



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
October 4, 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, October 4, 2006 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Interim Town Manager Cynthia Sementelli, Attorney Karen Roselli, and Town Clerk Vivian Mendez.

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

Request for Special Call Meeting to narrow list of new Town manager candidates to five (5) or (6) candidates added to Discussion and Possible Action as item number fourteen (14).

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

Vote on Motion:

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

Motion passed 5-0.

PRESENTATION:

Update from Mariner's Key

Dodi Glass on behalf of Mariner's Key, stated there have been changes made to project management staff. She introduced two (2) members of Principle Design Group, Harry McDonald, Senior Project Manager and Bill Hughes, Senior Architectural Project Manager.

Harry McDonald, Senior Project Manager stated that he understood the Mariner Key Project had languished and they have been hired to get the project moving forward. He stated that previous construction documents provided to the Commission needed embellishment and refinement. He stated that they took the original drawings and reviewed them for design details, constructability

and structural entities. He stated that they refined the drawings so that they could be reasonably approved by permitting.

Mayor Castro asked for a website address from Mr. McDonald.

Mr. McDonald stated that the website address was marinerskey.com and stated that he would confirm that address. He stated that the website was being updated to reflect the new changes.

Bill Hughes, Senior Architectural Project Manager stated that they wanted to keep the Key West Style of the project. He reviewed and explained the architectural refinements that were made to the project to make it more constructively viable. He stated that they added exterior balconies with water views.

Mr. McDonald stated that a Dutch hip was added to the project's roof. He stated that they would be submitting the documents to permitting and review on October 15, 2006. He stated that roof work would begin in three (3) to four (4) weeks.

Mayor Castro stated that the changes to the elevations are substantial and stated that the project must be reviewed by the Planning and Zoning Board.

Patrick Sullivan, Community Development Director stated that in his opinion the changes to the Mariners Key project were not substantial.

Mr. McDonald stated that they refined the details of the project to make it constructible.

Mayor Castro stated that the changes made to Mariners Key was an improvement. He expressed concern over the administrative procedure to go forward with the project.

Patrick Sullivan, Community Development Director stated that there were no changes to the parking or to any other site issues on the Mariners Key project that would impact the community as a whole.

Mayor Castro stated that there were major changes made to the elevation of the Mariners Key project.

Commissioner Balius expressed concern over delaying the Mariners Key project.

Vice-Mayor Daly stated the he showed neighbors the past pictures of the Mariners Key project and the project has now changed.

Dodi Glas stated the main issue for the Mariners Key project was the constructability. She stated approved plans are not always 100% in terms of maintaining colors, and materials.

Mayor Castro stated that it was not Patrick Sullivan, Community Development Director's decision to make when it came to making changes to the elevation of a project.

Dodi Glas stated that Patrick Sullivan, Community Development Director recommended bringing the changes to the Mariner's Key project before the Commission.

Mayor Castro stated that the elevations that were approved were the approved elevations and

should have been part of the Resolution.

Dodi Glas stated that it was not uncommon for materials to change during construction plan review.

Mayor Castro stated that those types of changes do not happen during the construction phase of a project. He stated that the Mariners Key project must go through the process of being approved by the Planning & Zoning Board.

Vice-Mayor Daly agreed with Mayor Castro's comments and stated that the Mariners Key project should be reviewed by the Planning & Zoning Board.

Patrick Sullivan, Community Development Director stated that the Mariners Key project would be delayed approximately two (2) months.

Attorney Karen Roselli stated that she would have to review the Resolution related to the Mariners Key project to see if a review by the Planning & Zoning Board is required.

Commissioner Balius recommended a Special Call Meeting for the Planning & Zoning Board to discuss the changes to the Mariners Key Project.

Attorney Karen Roselli stated that she would speak with Patrick Sullivan, Community Development Director regarding her findings upon reviewing the Resolution relating to the Mariners Key Project.

PUBLIC and OTHER COMMENT

Christina Catusus, 102 6th St. – stated that she was walking her dog and saw a Lake Park Shark urinating on the wall at the ball field. She stated that the young man was a Lake Park Shark and was wearing a black shirt. She stated that she had pictures (see Exhibit "A") she had taken of the Lake Park Sharks on Saturday, September 30, 2006 in which there were nine (9) games played on the field and there was no police present for crowd control or traffic control.

Mayor Castro asked Ms. Catusus if she reported the young man who urinated on the wall to the Sheriff's Department.

Ms. Catusus stated that she reported the incident to the Sheriff's Office.

Commissioner Osterman asked for clarification on how many games were played by the Lake Park Sharks on September 30, 2006.

Ms. Catusus stated that two (2) or three (3) of the games were played by the Lake Park Sharks. She stated that the other games were played by West Palm Beach, Port Saint Lucie, Fort Pierce, Riviera Beach and Stuart.

Commissioner Balius expressed concern over the sod on the ball field being destroyed.

Interim Town Manager Cynthia Sementelli stated that the Pop Warner League uses the ball field and they rotate the use of other ball fields for teams from other municipalities to play on.

Genane Doughy, 1008 7th St. – stated that books for election close on October 10, 2006. She stated that a little under twenty-five (25%) of eligible voters in Lake Park are registered. She stated that there are four (4) precincts. She expressed concern and commented over the lack of voter participation.

Tanya Smith, 731 W. Ilex Dr. – stated that the issue over the ball field is getting ridiculous. She stated that parents cannot watch the basketball players in addition to their own children playing football. She stated that the police are called if there is an incident. She stated that they cannot monitor everyone. She stated that the Lake Park Sharks do not wear black jerseys. She stated that the Lake Park Sharks wear blue and yellow jerseys.

Desca Dubois, 516 Sabal Palm Dr. - stated that as she drove to the Lake Park Post office she saw that the One Park Place project on Park Ave. was a mess. She asked for the status of the project and how long it would remain in its present condition.

Bert Bostrum, 1451 Flagler Blvd. – stated that there were nine (9) games played on September 30, 2006. She stated that she resented the fact that she had to share the ball field with teams from other cities. She stated that the final game on Saturday, September 30, 2006 ended at 9:15 pm. She expressed concern of overuse of the ball field.

Diane Munroe, Hawthorne Dr. – asked about fees for ball games on the ball field and asked if fees were collected for the games that were played on Saturday, September 30, 2006.

Robert Drew, 527 Palmetto Rd. – stated that he attended a football game on Saturday, September 30, 2006. He stated that he observed people taking pictures from on top of the pump house and people hanging on dugouts. He stated that there was no police supervision. He stated that staff should be out at the ball fields supervising when games are taking place. He suggested that parents keep back from the sidelines when football games are taking place.

