



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
August 2, 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, August 2, 2006 at 7:40 p.m. Present were Vice-Mayor Daly, Commissioners Balias, Carey, and Osterman, Interim Town Manager Cynthia Sementelli, Town 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 Balias to approve the agenda; Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 4-0.

**PUBLIC and OTHER COMMENT**

None

**CONSENT AGENDA:**

1. Commission Meeting Minutes from July 19, 2006.
2. Rental of the Mirror Ballroom

**Motion: A motion was made by Commissioner Balias to approve the Commission Meeting Minutes from July 19, 2006; Commissioner Osterman 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			Absent

Motion passed 4-0.

**Public Comment Open.**

*None*

**Public Comment Closed.**

Interim Town Manager Cynthia Sementelli explained that there was a request by two deputies who worked for the Town of Lake Park to waive the fees for rental of the Mirror Ballroom.

Commissioner Carey asked if there would be a paid staff member on site to oversee activities in the Mirror Ballroom.

Vice-Mayor Daly stated that there would be staff member from the town invited to the weddings of the two (2) deputies.

Commissioner Osterman stated there should be a person to take responsibility for locking the Mirror Ballroom. She expressed concern over what precedent may be set and guidelines for which they are waiving the rental fees for the two (2) deputies and asked the Commission for an explanation.

Vice-Mayor Daly explained that the two (2) deputies reside in the Town of Lake Park and waiving the rental fees would be a good will gesture with the police department and would be no cost to the town.

Commissioner Osterman disagreed and stated that every other resident would have to pay rental fees for the Mirror Ballroom.

Vice-Mayor Daly stated that fees have been waived in the past in regards to several different occasions.

Commissioner Osterman stated that fees were waived for non-profit organizations.

Vice-Mayor Daly stated that rental fees for the Mirror Ballroom are waived for many different reasons and functions.

**Motion: A motion was made by Commissioner Carey to approve the waiver of rental fees for the Mirror Ballroom for two (2) deputies employed with the Town of Lake Park; 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 3-1.

**PUBLIC HEARING(S)**

**ORDINANCE NO. 07.2006 – Trees in Swales**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 34 “VEGETATION”, ARTICLE I, TO CREATE NEW CODE SECTION 34-10 TO BE ENTITLED “REGULATIONS FOR TREE PLANTINGS AND IMPROVEMENTS IN SWALES”; AND AMENDING CHAPTER 67, ARTICLE IV, SECTION 67-128 ENTITLED “DRAINAGE AND SWALES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Opened.**

*John Little, 2934 Westgate Ave. WPB, FL 33409* – Mr. Little commented that he supported trees in the swales adding that they were aesthetically pleasing. He stated that he was cited in the past for planting trees on his property and had to remove them. He explained that trees in swales would not hinder drainage.

*Trudy Gomez, 546 Foresteria Dr.* – Mrs. Gomez stated that she briefly read over the trees in swales ordinance changes and recommended a space of ten (10) to fifteen (15) feet between trees instead of twenty-five (25) feet. She stated that she was wrongly cited by Code Enforcement. She stated that former Commissioner Otterson and Commissioner Balius had previously stated that the Commission agreed to stop citing residents for trees in swales until the ordinance was discussed, and the ordinance was placed on hold until further discussion. She stated that she should be allowed to re-plant her trees and read excerpts from Section 6 in the Lake Park Code of Ordinances. She addressed the Commission and asked that she be allowed to re-plant her trees.

Vice-Mayor Daly stated that the Commission had a discussion pertaining to Trudy Gomez’s situation and stated that her trees would be grandfathered in. Interim Town Manager Cynthia Sementelli stated that the Commission needed to discuss how to handle the existing trees.

Commissioner Osterman stated that the Commission would have to have a consensus and stated that the Commission has included Trudy Gomez’s trees in the existing tree category.

Trudy Gomez asked if the existing tree category would include other residents that were asked to remove their trees by Code Enforcement during the time the ordinance was put on hold. Vice-Mayor Daly stated that the Commission was addressing the situation of grandfathering in existing trees and discussing the trees in swales ordinance.

Commissioner Osterman asked if the pictures of existing trees are on a Power Point presentation. She stated that there are safety and security issues involved with the trees in swales and the Commission was mediating between those two issues.

Trudy Gomez asked about the application process for trees in swales.

Interim Town Manager Cynthia Sementelli explained the application process for planting trees in the swales.

Trudy Gomez read Section 6 Applicability to the Commission.

Commissioner Osterman stated that a resident had twelve (12) months from the time the new ordinance was implemented to obtain a permit for trees in the swales. She stated that only existing trees would fall under the old ordinance and rules.

