regarding planting of trees in the swales. Mrs. Gomez quoted the North Palm Beach swale ordinance to the Commission. Mrs. Gomez stated that she had never had drainage problems in her swale in twenty-four (24) years.
Mayor Castro explained why the City of Palm Beach allows trees in swales and the difference in the swales compared to Lake Park.
Ms. Gomez felt a distance of 25 to 30 feet between trees would be too much and did not look good. She expressed her love for trees and asked the Commission to help residents save their trees.

Milan & Rhonda Buncome, 1005 7th St. – Mrs. Buncome stated that code enforcement had them remove trees from their swales and wondered why there were other residents who had not removed their trees.
Mayor Castro stated that Mr. & Mrs. Buncome's trees were newly planted. Mrs. Buncome replied that her trees were not newly planted.

Commissioner Balius stated that he recalled the trees in swales code was placed on hold from being cited until further discussion.

Mayor Castro stated that there had been three (3) town managers since the trees in swales ordinance discussion was put on hold. Mayor Castro stated that the Town was going to try to improve the trees in swale ordinance by allowing some trees in the swales but not all trees in the swales. Mayor Castro gave direction to Town Manager Paul Carlisle to have staff come up with a reasonable number of trees allowed in swales and make other modifications to the trees in swales ordinance.

Commissioner Balius recommended that an inspector inspect swales for contouring at the time a resident comes in to apply for a tree in the swale permit.

Commissioner Osterman expressed that the Town had an obligation to mitigate danger, costs and risks related to trees in the swales. Commissioner Osterman also stated that it is important to encourage residents to beautify their properties. Commissioner Osterman stated that 25 feet between trees was excessive and recommended a permit process for trees in the swales.

Ms. Buncome asked how long it will be before a decision is made on the trees in swale ordinance.

Mayor Castro explained that a decision would take at least thirty (30) days. Mayor Castro directed Finance Director Cynthia Sementelli to bring back a modified tree in swale ordinance to the next Commission Meeting on July 19, 2006.

Commissioner Carey stated that trees in swales would cause more debris after hurricanes and recommended that extra fees be assessed for removal of the debris.

Town Manager Paul Carlisle stated that there would be a permit process for trees in the swales and the permit would include a maintenance agreement.

The Commission discussed the possibility of including a Hold Harmless Agreement in the permit application for trees in the swale.

Town Attorney Karen Roselli stated that a Hold Harmless Agreement cannot be transferred between owners or renters of a property unless the document is recorded and tied to the property.

Mayor Castro recommended that a document be recorded with Palm Beach County so that the document would be attached to a property that has received a permit for trees in the swale. Mayor Castro explained this process to the residents present for the discussion on the trees in swale ordinance.

Commissioner Osterman asked if anything could be done with trees in the swales that already exist.

Mayor Castro stated that properties that currently have trees in the swales would be grandfathered in.

Authorizing the Interim Town Manager to execute a consulting agreement with Paul Carlisle

Town Manager Paul Carlisle explained that the Town attorney revised the agreement by changing some of the wording and stated that the revised document was on the dias.

Motion: A motion was made by Vice-Mayor Daly to authorize Interim Town Manager Cynthia R. Sementelli to execute a consulting agreement with Paul Carlisle; 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	X		

Motion passed 5-0.

Authorizing the Mayor to sign the Stipulation of Settlement on the Sallent case

Town Manager Paul Carlisle explained that the stipulation was given at the Budget Workshop for the Mayor's review.

Commissioner Carey asked how long it would be before a statue is placed on Dr. Sallent's property.

Town Manager Paul Carlisle stated that it would be Dr. Sallent's decision and that he has not had any conversations with Dr. Sallent regarding a timeline for a statue.

Commissioner Osterman asked if a timeline for a statue could be placed in the Stipulation of Settlement.

Town Manager Paul Carlisle stated that placing a timeline in the settlement would constitute regulating Dr. Sallent's property, which the Commission does not have the authority.

Commissioner Carey stated that Dr. Sallent may never place a statue on the property.

Town Attorney Karen Roselli suggested that the Settlement be followed by a Resolution stating a timeline. Town Attorney Karen Roselli stated that a new Resolution would amend the prior Resolution.

Mayor Castro asked Town Attorney Karen Roselli if the Commission can make a motion to approve subject to a third attorney providing a Resolution stating a timeline.

Attorney Karen Roselli agreed to provide a Resolution stating a timeline for Dr. Sallent to place a statue on his property.

Vice-Mayor Daly asked the Commission how much time should be given to Dr. Sallent.

Mayor Castro recommended one (1) year as enough time for Dr. Sallent to place a statue on his property.

Commissioner Balius recommended thirty (30) days and stated that Dr. Sallent has had plenty of time to place a statue on his property.