Commissioner Osterman stated that she would like to know how much money was collected for the games that took place on September 30, 2006.

Mayor Castro requested a motion to approve moving the Commissioner Comment portion of the agenda to take place after Public Comment.

Motion: A motion was made by Commissioner Balius to move the Commissioner Comment portion of the Agenda to take place after Public Comment; 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 | | |

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|-----------------|---|--|--|
| Mayor Castro | X | | |
|-----------------|---|--|--|

Motion passed 5-0.

Richard Ahrens, 1461 Kinetic Rd. – updated the Commission on the status of the One Park Place Project. He stated that code enforcement violations would be addressed and taken care of by the end of the week. He stated that he was following the agreement that he made with the Town.

Mayor Castro explained to the audience Public Comment and its procedures.

Public Comment Closed.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Mayor Castro

Mayor Castro recommended that the ball field issue be made an agenda item to be discussed at the next regularly scheduled Commission meeting.

Mayor Castro recognized Ed Dunbar who is terminally ill and in the hospital. He expressed condolences and prayers to his family.

Mayor Castro stated that he was disappointed that the search for the new town manager has not progressed much since it was started in July.

Mayor Castro stated to Interim Town Manager Cynthia Sementelli that there needed to be better communication with staff on all levels in terms of issues such as the ball field, and Mariners Key.

Mayor Castro stated there needs to be better supervision at the ball fields and monitoring of the parking on swales and residential areas.

Mayor Castro stated that he received phone calls regarding weekend plays in terms of Sundays. He stated that there were high school football and soccer players out on Sunday. He stated that there needed to be better supervision from the Sheriff's office.

Mayor Castro stated that the Town should improve on maintaining its own public properties and alleyways.

Mayor Castro asked what the status of FPL restoring broken street lights in the Town.

Mayor Castro stated that the One Park Place Project was being addressed.

Mayor Castro asked why Lake Park was not mentioned as sponsors in the boat parade.

Mayor Castro stated that the Town won litigation against the Fire Rescue Pension.

Commissioner Carey

Commissioner Carey stated that the trooper at the ball field was dressed in full fatigues. He stated that he had a black long sleeved shirt, black pants, a black hat and black boots. He stated that he had an emblem on the front of his shirt.

Commissioner Carey stated that he attended the football games on September 30, 2006. He stated that he left at approximately 10:15 pm. He stated that the lights were left on so that garbage could be picked up.

Commissioner Carey stated that the Town could not police everyone who attends a football game.

Commissioner Carey stated that the Commission has said that they want more recreation programs but at the same time making decisions and comments that state otherwise.

Commissioner Carey recommended that police be on the streets, not in the current Recreation Building.

Commissioner Carey recommended that the Recreation Station be utilized for the children not as a police station.

Commissioner Carey stated that he believed there were other options for the Recreation Department and that the Commission's decisions were harming not helping the children of Lake Park.

Commissioner Osterman

Commissioner Osterman addressed Ms. Smith regarding pattern of use for the ball field. She stated that practices have been running on Saturdays and the field has never looked like it did in the pictures she reviewed from Ms. Catasus. She stated that she is frustrated about the ball field issue. She stated that it is embarrassing and unacceptable. She stated that the commission has given clear direction and it has yet to be handled. She stated that the level of disrespect toward the Commission, residents, and audience was appalling. She asked Interim Town Manager Cynthia Sementelli how much money was received from the games that took place on September 30, 2006. She asked Interim Town Manager Cynthia Sementelli to ask Dale Dougherty, Recreation Department Director to come to the podium and state how much money was received from the games on September 30, 2006.

Commissioner Osterman expressed concern over the illegal parking at the ball fields and the lack of police supervision.

Dale Dougherty, Recreation Department Director

Dale Dougherty, Recreation Department Director stated that there was a state trooper at the football games that took place on September 30, 2006. He stated that the money could not go through him for security purposes. He stated that he was at the ball field the entire time and was there to turn the lights on and then off at 9:30 pm.

Commissioner Balius

Commissioner Balius recommended a letter be sent to the FEC Railroad asking them to cut the grass surrounding the railroads and to copy the letter to the governor and the Department of Transportation. He stated that the grass had not been cut for approximately five (5) months.

Commissioner Balius asked how the Town can request a quiet zone.

Commissioner Balius stated that he was still looking for a Code Enforcement Report.

Commissioner Balius stated that the street lights at Lake Shore Park were still down. He stated that parking after sundown has not been enforced.

Commissioner Balius stated that he received complaints about commercial vehicles parked in residential areas.

Commissioner Balius stated that there was a commercial vehicle parked on 10th St. for one (1) month and just received a ticket from code enforcement.

Commissioner Balius inquired about the League of Cities Florida City Government week which is taking place the week of October 15-23, 2006 and whether or not the Town was going to do a Resolution.

Commissioner Balius recommended that the Commission review the Comprehensive Plan.

Commissioner Balius stated that he did not believe the ball field could support a football team. He recommended that the games be played in moderation.

Commissioner Balius stated that it was his understanding that one code enforcement officer works on Saturday and the other on Sunday.

Commissioner Balius stated that he received a phone call that a meeting was held at the Police Station.

Commissioner Balius stated that the Town of Lake Park is one of a few towns that leave their ball fields open to the public. He stated that he made phone calls to the thirty-seven (37) municipalities in Palm Beach County.

Vice-Mayor Daly

Vice-Mayor Daly stated that the Commission was not against the Lake Park Sharks playing on the ball fields. He stated that he blamed the Recreation Department for not making the Commission aware of what goes on at the ball field. He stated that the issue was determining a pattern to follow for playing games on the ball field. He stated that there is not adequate parking for the amount of people that show up for games. He stated that the maintenance staff is shorthanded. He expressed concern about overuse of the ball field. He stated that it was the Recreation Department's responsibility to have supervision on the ball field. He commented on the fire that took place at the pavilion at Lake Shore Park and stated that the door had been left open and children were coming in and out of the building.

Vice-Mayor Daly addressed Dale Dougherty, Recreation Department Director and stated that if he was doing his job the Commission would not have to deal with all of the issues that have been presented related to the ball field. He stated that Dale Dougherty, Recreation Department Director was not communicating to the Commission.

Vice-Mayor Daly asked if the trooper that was at the ball field was dressed in uniform.

Vice-Mayor Daly stated that police supervision at the ball field should be identifiable.