Vice-Mayor Daly stated that there would be a discussion on how to implement the new trees in swales ordinance.

Attorney Thomas Baird stated that the draft of the new trees in swales ordinance states that if trees currently exist in the swale, they can stay provided a permit was obtained. He stated that in Trudy Gomez' case her trees are no longer there, therefore she must obtain a permit and comply with the standards of the new ordinance.

Commissioner Osterman stated that Ms. Gomez' trees were removed as a result of being wrongly cited by Code Enforcement. Commissioner Balius stated that Ms. Gomez must obtain a permit whether she was re-planting her existing trees or planting new trees.

Ms. Gomez stated that she understood that she must obtain a permit. She stated that she was confused about the interpretation of the ordinance. Attorney Thomas Baird stated explained the trees in swales ordinance to Ms. Gomez. Commissioner Balius asked for clarification on the trees in swales ordinance.

Commissioner Osterman explained the trees in swales ordinance to Ms. Gomez and stated that she would be able to replant her trees providing that she obtain a permit within twelve (12) months.

Patrick Sullivan Community Development Director addressed the Commission and asked for a list of species of trees that would be acceptable to plant in the swales. He stated that there were two to three thousand trees and plantings that are currently planted in swales and asked the Commission if those plantings would be grandfathered in.

Vice-Mayor Daly recommended that the trees in swale ordinance be brought back to the next Commission Meeting of August 16, 2006 for further discussion.

Commissioner Balius requested that a recommendation for tree species permitted in the swale be brought back to the Commission. Commissioner Osterman stated that there was a list of permitted trees and asked if a modifiable list could be added to the ordinance. Attorney Thomas Baird stated that only a list of trees permitted can be added to the ordinance or the ordinance must read that no trees are permitted.

Community Development Director Patrick Sullivan stated that trees in the swales was a safety issue and an issue of maintenance and costs. He stated that roads and sidewalks last longer when there are no trees in the swale. Attorney Thomas Baird stated that there was an issue in other municipalities with regards to hurricanes. He stated that in results of hurricanes, trees were uprooted and caused damage to power lines.

Vice-Mayor Daly asked that Community Development Director Patrick Sullivan take the trees in swales ordinance back to discuss at the next Commission Meeting of August 16, 2006.

Community Development Director Patrick Sullivan asked the Commission to determine whether they would permit the bushes, flowers, and trees that are currently planted in swales throughout the Town to remain. Commissioner Osterman asked Community Development Director to clarify information about pictures of trees in swales. She stated that she felt that twenty-five (25) feet between trees was excessive and would rather see trees spread at fifteen (15) feet.

Public Works Director Joseph Kroll stated that line of sight was a major factor in the selection of species of trees to be permitted in swales. He stated that seven (7) to eight (8) foot of grey bark was safer because of the height of the palm frons. He recommended palm trees as the best tree to be planted in swales.

Commissioner Balius asked Public Works Director Joseph Kroll if the swales should be re-contoured before trees can be planted.

Public Works Director Joseph Kroll stated that the permits would be a time allowance on the planting of trees in the swale and would allow inspectors to observe if the swales needed to be re-contoured.

Commissioner Carey recommended that trees in swales that do not meet the new species list not be grandfathered in.

Interim Town Manager Cynthia Sementelli recommended that all shrubbery currently in swales be removed. Vice-Mayor Daly recommended that trees that have been in swales for twenty-five (25) to thirty (30) years and do not pose a safety issue be grandfathered in.

Interim Town Manager Cynthia Sementelli recommended that an explanation of older trees permitted in swales be expanded.

Commissioner Osterman stated that distance between trees and driveways was not addressed in the ordinance. She stated that it was a safety issue and should be addressed in the trees in swales ordinance.

*John Little, 2934 Westgate Ave. WPB, FL 33409* – Mr. Little expressed concern over trees in swales not being grandfathered in. He addressed the Commission with his concerns over preserving trees and the high cost of large palm trees.

Vice-Mayor Daly disagreed with Mr. Little and stated that the trees in swales ordinance would be brought back to the next Commission Meeting of August 16, 2006 for discussion.

*Mr. Spears* – addressed the Commission and spoke about an egress that was blocked by trees that had fallen on Greenbriar Dr. and 4<sup>th</sup> St. caused by a past hurricane. He asked the Commission to consider the species of trees allowed in swales with consideration to trees that can withstand hurricanes.

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balias to continue Ordinance No. 07-2006 to the next Regular Commission Meeting of August 16, 2006; Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 4-0.