Commissioner Osterman agreed that a timeline is needed.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Carey

Commissioner Carey stated that the Lake Park Fireworks Festival's firework display was cut short due to the weather and the Recreation Department would try to get a credit from the fireworks company.

Commissioner Carey stated that the Recreation Department had the opportunity to rent a barge for the Lake Park Firework's Festival but the cost would have been $5,000.00
Commissioner Carey stated that besides the fireworks being cut short the Lake Park Firework's Festival was great.

Commissioner Osterman
Commissioner Osterman stated that renting a barge would incur more costs for larger fireworks.
Commissioner Osterman asked if there were any plans to block or fence off the area that stores dumpsters and debris surrounding the field area of the Lake Park Public Works Department.
Commissioner Osterman asked when the field area next to the Lake Park Public Works Department would be fenced off.
Commissioner Osterman expressed that the Town sets a bad example by not doing what they require other businesses to do such as fencing or screening off dumpster areas.

Mayor Castro
Mayor Castro asked about renting a barge for the Lake Park Fireworks Festival.
Mayor Castro recommended a barge be rented in the future so that there are full firework display at the Lake Park Fireworks Festival.
Mayor Castro recommended tow signs and tickets for boaters who park their trailers on the north end of the Lake Park Harbor Marina.
Mayor Castro directed Town Manager Paul Carlisle to contact Lake Park Towing and have boats and trailers that are parked on the north end of the Lake Park Harbor Marina towed.
Mayor Castro agreed that Dale Dougherty of the Parks and Recreation Department does a good job on events for the Town of Lake Park.
Mayor Castro asked Town Manager Paul Carlisle to provide the Commission with a maintenance schedule and proposed use for the alleyways and status on the lighting program and street identification.
Mayor Castro stated that he was contacted by Wal-Mart and asked to help out with community associations.
Mayor Castro stated that the Lake Park Fireworks Festival was good and expressed that he was proud of staff and their efforts in putting the festival together.
Mayor Castro asked for the status of the Town's lawsuit with the Fire Union.
Mayor Castro stated that the CRA Workshop would be held on July 19, 2006.

Vice-Mayor Daly
Vice-Mayor Daly stated that the generator at Town Hall was not fenced or screened off.
Vice-Mayor Daly stated that there were boats and trailers parking in the north basin of the Lake Park Harbor Marina and that he saw a boat and trailer drive across the lawn. He stated that he spoke with a dock attendant and the attendant told him that the Marina Manager gave the owner of the boat permission to park on the north end of the marina.

Commissioner Balius
Commissioner Balius recommended that an investigation into renting a barge for the Lake Park Fireworks Festival be started immediately.
Commissioner Balius stated that he did not recall discussing 8th St. being made a one-way street with relation to Park Avenue Barbeque.
Commissioner Balius asked Town Manager Paul Carlisle to explain the right of way on the Park Avenue Barbeque site plan.
Commissioner Balius stated that he did not recall seeing a reference to the Park Avenue Barbeque Restaurant being a take-out style restaurant in the original site plan.

Commissioner Balius commented that the Lake Park Firework Festival was an outstanding event and there was no trouble reported by the Sheriff's office.
Commissioner Balius stated that the functions and festivals have gotten better every year and stated that Dale Dougherty of the Parks and Recreation Department does a good job on events for the Town of Lake Park.

Town Manager
Town Manager Paul Carlisle stated that renting a barge for the Lake Park Fireworks Festival would allow spectators to view the fireworks from Lakeshore Park and the spectators would have more room to move back from the display if needed.
Town Manager Paul Carlisle stated that there are plans to pave and make a parking lot out of the field next to the Lake Park Public Works Department. He stated that the debris would be removed and the area fenced off.
Town Manager Paul Carlisle stated that the generator at Town Hall would be screened and/or fenced off on July 6, 2006.
Town Manager Paul Carlisle stated that tow signs are already in place at the Lake Park Harbor Marina.
Town Manager Paul Carlisle stated that closing 8th St. was discussed in the past but it was decided against.
Town Manager Paul Carlisle explained that the right of way on the Park Avenue Barbeque site plan originally intended an outdoor dining area within the right of way on 8th St. He stated that staff is looking at different options to accommodate an outdoor dining area for the Park Avenue Barbeque restaurant.
Town Manager Paul Carlisle explained the different options that staff are exploring for the Park Avenue Barbeque Restaurant to Commissioner Balius.
Town Manager Paul Carlisle stated that the Park Avenue Barbeque Restaurant is intended to be a restaurant, take-out, and commissary.
Town Manager Paul Carlisle stated that the Town is awaiting a ruling from the judge with regards to the lawsuit with the Fire Union.
Town Manager Paul Carlisle thanked the Commission for his Proclamation and stated that it was a pleasure working with them and the Town.
Town Manager Paul Carlisle asked the Commission when they would like to hold the next CRA Workshop.

Town Attorney
None