Vice-Mayor Daly asked if the attorney's fees would be paid in the suit against the Fire Rescue Pension.

Interim Town Manager Cynthia Sementelli

Interim Town Manager Cynthia Sementelli stated that Venetian Isles had a new manager, new gates had been ordered and they are working hard to resolve code enforcement violations.

Interim Town Manager Cynthia Sementelli addressed residents and asked them to place their trash outside before 7 am.

Interim Town Manager Cynthia Sementelli stated that a commercial van was cited and the dumpster in the swale issue was resolved.

Interim Town Manager Cynthia Sementelli stated that there was staff and security present at the ball games that occurred on Saturday, September 30, 2006.

Interim Town Manager Cynthia Sementelli stated that tickets were written by the Sheriff's department on Saturday, September 30, 2006. She addressed residents and asked them to call the non-emergency Sheriff's department at 688-3466 regarding issues on the ball field.

Interim Town Manager Cynthia Sementelli stated that staff is working internally on reorganizing the Recreation Department. She reviewed the different events and programs to be implemented in the coming months.

Interim Town Manager Cynthia Sementelli recommended that residents watch Channel 18.

Attorney Karen Roselli

None

CONSENT AGENDA:

- Commission Meeting Minutes of September 20, 2006.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Daly to approve the Commission Meeting Minutes of September 20, 2006; Commissioner Balius made the second.

Vote on Motion:

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

Motion passed 5-0.

PUBLIC HEARING(S)

ORDINANCE NO. 12-2006 – Board Member Termination

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION 2-112 ENTITLED “MEMBERSHIP ON CERTAIN BOARDS AND COMMITTEES TERMINATED FOR MISSING MEETINGS, FILLING OF VACANCIES”; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Castro stated that he received several phone calls regarding the lack of board member attendance. He stated that there are only certain situations in which a board member can miss a meeting.

Commissioner Osterman read a portion of the current ordinance related to board member absences. She stated that she had an issue with the wording of the current ordinance related to board member absences.

Commissioner Balius read a portion of the current ordinance related to board member absences.

Commissioner Osterman suggested that an objective person such as the town clerk, be in charge of keeping attendance records for boards and making decisions on excused and unexcused absences.

Mayor Castro suggested a protocol in writing ahead of time.

Commissioner Balius stated that he served on six (6) town boards and that in the past it would be the board’s chairman’s responsibility to inform the town clerk of any member absences.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to make changes to Ordinance 12-2006 and to defer first reading to the next Commission Meeting of October 18, 2006; 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. 48-09-06

A RESOLUTION OF THE TOWN COMMISSION OF LAKE PARK, FLORIDA, APPROVING THE NEW CLASSIFICATION AND PAY PLAN FOR THE LAKE PARK PUBLIC WORKS DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Town Manager Cynthia Sementelli explained and clarified Resolution 48-09-06. She stated that it was a classification plan that needed to be adopted.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice Mayor Daly to approve Resolution 48-09-06.; 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. 52-09-06 – Ramp hours

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE HOURS OF OPERATION FOR THE BOAT LAUNCHING RAMP AT THE LAKE PARK HARBOR MARINA AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO REFLECT SUCH AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

Interim Town Manager Cynthia Sementelli explained the ramp hours at the Lake Park Harbor Marina. She stated that the operation is from 6 am to 9 pm. She stated that if the ramp could close at 6 pm the Lake Park Harbor Marina could have security.

Vice-Mayor Daly expressed concern over seeing staff sitting in front of the Lake Park Harbor Marina with nothing to do. He suggested that staff take time to clean up the marina instead of sending them home early.

Commissioner Balius agreed with Vice-Mayor Daly and stated that hiring security would just be switching from town labor to contract labor. He stated that the Lake Park Harbor Marina currently has a security problem. He expressed concern over shortening ramp hours at the Lake Park Harbor Marina. He stated that a salary of \$9.31 per hour was a good salary for a dock attendant.

Mayor Castro agreed with Commissioner Balius and stated that daylight hours would change with Daylight Savings Time. He stated that help would be needed at the boat ramps should any boaters have problems with their boats.

Commissioner Osterman recommended setting boat ramp hours to cease at sunset.

David Hinamin, Harbor Marina Manager addressed the security issue at the Lake Park Harbor Marina. He stated that one of the thefts that occurred was a smash and grab that occurred during daylight hours. He stated that the golf cart theft occurred when one of his employees had called in sick and another employee stayed on for eleven (11) hours. He stated that the employee called the dock master and asked if he could leave because there was no activity. He was allowed to leave and the marina was unattended for two (2) hours and in that time frame the golf cart was stolen.

Vice-Mayor Daly stated that the Lake Park Harbor Marina was being watched.

David Hiniman, Harbor Marina Manager stated that the month of July was the marina's busiest time of year. He stated that amount of money between salaries and contract labor would be a wash. He stated the need for part-time employees who are available from mid-afternoon to 9 pm. He stated that because of the wind, staff has been picking up more trash from the water.

Vice-Mayor Daly asked David Hiniman, Harbor Marina Manager what he would suggest to get quality employees working at the Lake Park Harbor Marina.

David Hiniman, Harbor Marina Manager stated that raising the salaries may alleviate the problems with obtaining quality employees working at the Lake Park Harbor Marina.

Vice-Mayor Daly stated that he knew people who were interested in obtaining a good quality job such as those offered at the Lake Park Harbor Marina.

David Hiniman, Harbor Marina Manager explained and described the background check process that the Town implements in hiring a new employee.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Daly to refer Resolution 52-09-06 to the Lake Park Harbor Marina Advisory Board to review and make recommendations; 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 | X | | |

Motion passed 5-0.

RESOLUTION NO. 57-09-06 – Canopy Repair

A RESOLUTION BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE CONTRACT WITH BROWNING & BECKER CONSTRUCTION, INC. TO PROVIDE CONSTRUCTION SERVICES TO ERECT A REPLACEMENT CANOPY STRUCTURE AT THE PUBLIC WORKS GARAGE FACILITY IN THE TOWN OF LAKE PARK, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

Interim Town Manager Cynthia Sementelli explained Resolution No. 57-09-06 and stated that the resolution was authorizing the Mayor to sign a contract to replace the canopy at Public Works that was lost in Hurricane Wilma.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Daly to approve Resolution No. 57-09-06; 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. 59-10-2006

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 34-09-05, TO AMEND A CONDITION OF THE DEVELOPMENT ORDER WHICH REQUIRED THAT THE OWNER INITIATE DEVELOPMENT WITHIN ONE YEAR OF THE APPROVAL OF THE PROJECT KNOWN AS "VILLA LIANA" LOCATED ON LOTS 17 TO 28 OF BLOCK 47, ON THE EAST SIDE OF 10TH STREET, SOUTH OF PARK AVENUE AND APPROXIMATELY 211 FEET SOUTH OF EVERGREEN DRIVE, IN THE TOWN OF LAKE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

As for having any Ex-Parte communication prior to this Quasi Judicial Hearing the members stated as follows:

Mayor Castro – stated that he had a brief discussion regarding the concrete fence with Interim Town Manager Cynthia Sementelli.