**RESOLUTION NO. 41-08-06**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE REVISED DOCKAGE RATE SCHEDULE FOR THE LAKE PARK HARBOR MARINA FOR VESSEL OWNERS AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Carey stated that the \$17.50 annual dockage rate did not change. Interim Town Manager Cynthia Sementelli agreed and stated that the only difference would be for seasonal winter rates. She stated that the Marina was encouraging boaters to pay an annual rate.

Vice-Mayor Daly asked if the day rate at the Marina included parking. Interim Town Manager Cynthia Sementelli stated that parking at the Marina would be an additional cost.

Marina Manager David Hinaman stated that the launch and retrieve rate remains at ten (10) dollars per vessel and boaters could park for free. He stated that boaters who park overnight at the Marina would be charged an additional twelve (12) dollar.

**Public Comment Opened.**

*William McDow, 220 U.S. Hwy One* – Mr. McDow expressed concern over changing the dockage rates for the Marina. He recommended that the winter rates for the marina not be changed because it was when the Marina was most full. He reviewed and discussed the rates at the Marina and asked if the Harbor Marina Advisory Board would be able to review the changes

to the Marina rates. Interim Town Manager Cynthia Sementelli stated that the Marina Dockage rates would be presented to the Harbor Marina Advisory Board for review.

Vice-Mayor Daly stated that the Harbor Marina Advisory Board must be timely in providing their meeting minutes.

Mr. McDow requested that the Marina dockage rates be moved to the next Commission Meeting of August 16, 2006 so that the Harbor Marina Advisory Board had an opportunity to review the rates.

**Public Comment Closed.**

Interim Town Manager Cynthia Sementelli stated that she was not sure that there was going to be a Harbor Marina Advisory Board Meeting because the board had not provide an agenda to the Clerk's office.

Marina Manager David Hinaman stated that the dockage rates increases were brought up at the last Harbor Marina Advisory Board Meeting. He stated that the board was aware of the dockage rate increases and the board asked for a copy of the rate increase but the Town did not have an available copy at the time. He stated that the Board needed to be more proactive in obtaining information.

Commissioner Osterman stated that the Town's boards are volunteer oriented and expressed appreciation to those volunteers who serve on the various town boards. She stated that it was the Town's staff and employee's responsibility that any information relating to the Town's boards be provided to the members of the board.

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 41-08-06; 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			Absent

Motion passed 4-0.

**RESOLUTION NO. 42-08-06**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA DETERMINING A NEED FOR THE MAKING OF PUBLIC IMPROVEMENTS IN THE FORM OF ALLEYWAY PAVING, THE CONSTRUCTION OF MASONRY SEPARATION WALLS AND OTHER RELATED WORKS AS AUTHORIZED BY SECTION 170.01, FLORIDA**

**STATUTES (2006), TO BE LOCATED FROM AND BETWEEN, 7<sup>TH</sup> AND 8<sup>TH</sup> STREETS, 8<sup>TH</sup> AND 9<sup>TH</sup> STREETS AND 9<sup>TH</sup> AND 10<sup>TH</sup> STREETS; AND SOUTH OF PARK AVENUE; AND TO BE LOCATED FROM AND BETWEEN, 9<sup>TH</sup> AND 10<sup>TH</sup> STREET AND NORTH OF PARK AVENUE; AND FOR SEPARATION WALL IMPROVEMENTS ALONG OTHER ALLEYWAYS LOCATED FROM AND BETWEEN THE ALLEYWAY NORTH OF PARK AVENUE AND NORTHERN DRIVE AND EAST OF 10<sup>TH</sup> STREET WITHIN THE TOWN OF LAKE PARK, FLORIDA; DECLARING THE LEVY OF A SPECIAL ASSESSMENT, LESS ANY TOWN CONTRIBUTION, ON THE SPECIALLY BENEFITED PROPERTIES; PROVIDING FOR THE PAYMENT OF 100% OF THE TOTAL COSTS OF THE PUBLIC IMPROVEMENTS; PROVIDING FOR THE METHOD OF LEVY AND PRO-RATION OF THE SPECIAL ASSESSMENTS; PROVIDING FOR THE METHOD OF PAYMENT OF THE SPECIAL ASSESSMENTS; PROVIDING FOR THE PAYMENT OF \$60,000.00 FROM THE TRUST FUNDS OF THE LAKE PARK COMMUNITY REDEVELOPMENT AGENCY (“CRA”) TOWARD THE TOTAL COST OF THE IMPROVEMENTS; PROVIDING A DESIGNATION AND DESCRIPTION OF THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS ARE TO BE LEVIED; PROVIDING FOR THE TOTAL ESTIMATED COST OF THE PUBLIC IMPROVEMENTS; PROVIDING FOR THE COMPLETION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR THE PUBLICATION OF THIS RESOLUTION IN A NEWSPAPER OF GENERAL CIRCULATION IN PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interim Town Manager Cynthia Sementelli explained the purpose of Resolution No. 42-08-06.