Vice-Mayor Daly - none

Commissioner Balius – none

Commissioner Osterman – none

Commissioner Carey – none

Richard Ahrens, owner of the Villa Liana project read the conditions he received from Patrick Sullivan, Community Development Director and stated that he was confused.

Mayor Castro stated that Patrick Sullivan, Community Development Director would have an opportunity to address Mr. Ahrens concerns and questions regarding the Villa Liana project.

Mr. Ahrens explained and reviewed the requirements set forth in Resolution No. 34-09-05 (see Exhibit "B"). He expressed his concerns over each requirement and explained the time it would take him in order to begin construction on the Villa Liana project. He expressed concern with the six (6) month time limit to obtain a permit.

Patrick Sullivan, Community Development Director stated that he based the six (6) month time frame to obtain a permit on the fact that the project had already taken twelve (12) months. He stated that the project had all approvals and the next step

would be to apply for a permit and break ground.

Mayor Castro stated that it was hard to apply for a permit and break ground on a project in six (6) months.

Patrick Sullivan, Community Development Director recommended a concrete fence verses a wooden fence to be placed between Villa Liana and the surrounding single-family homes. He stated that Mr. Ahren's satisfied the conditions from previous resolutions and the conditions have not changed.

Public Comment Open.

Rick Goodsell, 410 9th St. – stated that the Villa Liana Project is located behind his home. He stated that the project was originally zoned as an R-2 District. He stated that the zoning was changed to a C-2 District. He stated that he had attended Planning & Zoning Meetings regarding the Villa Liana projects. He stated that the project has proceeded as an R-2 District when it was zoned as a C-2 District. He expressed concern over the fact that a sign posted on the project stated that they were selling town homes not condos. He stated that he has not observed any maintenance on the project and expressed concern over the property being surrounded by commercial property. He recommended that the property be rezoned to be a C-2 District.

Vice-Mayor Daly asked Mr. Goodsell if he would be satisfied with documents showing an association for condominiums at the Villa Liana project.

Mr. Goodsell stated that he would not be totally satisfied with documents. He stated that he liked the plan that staff presented to Mr. Ahrens stating time limits on a permit and requiring a concrete fence.

Mayor Castro stated that he sympathized with Mr. Ahrens, but he had one (1) year to get the project off the ground and resolve any issues. He agreed with staff's requirement of a six (6) month extension to obtain a permit. He stated that the town attempted to rezone the property to a C-2 District but it was never officially rezoned. He expressed concern over the fact that the property is located in a light industrial area. He stated that his concern was the maintenance of the property.

Commissioner Balius stated he did not mind giving Mr. Ahrens a six (6) month extension on the Villa Liana project.

Commissioner Carey agreed with giving Mr. Ahrens a six (6) months extension the Villa Liana project.

Commissioner Osterman agreed with giving Mr. Ahrens a six (6) months extension the Villa Liana project.

Mr. Ahrens expressed concern over a six (6) month extension. He stated that it would be a great monetary risk for him.

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 59-10-06; 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. 60-10-06

A RESOLUTION BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE CONTRACT WITH SHEENAN TURF CARE INC. TO PROVIDE FERTILIZATION AND HERBICIDE SERVICES FOR TURF AND TREE CARE IN THE TOWN OF LAKE PARK, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

Joseph Kroll, Public Works Director stated that Resolution No. 60-10-06 would authorize a contract for the fertilizing of all exotic palm trees and lawns throughout the town.

Commissioner Carey asked if the ball fields would be fertilized.

Joseph Kroll, Public Works Director stated that the ball fields are included in the contract and would be fertilized.

Interim Town Manager, Cynthia Sementelli stated that staff was planning on hiring an irrigation specialist to look at Lakeshore Park and replace its sod.

Vice-Mayor Daly stated that there was no reason to delay the irrigation and sod for Lakeshore Park.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 60-10-06; Vice-Mayor Daly made the second.

Vote on Motion:

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

Motion passed 5-0.

Discussions and Possible Action

Board appointment to code compliance

Commissioner Osterman recommended that board appointments to be moved on the agenda to follow the Commissioner Comment section.

Mayor Castro agreed with Commissioner Osterman's recommendation.

The Commission appointed the following person as a member to the Code Compliance Board: Alvin Feinstein – 1st alternate member.

Fireworks bid award

Mayor Castro recommended awarding the fireworks bid to the fireworks company who supplied fireworks for the town last year. He stated that the company would give the town a \$1000.00 credit.

Interim Town Manager Cynthia Sementelli stated that the fireworks company would also provide a barge.

Public Comment Open.

Gary Jackson, 1210 Gateway Rd. – expressed concern over the Town of Lake Park Firework Festival. He stated that if it is a 4th of July celebration it should be named as such and celebrated on the 4th of July, not merely named a Firework Festival and celebrated on a different day.

Public Comment Closed.

Motion: A motion was made by Commissioner Balus to award the Town of Lake Park fireworks bid to Creative Fireworks Co.; Vice-Mayor Daly made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|-----------------------|-----|-----|-------|
| Commissioner Balus | X | | |
| Commissioner | | | |

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| Carey | X | | |
| Commissioner Osterman | X | | |
| Vice-Mayor Daly | X | | |
| Mayor Castro | X | | |

Motion passed 5-0.

Sale of alcohol at fireworks festival

Motion: A motion was made by Commissioner Balius to approve the sale of alcohol at the Town of Lake Park Fireworks Festival; 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.

Sale of alcohol at Irish Fest

Motion: A motion was made by Commissioner Balius to approve the sale of alcohol at the Town of Lake Park Irish Fest.; 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.

Site plan for trailer

Interim Town Manager, Cynthia Sementelli stated that a facility was needed to provide open recreation for the children who need aftercare. She stated that cost for a trailer would be approximately \$18,000.00 to set up with a yearly cost of approximately \$9,000.00.

Vice-Mayor Daly asked if there were any used trailers could be purchased. He stated that a trailer could be used in the future for a natural disaster.

Commissioner Balius stated that there was a place in Florida that had stored many trailers.

Mayor Castro directed Interim Town Manager Cynthia Sementelli to look into the purchase of a used trailer and to look into the process of creating a recreational facility/community center.

Discussion of new town bus

Interim Town Manager, Cynthia Sementelli explained past discussions regarding a new town bus. She stated that Public Works has tried to repair the current town bus but the bus was not repairable. She stated that the Town has been receiving phone calls inquiring about bus trips. She stated that a new bus would cost approximately \$56,000.00 and the old bus could be auctioned for \$10,000.00. She stated that a new bus would cost the town approximately \$46,000.00. She stated that she looked into the option of renting a bus for the bus trips and stated that it would cost approximately \$9,000.00 per year.

Vice-Mayor Daly stated that he reviewed the prices of new buses. He stated that he looked at the old town bus and concluded that it averaged 6000 miles per year. He stated that the bus was in very bad condition and if a new town bus was purchased it must be better taken care of.

Commissioner Osterman stated that her recollection of the budget meetings showed that the Commission was not interested in purchasing a new town bus. She stated that school buses are 1/3 the cost to rent and do not have air conditioning. She stated that children are used to riding on buses without air conditioning. She stated that a new town bus should be considered when a new recreational facility was in place.

Commissioner Carey stated that if money for a new town bus was budgeted, it should be spent while the money is allotted.

Commissioner Osterman recommended that the money allotted for a new town bus be used to purchase a trailer for the ball fields.

Public Comment Open.

Gary Jackson, 1210 Gateway Rd. - stated that a new town bus was not justifiable. He stated that the current town bus was not taken care of or maintained properly. He stated that the police department vehicles average 170,000 miles because they are properly taken care of and maintained and are capable of reaching 250,000 to 300,000 miles.

Public Comment Closed.

Commissioner Balius stated that it was brought up in the past that it would cost \$4,000.00 to replace the air conditioning in the bus. He stated that the cost was excessive and he believed the town was taken advantage of in the repair to the town bus' air conditioning. He recommended fixing the compressor on the bus instead of purchasing a new town bus.

Commissioner Osterman stated that the Commission has made it clear that there is no interest in purchasing a new town bus.

Commissioner Balius expressed concern over the low mileage of the bus compared with the condition of the bus.

Motion: A motion was made by Vice-Mayor Daly to decline the purchase of a new town bus; 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 4-1.

Special Call Commission Meeting to narrow down new town manager candidates

Mayor Castro stated that a Special Call Meeting could be held on Wednesday, October 11, 2006 to narrow down the list of new town manager candidates.

Interim Town Manager, Cynthia Sementelli stated that consensus was needed to cut off the management assessments at noon on Friday, October 6, 2006.

Consensus was reached by the Commission to hold a Special Call Meeting on Wednesday, October 11, 2006.

Motion: A motion was made by Commissioner Balius to hold a Special Call Meeting on Wednesday, October 11, 2006 to narrow down the list of new town manager candidates; 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.

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 10:30 p.m.



Mayor Paul Castro



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez



FLORIDA

Approved on this 1 of Nov., 2006.

#1



TOWN OF LAKE PARK PUBLIC COMMENT CARD

MEETING DATE: 10-4-06

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

Name: Christina Spataro

Address: 107 6th Street

I would like to make comments on the following Agenda Item:

I would like to make comments on the following Non-Agenda Item(s):
6th Street Ballfields

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.



TOWN OF LAKE PARK PUBLIC COMMENT CARD

MEETING DATE: Oct. 4, 2006

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

Name: Georgene J. Doughty

Address: 1008 S. Security Street

I would like to make comments on the following Agenda Item:

I would like to make comments on the following Non-Agenda Item(s):
Boat classes on the boat people's registry
as they can come out to vote in general election

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.



TOWN OF LAKE PARK PUBLIC COMMENT CARD

MEETING DATE: 10/14/06

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

Name: Tonia Smith DE Lake Park
Address: 231 W. Park Dr Lake Park

I would like to make comments on the following Agenda Item:

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

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: Oct 4

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

Name: Desee DuBois
Address: 516 Sabal Palms

I would like to make comments on the following Agenda Item:
Perk Avenue

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.

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: Bert Brabson
Address: 175-17648
I would like to make comments on the following Agenda Item: Ball

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

Football

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: 10/4/06

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

Name: Alexis Moore

Address: Hawthorne Dr

I would like to make comments on the following Agenda Item:

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

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: Robert Drew
Address: 527 Palmetto Rd
I would like to make comments on the following Agenda Item:

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

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: RICHARD A. BROWN
Address: (76) GUYTON RD

I would like to make comments on the following Agenda Item:

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

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: 10/4/06

Cards must be submitted before the item is discussed!!

...Three (3) limit limitation on all comments

Name: RICHARD ANDERSON
Address: 1461 KINETIC TRS
I would like to make comments on the following Agenda Item: IF I WAS
RESOLUTION 51-10-06
FOR SPEAK FROM TO RESOLUTION A WOULD
NOT HAVE. I WOULD LIKE TO ADDRESS THE FORM

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: 10-4-2006

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

Name: RICHARD GOOSELL
Address: 410 NINTA ST. LAKE PARK
I would like to make comments on the following Agenda Item:
59-10-06 VILLA LIANA
would like to have some commission my document

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: 10-4-06

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

Name: GARY JACKSON
Address: 1310 GATEWAY
I would like to make comments on the following Agenda Item:
THE NO LONGER HOLIDAY OF JULY. THANKS TO ALL.
I would like to make comments on the following Non-Agenda Item(s):
BUS NO. 20110.

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 TOWN COMMISSION MAY APPOINT A SEVEN MEMBER CODE COMPLIANCE BOARD AND LEGAL COUNSEL FOR THE BOARD. THE COMMISSION MAY APPOINT UP TO TWO ALTERNATE MEMBERS ON THE BOARD TO SERVE IN THE ABSENCE OF BOARD MEMBERS.

There is currently one board membership opening. The clerk's office has received these applications for the position of first alternate.

NEW APPLICANTS FOR CODE COMPLIANCE BOARD:

| <u>Applicant (s):</u> | <u>Yes</u> | <u>No</u> |
|-----------------------|-------------------------------------|--------------------------|
| Cristina Catusus | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Alvin Feinstein | <input type="checkbox"/> | <input type="checkbox"/> |

- NO OTHER APPLICATIONS HAVE BEEN RECEIVED

BALLOT

MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A SEVEN MEMBER CODE COMPLIANCE BOARD AND LEGAL COUNSEL FOR THE BOARD. THE COMMISSION MAY APPOINT UP TO TWO ALTERNATE MEMBERS ON THE BOARD TO SERVE IN THE ABSENCE OF BOARD MEMBERS.