Community Development Director Patrick Sullivan explained Resolution No. 42-08-06 was the first step in the process of executing special assessments and stated that it must be passed in order to move forward.

**Public Comment Opened.**

*John Little, 2934 Westgate Ave. WPB, FL 33409* – Mr. Little explained that he owned the property at 929-931 Park Ave and received a code violation from Code Enforcement Officer Gregory Durgin in reference to having to erect a wall in the alleyway. He stated that he asked Mr. Durgin to release him of the code violation and has yet to be released from it. He stated that he also received a notice of a Special Workshop by certified mail which was mailed on July 13, 2006 and did not receive it in his office until July 17, 2006 for a July 19, 2006 meeting. He expressed his concerns with the CRA Board and made recommendations on what the board can do to improve so that business owners and residents are not burdened with costs of improvements. He recommended other options to obtain money for improvements. He referred to Section 78-112 in the Town of Lake Park Code of Ordinances and referenced other properties in Lake Park that did not have walls in the alleyway. He recommended that the CRA Board look into grants for making improvements to alleyways and other improvement projects. He recommended the opening of a workshop to discuss solutions and to give ample time to business owners of the workshop date and time so that they are able to attend.

Commissioner Balius stated that the walls in the alleyways of businesses on Park Ave are the business owner’s responsibility to maintain.

Commissioner Osterman stated that the CRA Board has been reviewing alleyway issues for the last three (3) years. She stated that the code violation Mr. Little received should have been set

aside and that she would discuss the oversight with Interim Town Manager Cynthia Sementelli. She apologized to Mr. Little that he did not receive notice of the CRA Board Workshop in ample time. She welcomed Mr. Little to attend any future CRA Meetings.

*Todd Dry, 932 Park Ave.* – Mr. Dry stated that he did not receive a notice for the CRA Workshop in time to attend. He expressed concern over a four (4) foot pothole behind his property that has been there for two (2) to three (3) years. He expressed gratitude that the CRA was working on landscaping, parking, and drainage. He stated that the alleyway walls are costly and he has been having difficulty finding tenants who can afford the rent in his buildings. He stated that he and his tenants have been harassed by code enforcement for hanging paper signs. He asked that the Town be more business friendly.

**Public Comment Closed.**

Commissioner Osterman stated that Resolution No. 42-08-06 provides for the process and states that the Town must give all business owners a thirty (30) day written notification prior to a hearing where all property owners have an opportunity to speak on the subject.

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 42-08-06; 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			Absent

Motion passed 4-0.

**RESOLUTION NO. 45-08-06**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AND PROVIDING AN EFFECTIVE DATE.**

Interim Town Manager Cynthia Sementelli explained Resolution No. 45-08-06 and stated that it was regarding adopting Homeland Security Compliance policies.

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 45-08-06; 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			Absent

Motion passed 4-0.

**RESOLUTION NO. 46-08-06**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CONDITION 11 OF RESOLUTION 12-02-04 AND 24-05-06, REQUIRING THE PRESERVATION AND RESTORATION OF THE HORSE SCULPTURES, UPON THE PROPERTY LOCATED AT 500 FEDERAL HIGHWAY, BETWEEN FORESTERIA DRIVE AND EVERGREEN DRIVE, WITHIN THE COMMERCIAL-1B ZONING DISTRICT (C-1B) OF THE TOWN OF LAKE PARK, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 46-08-06; 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. 43-08-06**

**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 1.0 ACRES OF PROPERTY, OWNED BY LPJ PROPERTIES, INC. AND LOCATED AT LOT 8 OF THE GATEWAY INDUSTRIAL PARK OFF GATEWAY ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Clerk sworn in all witness.

The Commission expressed Ex-Parte communication to the Quasi Judicial Hearing as follows:

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

Community Development Director Patrick Sullivan made a presentation regarding the site plan approval for a 10,000 square foot office/warehouse space to be located on Gateway Rd. He stated that staff had reviewed the plans and the Planning & Zoning Board voted 5 to 0 to approve forwarding the site plan to the Commission. He stated that the Planning & Zoning Board requested that a condition be added to the site plan that the drainage easement be expanded to fifteen (15) feet.

**Motion: A motion was made by Commissioner Osterman to approve Resolution No. 43-08-06 with the revision of changing the drainage easement from ten (10) feet to fifteen (15) feet; 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.

**RESOLUTION NO. 44-08-06**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A 4,021 SQUARE FOOT CHICK-FIL-A FAST FOOD RESTAURANT WITH A DRIVE THROUGH, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON A .555 ACRE OUTPARCEL OF LAND OWNED BY "SC LAKE PARK ASSOCIATES LLP" AND LOCATED AT 1220 NORTHLAKE BOULEVARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan provided a brief history of the Chick-Fil-A Fast Food Restaurant project. He stated that there were two (2) conditions that staff asked the Commission to consider. He stated the first condition was to initiate development within eighteen (18) months and the second condition was the applicant to provide a waterproof covering for the bus stop on Northlake Blvd.

Commissioner Balius stated that the Commission disapproved covered bus stops in Lake Park for the last five (5) or six (6) years because it was discovered that they were dangerous.

Commissioner Osterman asked if the Planning & Zoning Board agreed on requiring a tree for shading. Craig McDonald, with Property Services for Chick-Fil-A stated he would be happy to substitute a shade tree near the bus stop.

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 44-08-06 with the revisions; 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.

#### **Discussions and Possible Action**

##### **CRA Board member appointments**

The following applicants were appointed to the CRA Board

Christiane Francois

Michelle McKenzie-Suiter

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

##### **Commissioner Balius**

Commissioner Balius stated that he received phone calls from several residents complaining about issues brought up during the last Budget Workshop of July 26, 2006.

Commissioner Balius stated that the Commission should never get involved with hiring and firing of employees with exception of the Town Manager and Town Attorney. Commissioner Balius stated the Commission was capable of removing a budget line or salary for a department or employee.

Commissioner Balius suggested that Commissioner Carey call Jim Lloyd to discuss the issues that have arisen with the Harbor Marina Advisory Board.

##### **Commissioner Carey**

None

##### **Commissioner Osterman**

Commissioner Osterman recommended that a letter go out to the Harbor Marina Advisory Board explaining their duties and responsibilities and the consequences for not fulfilling those duties.

**Vice-Mayor Daly**

Vice-Mayor Daly commented on the Community Development Department and read the department's statistics for the previous month. He stated that the statistics were very good and expressed that the Community Development Department should receive more appreciation rather than criticism.

Vice-Mayor Daly stated that the Sheriff's Department is working very hard.

Vice-Mayor Daly stated that he wanted to bring the Community Development Department and the Sheriff's Department to the Commission's and resident's attention to make them aware of the accomplishments of these two (2) departments.

**Attorney Thomas Baird**

Attorney Thomas Baird stated that there was still no judgment on the Fire Department Pension.

Attorney Thomas Baird stated that if a town board was not producing agendas or minutes for their meetings, it was a violation of the Sunshine Law.

**Interim Town Manager Cynthia Sementelli**

Interim Town Manager Cynthia Sementelli stated that Channel 18 was now broadcasting TelVue.

Interim Town Manager Cynthia Sementelli stated that if there was any input regarding a new Town Manager to please forward the information to Bambi McKibbon-Turner, Human Resource Director so that she could move forward in her search for a new Town Manager.

Interim Town Manager Cynthia Sementelli stated that there had been no agenda received for the Harbor Marina Advisory Board Meeting scheduled for the next day, August 3, 2006.

Interim Town Manager Cynthia Sementelli stated that she was not receiving agendas for the Harbor Marina Advisory Board Meeting in a timely manner and had not had enough time to review the previous agendas before the meetings.

**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 9:28 p.m.

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

  
\_\_\_\_\_  
Deputy Town Clerk, Jessica Shepherd

TOWN OF LAKE PARK  
SEAL

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

FLORIDA

Approved on this 16 day of August, 2006.



TOWN OF LAKE PARK PUBLIC COMMENT CARD

MEETING DATE: 8-2-06

Cards must be submitted before the item is discussed!!  
...Three (3) limit limitation on all comments

Name: JOHN LITTLE  
Address: 2934 Westgate Ave WPE FL 33409  
I would like to make comments on the following Agenda Item:

Resolution 42-08-06 Special Assesmt.