There is currently one board membership opening. The clerk's office has received these applications for the position of first alternate.

NEW APPLICANTS FOR CODE COMPLIANCE BOARD:

| <u>Applicant (s):</u> | <u>Yes</u> | <u>No</u> |
|-----------------------|---------------|---------------|
| Cristina Catusus | <u> </u> | <u>X</u> |
| Alvin Feinstein | <u>X</u> | <u> </u> |

- NO OTHER APPLICATIONS HAVE BEEN RECEIVED

BALLOT

Carey
MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A SEVEN MEMBER CODE COMPLIANCE BOARD AND LEGAL COUNSEL FOR THE BOARD. THE COMMISSION MAY APPOINT UP TO TWO ALTERNATE MEMBERS ON THE BOARD TO SERVE IN THE ABSENCE OF BOARD MEMBERS.

There is currently one board membership opening. The clerk's office has received these applications for the position of first alternate.

NEW APPLICANTS FOR CODE COMPLIANCE BOARD:

| <u>Applicant (s):</u> | <u>Yes</u> | <u>No</u> |
|-----------------------|-------------------------------------|-------------------------------------|
| Cristina Catusus | — | <input checked="" type="checkbox"/> |
| Alvin Feinstein | <input checked="" type="checkbox"/> | — |

- NO OTHER APPLICATIONS HAVE BEEN RECEIVED

BALLOT

Osterman

MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A SEVEN MEMBER CODE COMPLIANCE BOARD AND LEGAL COUNSEL FOR THE BOARD. THE COMMISSION MAY APPOINT UP TO TWO ALTERNATE MEMBERS ON THE BOARD TO SERVE IN THE ABSENCE OF BOARD MEMBERS.

There is currently one board membership opening. The clerk's office has received these applications for the position of first alternate.

NEW APPLICANTS FOR CODE COMPLIANCE BOARD:

| <u>Applicant (s):</u> | <u>Yes</u> | <u>No</u> |
|-----------------------|------------|-----------|
| Cristina Catusus | — | — |
| Alvin Feinstein | X | — |

- NO OTHER APPLICATIONS HAVE BEEN RECEIVED

October 3, 2006

Town of Lake Park
535 Park Avenue
Lake Park, Florida 33403

Attention: Vivian Mendez, Town Clerk

Copies to: Mayor Paul W. Castro
Vice Mayor Ed Daly
Commissioner Chuck Balius
Commissioner Patricia Osterman
Commissioner Jeff Carey

These pictures were taken during last Saturday's Football games. Nine games were played on Saturday, September 30th, 2006.

There was no Police visible for crowd control or traffic control. Of the (9) nine games that were played on Saturday, the Sharks ONLY played 2 or 3, the rest of the games were played by Cities as far away as Plant City and Fort Pierce.

With that many games it is impossible to maintain the fields so they are available to the Town's children.

Sincerely,



Cristina G. Catasus
6th Street
Lake Park, Florida 33403

Villa Liana

Property located on east side of Tenth Street between evergreen and cypress drives.

Originally the property was R-2, the commission, mayor and town manger (Jason at the time) voted to change the zoning to C-2. I had been active in the commission meetings concerning the property as it is behind my home. I was in agreement with staff and commission that it was the correct decision to change to C-2. the property was sold to Mr. Ahrens.

A year or two later I attended a Planning and zoning meeting and the property was under consideration for a condo (villa liana) to be built. I asked how this could be when the property was zoned C-2. to make a long story short, the zoning map had not been revised to show the zoning change, and although Mr. Ahrens knew it was commercial and had a for sale sign stating such, residential was a more favorable property at the time. he was able sell it at the as R-2

The commission and staff for fear of being sued, reversed the zoning back to R-2.

Presently the property is for sale, (the sign states "12 town houses", no mention of condos)



SHOULD BE CONDOS.

I fail to notice any maintenance that has been done on the property, other than the for sale sign. I do not know the circumstances that are beyond the owners control to start development other than a poor housing market or revenue.

I am concerned that a 12 unit housing building could be another venitian isles type senerio where the developer promises grand visions and somehow it does not get into records and they are free to do as they please. It could end up being another 12 unit rental. If you look across the street it is auto repair buildings and then the railroad. To the south is a kiddie care business, there are rental units to the north, and then it is all commercial. I feel the zoning should be changed to C-2 as was intended by staff and commission and the adjoining home owners.

Thank you for your consideration,
Rick Goodsell, 410 ninth st., lake park, fl. 33403

(photos attached)

10TH AVENUE, LLC
1461 KINETIC ROAD, LAKE PARK, FL 33403
Phone: 561-863-9004 Fax: 561-863-9007

Exhibit B

September 15, 2006

Hand Delivered

Town Commission
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

RE: Resolution No. 34-09-05
Villa Liana

Dear Councilmen:

We would appreciate you granting a Development Order Extension review for an additional year for the above referenced project.

We have completed our plans and have been attempting to obtain fifty percent (50%) in pre-construction sales.

In an attempt to reach our sales goals, we had a meeting with the Palm Beach County Workforce Housing department and submitted several packages for their disbursement. See attached letter and information provided. As of this date, we have had no concrete sales from this program.

However, even though the market has slowed, we are starting to get positive responses from the general public and we feel this project is viable.

It took our firm several months to finalize agreements with Seacoast Utilities and then to complete working drawings.

As you are aware, costs have increased twenty-four percent (24%) over the past year, creating pressure on sales prices. However, we are seeing some softening due to the slowdown in residential construction.

Our plan submittal has not changed from the original approval, and we agree to all the conditions as stipulated on the approved Resolution No. 34-09-05 which was signed by the Mayor on October 19, 2005 (copy included in the attached package).

We hope that you look favorably on our request for the extension.