I would like to make comments on the following Non-Agenda Item(s):

*Intructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.*

025106

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TOWN OF LAKE PARK PUBLIC COMMENT CARD

MEETING DATE: 8-2-06

Cards must be submitted before the item is discussed!!  
...Three (3) limit limitation on all comments

Name: TRUDY GOMEZ  
Address: 546 FORESTER DRIVE  
I would like to make comments on the following Agenda Item:  
Tree Swales

I would like to make comments on the following Non-Agenda Item(s):

*Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.*



# TOWN OF LAKE PARK PUBLIC COMMENT CARD

MEETING DATE: \_\_\_\_\_

Cards must be submitted before the item is discussed!!  
...Three (3) limit limitation on all comments

Name: M. Speers

Address: \_\_\_\_\_  
I would like to make comments on the following Agenda Item:  
Tree in Swales

I would like to make comments on the following Non-Agenda Item(s):  
\_\_\_\_\_  
\_\_\_\_\_

*Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.*



TOWN OF LAKE PARK PUBLIC COMMENT CARD

MEETING DATE: 8/2

Cards must be submitted before the item is discussed!!  
...Three (3) limit limitation on all comments

Name: WILLIAM MCDOW  
Address: 220 US Hwy 1  
I would like to make comments on the following Agenda Item:  
RESOLUTION 1-4 DOWNGRADE RATES

I would like to make comments on the following Non-Agenda Item(s):  
\_\_\_\_\_  
\_\_\_\_\_

*Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.*



# TOWN OF LAKE PARK PUBLIC COMMENT CARD

2-2-06

MEETING DATE: \_\_\_\_\_

Cards must be submitted before the item is discussed!!  
\*\*\*Three (3) limit limitation on all comments

Name: TOWN DEPT  
Address: 1932 Lake Ave  
I would like to make comments on the following Agenda Item:  
42-08-06 RESOLUTION # 144

I would like to make comments on the following Non-Agenda Item(s):  
\_\_\_\_\_  
\_\_\_\_\_

*Instructions: Please complete this card, including your name and address, once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.*



# TOWN OF LAKE PARK PUBLIC COMMENT CARD

MEETING DATE: \_\_\_\_\_

Cards must be submitted before the item is discussed!!  
...Three (3) limit limitation on all comments

Name: Lynn Hansen

Address: 131 Date Palm Drive

I would like to make comments on the following Agenda Item:  
1. Trees in swale

I would like to make comments on the following Non-Agenda Item(s):  
\_\_\_\_\_  
\_\_\_\_\_

**Instructions:** Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

# BALLOT

## MAYOR/COMMISSIONER

THE COMMUNITY REDEVELOPMENT AGENCY BOARD CONSIST OF THE TOWN COMMISSION AND TWO MEMBERS. THE COMMISSION MAY APPOINT THE TWO MEMBERS ON THE BOARD TO SERVE WITH THE TOWN COMMISSION.

THE FOLLOWING APPLICANTS HAVE APPLIED TO BE MEMBERS OF THE CRA BOARD. PLEASE PLACE A CHECK NEXT TO THE NAME OF THE MEMBERS YOU WOULD LIKE TO APPOINT TO THE CRA BOARD:

### TWO (2) REGULAR MEMBERSHIP

<u>Applicant (s):</u>	<u>Yes</u>	<u>No</u>
Christiane Francois	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michelle McKenzie-Suiter	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- NO OTHER APPLICATIONS HAVE BEEN RECEIVED

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Cavey  
MAYOR/COMMISSIONER

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Ed Daly  
MAYOR/COMMISSIONER

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23 14:07:28

123456789



23 14:07:28

10/23/23 14:07:28



**Not OK**



**12 foot spread** | **OK in about 2 years**

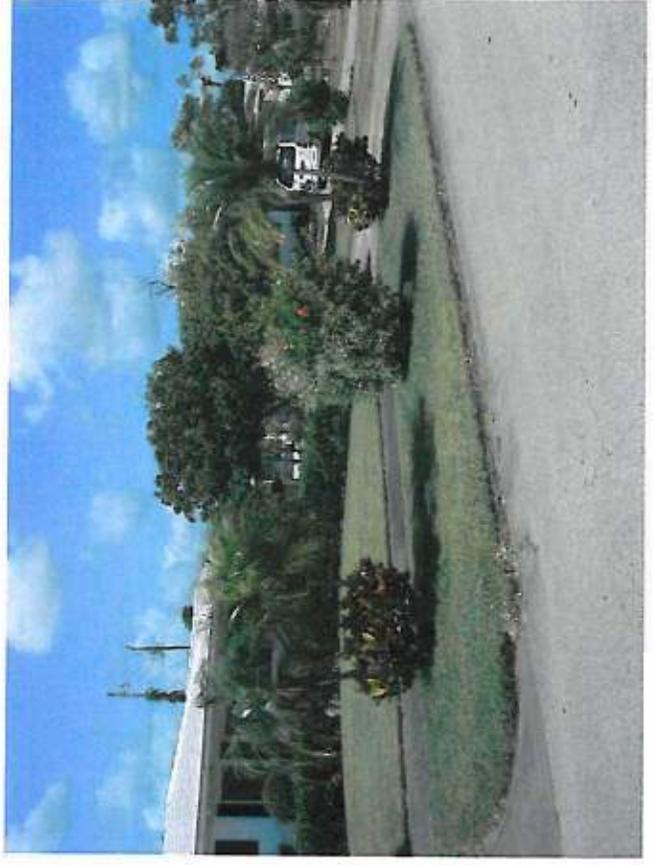


**OK**



**Not OK**

**All these swale plantings would have to be removed**



**All these swale plantings would have to be removed**





23 14:07:28

23 14:07:28



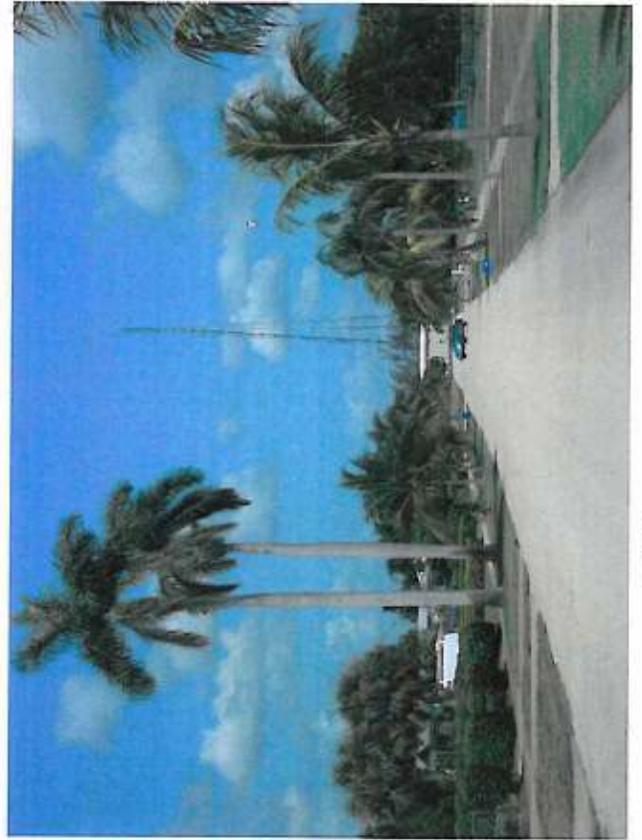
12 foot spread      OK in about 2 years



Not OK



Not OK



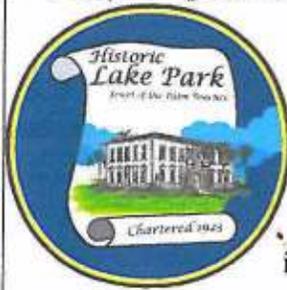
OK

**All these swale plantings would have to be removed**



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# AGENDA

Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, August 2, 2006,

immediately following the Special Call CRA Meeting  
Town Hall Commission Chamber  
535 Park Avenue, Lake Park, Florida 33403

<b>Paul Castro</b>	—	<b>Mayor</b>
<b>Edward Daly</b>	—	<b>Vice-Mayor</b>
<b>G. Chuck Balius</b>	—	<b>Commissioner</b>
<b>Jeff Carey</b>	—	<b>Commissioner</b>
<b>Patricia Osterman</b>	—	<b>Commissioner</b>
.....		
<b>Cynthia Sementelli</b>	—	<b>Interim Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez</b>	—	<b>Town Clerk</b>

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. **CALL TO ORDER**

B. **INVOCATION**

C. **PLEDGE OF ALLEGIANCE**

D. **ROLL CALL**

E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**

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.

G. **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.**

**For Approval:**

1. **Regular Commission Meeting Minutes of July 19, 2006.** Tab 1
2. **Rental of the Mirror Ballroom.** Tab 2

**I. PUBLIC HEARING(S)**

**ORDINANCE(S)**

**3. ORDINANCE NO. 07-2006 – Trees in Swales**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 34 “VEGETATION”, ARTICLE I, TO CREATE NEW CODE SECTION 34-10 TO BE ENTITLED “REGULATIONS FOR TREE PLANTINGS AND IMPROVEMENTS IN SWALES”; AND AMENDING CHAPTER 67, ARTICLE IV, SECTION 67-128 ENTITLED “DRAINAGE AND SWALES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Tab 3**