Sincerely,

10TH AVENUE, LLC



Richard C. Ahrens
Managing Member

RESOLUTION NO. 34-09-05

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN FOR A 12 UNIT MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT, CONSISTING OF 14,276 SQUARE FEET, OWNED BY 10TH AVE, LLC, TO BE KNOWN AS "VILLA LIANA" LOCATED ON LOTS 17 TO 28 OF BLOCK 47, ON THE EAST SIDE OF 10TH STREET, SOUTH OF PARK AVENUE AND APPROXIMATELY 211 FEET SOUTH OF EVERGREEN DRIVE, IN THE TOWN OF LAKE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission, as the governing body of the Town of Lake Park, Florida, is authorized and empowered to approve or deny, in whole or in part, petitions for development orders; and

WHEREAS, 10th Avenue, LLC, ("Applicant/Owner") is the owner of real property, located on the east side of 10th Street, Lake Park, Florida, also described as Lots 17 to 28, Block 47, more particularly described in Exhibit "A" ("subject property") attached hereto and incorporated by reference; and

WHEREAS, Applicant/Owner has submitted an Application ("Application") to the Town for a Site Plan for a project consisting of twelve (12) residential units to be known as "Villa Liana"; and

WHEREAS, on August 2, 2004, the Town's Planning & Zoning Board recommended approval of the Application to the Town Commission; and

WHEREAS, the subject property is zoned, R-2 Multi-family Residential; and

WHEREAS, The Town Commission has considered the evidence presented by staff, Applicant/Owner, and members of the public, regarding the Application's consistency with the Town's Comprehensive Plan, and whether it meets the Town's Land Development Regulations; and

WHEREAS, the Town Commission has determined that certain conditions as set forth herein, are necessary for the Site Plan to be consistent with the Town's Comprehensive Plan, and to meet the Town's Land Development Regulations; and

WHEREAS, the Applicant/Owner, its successors and assigns shall be subject to the conditions contained in Section 2 herein.

NOW THEREFORE, be it resolved by the Town Commission of the Town of Lake Park;

Section 1: The whereas clauses are incorporated herein as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the Application authorizing the subject property, to be developed as a 14,276 square foot, twelve unit (12) residential multi-family condominium building (the Project) including, but not limited to the architectural elevations for the building, subject to the following conditions:

1. Within 90 days of the effective date of this Resolution, the Applicant/Owner shall submit revised development plans to include the items listed below. Said development plans shall be approved administratively by staff as long as: (1) all items listed below are included on the development plans to the satisfaction of the Community Development Director, and (2) any exterior building modification(s) is architecturally consistent with the approved buildings. Should any of the aforesaid not be adequately satisfied, the revised development plans shall be reviewed and approved by the Town Commission by way of an amendment to the site plan. No building or land clearing permits shall be issued until revised plans have been approved.
2. Upon approval of the Site Plan by the Town Commission, the Applicant/Owner shall have one (1) year to secure a building permit from the Town's Community Development Department. If the Applicant/Owner fails to secure a building permit in said one (1) year time period, this approval shall become null and void.
3. Prior to the issuance of the first building permit, the proposed paint schemes and finishes for all exterior surfaces shall be submitted to the Town, and shall be clearly reflected on the construction plans and color board, and shall be subject to Staff's approval.
4. The Town Engineer has required that the minimum opening dimension for the dumpster gates shall be 12 feet wide.
5. Prior to the issuance of the first building permit, the Applicant/Owner shall provide lighting details with specifications. The lighting detail and specifications shall be subject to the Staff's review and approval.
6. Supplemental buffer planting, including shrubs, shall be provided along the eastern and northern property lines as shown on Landscape Plan.
7. Section G-G grade and sod shall be to the top of curb along this section to minimize tripping hazards.

8. The Applicant/Owner shall obtain a building permit for fencing and shall repair the 6 foot fence at the rear of the subject property.
9. The final Landscape Plan shall indicate clustered Sabal Palms at differing heights at the east side of the building and at the building's entrance.
10. The Applicant/Owner shall repeat the quoin in at least two (2) places on the east elevation.

Section 3: This Resolution shall become effective upon adoption.

The foregoing RESOLUTION was offered by Commissioner Daly, who moved its approval. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

| | AYE | NAY |
|---------------------------|----------|-----|
| MAYOR PAUL CASTRO | <u>X</u> | --- |
| VICE MAYOR PAUL GARRETSON | <u>X</u> | --- |
| COMMISSIONER CHUCK BALIUS | <u>X</u> | --- |
| COMMISSIONER ED DALY | <u>X</u> | --- |
| COMMISSIONER JEFF CAREY | <u>X</u> | --- |

PUBLISHED IN THE PALM BEACH POST THIS 9 DAY OF October, 2005

The Mayor thereupon declared Resolution No. 34-09-05 duly passed and adopted this 19 day of October, 2005.

Attachments: "A" - Legal Description

TOWN OF LAKE PARK, FLORIDA

BY: Paul Castro
Mayor Paul Castro

ATTEST:

Stephanie Thomas
Stephanie Thomas Town Clerk

Approved as to form and legal sufficiency

Thomas J. Baird
Thomas J. Baird, Town Attorney



EXHIBIT A
Legal Description of Subject Property

Lots 17-28 of Block 47, Kelsey City, now known as Lake Park, according to the map of plat thereof as recorded in Plat Book 8, Page 34, Public Records of Palm Beach County, Florida.

Together with:

Lot 23, Block 47, Kelsey City, now known as Lake Park, according to the map of plat thereof as recorded in Plat Book 8, page 34, Public Records of Palm Beach County, Florida, for Detention Area

THE PALM BEACH POST
Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Kristi Morrow**, who on oath says that she is **Customer Service Supervisor** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Resolution 34-09-05** was published in said newspaper in the issues of **October 9, 2005**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kristi Morrow

Sworn to and subscribed before 10th day of October, A.D. 2005

M. J. Hunter

Personally known XX or Produced Identification _____
Type of Identification Produced _____

 **Karen M. McLinton**
Commission # DD359566
Expires: NOV 15, 2008
Bonded Through
Atlantic Bonding Co., Inc.

NOTICE
TOWN OF LAKE PARK
NOTICE OF
PUBLIC HEARING
PLEASE TAKE NOTICE AND BE ADVISED THAT THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA WILL CONDUCT A PUBLIC HEARING ON WEDNESDAY, OCTOBER 19, 2005 AT 7:30 P.M., OR AS SOON AS THEREAFTER THE SUBJECT MATTER CAN BE HEARD, AT THE LAKE PARK TOWN HALL, COMMUNION CHURCH, 535 PARK AVENUE, LAKE PARK, FLORIDA 33403. THE HEARING IS FOR THE FOLLOWING RESOLUTION:
RESOLUTION NO. 34-09-05
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN FOR A 12 UNIT MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT, CONSISTING OF 14,226 SQUARE FEET OWNED BY 10TH AVE. LLC, TO BE KNOWN AS "VILLA LIANA" LOCATED ON LOTS 17 TO 28 OF BLOCK 47, ON THE EAST SIDE OF 16TH STREET SOUTH OF PARK AVENUE AND APPROXIMATELY 211 FEET SOUTH OF EVERGREEN DRIVE, INCLUSIVE, BLOCK 47 IN THE TOWN OF LAKE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.
PLEASE TAKE NOTICE AND BE ADVISED THAT IF ANY INTERESTED PARTY WISHES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING, SUCH INTERESTED PARTY WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the Office of the Town Clerk at 561-821-2371 no later than 5 days prior to the hearing if this assistance is required. For hearing impaired access, please call 11-800-Florida Relay Service, toll-free 800-455-8771 (TDD), or 800-455-8770 (VOICE).
Stephane Thomas
Town Clerk
P.O. Box 1000
West Palm Beach, FL 33411
October 11, 2005

PALM BEACH NEWSPAPERS, INC.