**J. RESOLUTION(S)**

**4. RESOLUTION NO. 41-08-06 - Dockage Rates**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE REVISED DOCKAGE RATES AT LAKE PARK HARBOR MARINA FOR ANY VESSEL OWNERS WISHING TO DOCK THEIR BOAT AT THE MARINA AND PROVIDING AN EFFECTIVE DATE.**

**Tab 4**

**RESOLUTION 42-08-06 – Special Assessment.**

**5. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA DETERMINING A NEED FOR THE MAKING OF PUBLIC IMPROVEMENTS IN THE FORM OF ALLEYWAY PAVING, THE CONSTRUCTION OF MASONRY SEPARATION WALLS AND OTHER RELATED WORKS AS AUTHORIZED BY SECTION 170.01, FLORIDA STATUTES (2006), TO BE LOCATED FROM AND BETWEEN, 7<sup>TH</sup> AND 8<sup>TH</sup> STREETS, 8<sup>TH</sup> AND 9<sup>TH</sup> STREETS AND 9<sup>TH</sup> AND 10<sup>TH</sup> STREETS; AND SOUTH OF PARK AVENUE; AND TO BE LOCATED FROM AND BETWEEN, 9<sup>TH</sup> AND 10<sup>TH</sup> STREET AND NORTH OF PARK AVENUE; AND FOR SEPARATION WALL IMPROVEMENTS ALONG OTHER ALLEYWAYS LOCATED FROM AND BETWEEN THE ALLEYWAY NORTH OF PARK AVENUE AND NORTHERN DRIVE AND EAST OF 10<sup>TH</sup> STREET WITHIN THE TOWN OF LAKE PARK, FLORIDA; DECLARING THE LEVY OF A SPECIAL ASSESSMENT, LESS ANY TOWN CONTRIBUTION, ON THE SPECIALLY BENEFITED PROPERTIES; PROVIDING FOR THE PAYMENT OF 100% OF THE TOTAL COSTS OF THE PUBLIC IMPROVEMENTS; PROVIDING FOR THE METHOD OF LEVY AND PRO-RATION OF THE**

**SPECIAL ASSESSMENTS; PROVIDING FOR THE METHOD OF PAYMENT OF THE SPECIAL ASSESSMENTS; PROVIDING FOR THE PAYMENT OF \$60,000.00 FROM THE TRUST FUNDS OF THE LAKE PARK COMMUNITY REDEVELOPMENT AGENCY (“CRA”) TOWARD THE TOTAL COST OF THE IMPROVEMENTS; PROVIDING A DESIGNATION AND DESCRIPTION OF THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS ARE TO BE LEVIED; PROVIDING FOR THE TOTAL ESTIMATED COST OF THE PUBLIC IMPROVEMENTS; PROVIDING FOR THE COMPLETION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR THE PUBLICATION OF THIS RESOLUTION IN A NEWSPAPER OF GENERAL CIRCULATION IN PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Tab 5**

**RESOLUTION NO. 45-08-06 - NIMS**

**6. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AND PROVIDING AN EFFECTIVE DATE.**

**Tab 6**

**RESOLUTION NO. 46-08-06 Horse Sculptures**

**7. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CONDITION 11 OF RESOLUTION 12-02-04 AND 24-05-06, REQUIRING THE PRESERVATION AND RESTORATION OF THE HORSE SCULPTURES, UPON THE PROPERTY LOCATED AT 500 FEDERAL HIGHWAY, BETWEEN FORESTERIA DRIVE AND EVERGREEN DRIVE, WITHIN THE COMMERCIAL-1B ZONING DISTRICT (C-1B) OF THE TOWN OF LAKE PARK, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

**Tab 7**

**QUASI-JUDICIAL HEARING:**

**RESOLUTION NO. 43-08-06 - Gateway**

**8. 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 1.0 ACRES OF PROPERTY, OWNED BY LPJ PROPERTIES, INC. AND LOCATED AT LOT 8 OF THE GATEWAY INDUSTRIAL PARK OFF GATEWAY ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Tab 8**

**RESOLUTION NO. 44-08-06 – Chick-Fil-A**

**9. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A 4,021 SQUARE FOOT CHICK-FIL-A FAST FOOD RESTAURANT WITH A DRIVE THROUGH, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON A .555 ACRE OUT PARCEL OF LAND OWNED BY “SC LAKE PARK ASSOCIATES LLP” AND LOCATED AT 1220**

**NORTHLAKE BOULEVARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Tab 9**

**K. DISCUSSION AND POSSIBLE ACTION:**

**10. CRA Board member applications.**

**Tab 10**

**L. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:**

**M. ADJOURNMENT:**