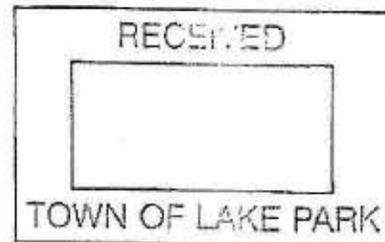
The Palm Beach Post
2751 S. Dixie Hwy., West Palm Beach, FL 33405
Phone: (561) 820-3106 Fax: (561) 820-4340

FED ID # 58-1633719
legals@pbpost.com

Legal Advertising Invoice

| | | | |
|--------------|--------------------------|-----------------------|-----------------|
| Account #: | 291006 | Advertising Deadlines | |
| Ad # | 4327270 | <u>Publish</u> | <u>Deadline</u> |
| Description: | Not: Resolution 34-09-05 | Monday | Friday 3PM |
| Size: | 7.25 " | Tuesday | Friday 3PM |
| Amount: | \$195.75 | Wednesday | Monday 3PM |
| Published: | October 9, 2005 | Thursday | Monday 3PM |
| | | Friday | Wednesday 3PM |
| | | Saturday | Thursday 3PM |
| | | Sunday | Thursday 3PM |

Town of Lake Park
Town Clerk's Office
535 Park Avenue
Lake Park, FL 33403





LOOKING NORTH



LOOKING SOUTH



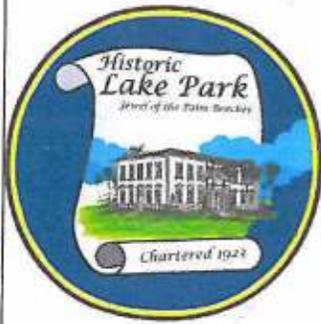
LOOKING SOUTHEAST



LOOKING NORTH EAST.

PROPERTIES WEST OF VILLA LIANA

VILLA LIANA PROPERTY



AGENDA

Lake Park Town Commission
 Town of Lake Park, Florida
 Regular Commission Meeting
 Wednesday, October 4, 2006, 7:30 P.M.
 Lake Park Town Hall
 535 Park Avenue

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

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. PRESENTATION:
 Update from Mariner's Key.

G. 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.

- 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.

For Approval:

1. Regular Commission Meeting Minutes of September 20, 2006. Tab 1

I. **PUBLIC HEARING(S)**

2. **ORDINANCE ON FIRST READING:**

Ordinance – 12-2006 Board membership terminations

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION 2-112 ENTITLED “MEMBERSHIP ON CERTAIN BOARDS AND COMMITTEES TERMINATED FOR MISSING MEETINGS, FILLING OF VACANCIES”; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE. Tab 2

J. **RESOLUTION(S)**

3. **RESOLUTION NO. 48-09-06 New Classifications for Public Works Dept.**

A RESOLUTION OF THE TOWN COMMISSION OF LAKE PARK, FLORIDA, APPROVING THE NEW CLASSIFICATION AND PAY PLAN FOR THE LAKE PARK PUBLIC WORKS DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE. Tab 3

4. **RESOLUTION NO. 52-09-06 Boat Ramp Hours of Operation.**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A REVISION TO THE HOURS OF OPERATION FOR THE BOAT LAUNCHING RAMP AT LAKE PARK HARBOR MARINA AND PROVIDING AN EFFECTIVE DATE. Tab 4

5. **RESOLUTION NO. 57-09-06 Canopy Repair.**

A RESOLUTION BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE CONTRACT WITH BROWNING & BECKER CONSTRUCTION, INC. TO PROVIDE CONSTRUCTION SERVICES TO ERECT A REPLACEMENT CANOPY STRUCTURE AT THE PUBLIC WORKS GARAGE FACILITY IN THE TOWN OF LAKE PARK, FLORIDA AND PROVIDING AN EFFECTIVE DATE. Tab 5

6. **RESOLUTION NO. 59-10-06 Villa Liana Extension.**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA EXTENDING AN APPROVAL FOR A SITE PLAN FOR A 12

UNIT MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT ORIGINALLY APPROVED OCTOBER 19, 2005 AS RESOLUTION 34-09-05, CONSISTING OF 14,276 SQUARE FEET, OWNED BY 10TH AVE, LLC, TO BE KNOWN AS "VILLA LIANA" LOCATED ON LOTS 17 TO 28 OF BLOCK 47, ON THE EAST SIDE OF 10TH STREET, SOUTH OF PARK AVENUE AND APPROXIMATELY 211 FEET SOUTH OF EVERGREEN DRIVE, IN THE TOWN OF LAKE PARK; AND PROVIDING FOR AN EFFECTIVE DATE. Tab 6

7. RESOLUTION NO. 60-10-06 Herbicide.

A RESOLUTION BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE CONTRACT WITH SHEENAN TURF CARE INC. TO PROVIDE FERTILIZATION AND HERBICIDE SERVICES FOR TURF AND TREE CARE IN THE TOWN OF LAKE PARK, FLORIDA AND PROVIDING AN EFFECTIVE DATE. Tab 7

K. DISCUSSION AND POSSIBLE ACTION:

- | | |
|--|--------|
| 8. Board Appointment to Code Compliance Board. | Tab 8 |
| 9. Award Fireworks Bid. | Tab 9 |
| 10. Sale of alcohol at the Fireworks Festival. | Tab 10 |
| 11. Sale of alcohol at the Kelsey Irish Fest. | Tab 11 |
| 12. Site plan for trailer. | Tab 12 |
| 13. Discussion of new town bus. | Tab 13 |

L. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

M. ADJOURNMENT: