Minutes
Town of Lake Park, Florida
Regular Commission Meeting
October 19, 2005 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 19, 2005 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Garretson, Commissioners Balius, Carey, and Daly, Town Manager Paul Carlisle, Town Attorney Thomas Baird, and Town Clerk Stephanie Thomas.

Town Clerk Stephanie Thomas led the Invocation.
Vice-Mayor Garretson led the Pledge of Allegiance.
Town Clerk Stephanie Thomas performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA
Added to the agenda was Ordinance 16-10-05 declaring a local State of Emergency for Hurricane Wilma.

Motion: A motion was made by Commissioner Balius to approve the October 19, 2005 Regular Commission Meeting Agenda as amended; Commissioner Daly made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro	X		

Motion passed 5-0.

PUBLIC and OTHER COMMENT
The following person(s) addressed the Commission:
Rick Goodsell, 410 9th Street – Informed the Commission that the Community Watch Program is still active. The Community Watch conducts their meetings the third Monday of each month in the Library at 7:00 p.m.
Mike Carlson, 100 Shore Drive – Expressed his concern with the dumpster location at the Marina, as the wind blows it causes bad odor towards his property.

PRESENTATIONS:
Presentation by Palm Beach County Commissioner Karen Marcus on Workforce Housing.
Palm Beach County Commissioner Marcus introduced Casey Steinbocker of the Chamber of Commerce who explained the Workforce Housing project and its benefits to the Town. The Workforce Housing is a program for income families of $35,000.00 - $75,000.00 a year. The price would be $115,000.00 - $215,000.00. See Exhibit "A" for full presentation. Mayor Castro thanked Commissioner Marcus for all the work she has done to enhance the Town of Lake Park.

Public Comment Open:
Rick Goodsell, 410 9th Street – Expressed his concern regarding the lack of aggressiveness in implementing a Workforce Housing program in the past.
Public Comment Closed:

CONSENT AGENDA:
Commission Meeting Minutes of October 5, 2005.

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

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson			Stepped out of the room
Mayor Castro	X		

Motion passed 4-0.

EMERGENCY ORDINANCE NO. 16-10-05 – State of Local Emergency
AN ORDINANCE OF THE TOWN OF LAKE PARK, FLORIDA DECLARING A STATE OF LOCAL EMERGENCY IN THE TOWN OF LAKE PARK, FLORIDA, IN ACCORDANCE WITH CHAPTER 252.38 OF THE FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: A motion was made by Commissioner Balius to approve Ordinance 16-10-05; Commissioner Daly made the second.

Vote on Motion:

Commission Member	Yes	No	Other

Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro	X		

Motion passed 5-0.

Mayor Castro asked residents to prepare for Hurricane Wilma. The Public Works department will only retrieve regular household garbage; large vegetation will not be retrieved until further notice. Town Manager Paul Carlisle stated that the emergency numbers would be available on channel 18.

Quasi-Judicial Proceeding(s)
PUBLIC HEARING(S)
Swearing in of all witnesses. The Town Clerk sworn in all the witnesses.

Exparte Communication:
The following exparte communication(s) was declared:

Mayor Castro	None
Vice Mayor Garretson	None
Commission Daly	None
Commissioner Balius	None
Commissioner Carey	None

RESOLUTION NO. 34-09-05 Villa Liana Site Plan
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT OWNED BY 10TH AVENUE, LLC KNOWN AS VILLA LIANA LOCATED ON LOTS 17 TO 28, INCLUSIVE, BLOCK 47 IN THE TOWN OF LAKE PARK; AND ISSUING A DEVELOPMENT ORDER.
Date Published 10-09-05 Date Noticed to property owners 10-07-05

Natalie Schneider of Calvin Giordano & Associates presented the staff report and recommendation regarding approval of site plan for Villa Liana. Mr. Richard Ahrens was available to answer any questions.

Public Hearing Opened.
Rick Goodsell, 410 9th Street – Expressed concern with Florida Power & Light (FPL) accessing the Villa Liana Site. Mayor Castro indicated that FPL would access this area the same way they access all the other areas in Lake Park. Although FPL may not be able to get a bucket truck up to the pole, the have other means to access the poles.

Patrick Gibbons, 324 9th Street – Expressed his concern with a 6-foot fence being installed between

Villa Liana and the Town residents. Mr. Richard Ahrens, explained the fence and the vegetation that will be installed and planted on the property will serve as noise buffers between the two properties. **Public Hearing Closed.**

Motion: A motion was made by Commissioner Daly to approve Resolution 34-09-05; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro	X		

Motion passed 5-0.

(Vice-Mayor Garretson left the meeting due to illness at 8:40)

ORDINANCES:
ORDINANCE NO: 15-2005- Opting out of Early Voting.
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, EXEMPTING THE TOWN OF LAKE PARK FROM THE PROVISIONS OF SECTIONS 101.657, FLORIDA STATUTES SPECIFICALLY RELATED TO EARLY VOTING; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing Opened.
None.
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance 15-2005; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner			

Carey	X		
Vice-Mayor Garretson			Absent
Mayor Castro	X		

Motion passed 4-0.

Quasi Judical – The Town Clerk sworn in all the witnesses.

Exparte Communication:
The following exparte communication(s) was declared:

Mayor Castro	None
Vice Mayor Garretson	None
Commission Daly	None
Commissioner Balius	None
Commissioner Carey	None

Mayor Castro abstained from voting, and was required to complete form F-8 (voting conflict form for local government officials).

Natalie Schneider of Calvin Giordano & Associated presented the staff report, recommendation, and approval for the Murphy Oil site plan. A special exception for a fueling station was received and accepted. One condition still needs to be met, which is receipt of approval from the South Water Management District prior to the building permit.

Mayor Castro asked who owned the property where the gasoline station will be built.
Ben Campbell 601 21st Street in Vero Beach of Kimley-Horn representing Murphy Oil stated that Wal-Mart is the property owner. Mr. Campbell was available to answer questions regarding the project.
Mayor Castro suggested installing a "*Welcome to Lake Park*" sign on the southeast corner of Congress Avenue. Mayor Castro also suggested moving the dumpster site to the corner of Silver Beach and Congress Avenue. In response to Mayor Castro's request, Mr. Campbell acknowledged his affiliation with Wal-Mart; however stated that he was not at liberty to grant the requests. The Town Commission agreed to review and discuss the site plan; however stated that they wanted to revisit the issue within ninety (90) days if they were not completely satisfied.

RESOLUTION(S)
RESOLUTION NO. 40-10-05- Murphy Oil Site Plan
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A MURPHY OIL GAS STATION AND RETAIL STORE, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON A 1.02 ACRE PARCEL OF LAND, OWNED BY "WALMART STORES EAST, LP AND LOCATED AT THE NORTHWEST CORNER OF SILVER BEACH ROAD AND CONGRESS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.
Date Published 10-10-05 Date Noticed to property owners 10-07-05

Public Hearing Opened.

Rick Goodsell, 410 9th Street – Expressed concern regarding advertisement. Mr. Goodsell suggested that there be a provision in the contract that requires the store to advertise that they are located in Lake Park. Mr. Goodsell stated that North Palm Beach has a welcome sign in Lake Park on US1.
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution 40-10-05 with the suggested modifications receipt of approval from the South Water Management District prior to the building permit, a Welcome sign, and relocation of the dumpster; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson			Absent
Mayor Castro			Abstain from vote

Motion passed 3-0.

RESOLUTION NO. 38-10-05 Sale and Assignment of Adelphia Cable.
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING THE SALE AND ASSIGNMENT OF THE SOUTHEAST FLORIDA INC. ("ADELPHIA") CABLE TELEVISION FRANCHISE, TO CABLE HOLDCO EXCHANGE II, LLC, A SUBSIDIARY OF TIME WARNER CABLE INC. ("TIME WARNER CABLE") AND THE TRANSFER FROM TIME WARNER CABLE INC. TO PARNASSOS, L.P., A SUBSIDIARY OF COMCAST CORPORATION ("COMCAST"); AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Tom Baird stated the two changes to this Resolution were necessary. 1) Section one, the Town is in receipt within 10 days of an executed cable franchise agreement. 2) Section five, (eliminate the following in subsection B) and the Town is not permitted to recover cost in these proceedings.
Mayor Castro asked if the franchise agreement with Adelphia Cable would provide channel 18 as a service channel to the citizens of Lake Park would continue. Gwen Cogan of Adelphia Cable stated that the agreement with Adelphia Cable would continue when Comcast takes over next year. Matt Rizzo from Comcast was available for questions from the Commission.

Public Hearing Opened.
None.
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution 38-10-05 subject to the modifications as stated above; Commissioner Daly made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson			Absent
Mayor Castro	X		

Motion passed 4-0.

RESOLUTION NO. 39-10-05
A RESOLUTION OF THE TOWN OF LAKE PARK, FLORIDA SUPPORTING EFFORTS OF THE FLORIDA CONGRESSIONAL DELEGATION TO ENSURE REIMBURSEMENT FROM THE 2004 HURRICANE; URGING PASSAGE OF THE "DISASTER RECOVERY ACT OF 2005" TO IMPROVE DISASTER RECOVERY EFFORTS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY BY EXPEDITING REIMBURSEMENTS, AUTHORIZING REIMBURSEMENT FOR CLEARING AND DEBRIS REMOVAL ON ALL EMERGENCY ACCESS ROADS, AND MAKING DEBRIS REMOVAL FROM PRIVATE LAND ELIGIBLE FOR FEDERAL ASSISTANCE; AND PROVIDING AN EFFECTIVE DATE.

Public Hearing Opened.
None.
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution 39-10-05; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson			Absent

Mayor Castro	X		

Motion passed 4-0.

DISCUSSION AND POSSIBLE ACTION

Complimentary Use of Kelsey Park by Palm Beach Sailfish Classic.
Permission to provide alcoholic beverages at Palm Beach Sailfish Classic.

Town Manager Paul Carlisle informed the Commission that the Palm Beach Sailfish Classic have requested to sponsor a volunteer, charity tournament. Sailfish Classic requested the use of Kelsey Park Pavilion as their sign up station. Sailfish Classic will have free barbeque and beverages. The event will last approximately four hours. The actual tournament will take place at the Sailfish Marina.

The group also requested permission to serve alcoholic beverages, and for the use Town Tent. The group has also expressed interest in having the 2006 Tournament at the Lake Park Harbor Marina.

Helen Hironimus, 719 W. Ilex Drive – Will assist Ms. Pat Ross with the Sailfish Classic tournament. Commissioner Balius asked the following questions of Ms. *Hironimus*, alcohol license, cleanup and security. Ms. *Hironimus* stated that because the alcoholic beverages will be free of charge, a license will not be required. Ms. *Hironimus* stated that she would speak with Captain Reece regarding patrol. Raffle tickets will be sold and proceeds will go to the Make A Wish Foundation of South Florida. Other charitable organizations include Coast Conservation Association, and Bill Fish Foundation. Event is scheduled for November 19, 2005 from 3-7 p.m.

Public Comment Opened.
None.
Public Comment Closed.

Motion: A motion was made by Commissioner Daly to approve the use of Kelsey Park Pavilion by Palm Beach Sailfish Classic;Commissioner Balius made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson			Absent
Mayor Castro	X		

Motion passed 4-0.

Discussion about the Marina.

Jim Lloyd, 220 Lake Shore Drive - Expressed his concerns with the Marina.

Bud Greene, homeowner in Lake Park – Expressed his concern regarding the Marina security, management, contract, and the design.

Chip Lubeck, 1211 Emerald Lane, Riviera Beach – Expressed his concern with the Marina security, and the theft that occurred on his boat.

Commissioner Daly expressed his concerns with the Marina management, security, and the slip contract. Commissioner Daly expressed his concern with the Marina Manager and her relations with the public. Commissioner Daly suggested eliminating the position of Marina Manager. He would like to have only a Dock Master. Commissioner Daly indicated that the Marina budget could be cut by $62,000.00.

Commissioner Balius agreed with Commissioner Daly in saying that the Marina enterprise worked better under the Public Works direction with only a dock master. Commissioner Balius expressed his concern regarding the management of the Marina.

Commissioner Carey stated that he has received complaints regarding the Marina.

Town Manager Paul Carlisle stated that he has received complaints regarding the Marina management. Town Manager Paul Carlisle stated that the issues are addressed, as he is made aware. Town Manager Paul Carlisle stated he does not agree with the Commission eliminating the Marina manager position.

Mayor Castro stated that hospitality is important for a position that works with the public. Mayor Castro stated that the position was hired too far in advance. Mayor Castro expressed his concerns with security and management. Mayor Castro suggested the Town Manager bring back to the Commission an action plan to move forward with these issues.

Mayor Castro verified with the Town Attorney regarding the Marina security contract. Town Attorney Tom Baird stated that the Commission could hire a security company on a temporary basis, such as the Palm Beach County Sheriff's Office. Town Manager Paul Carlisle indicated that the cost of a Sheriff's officer would be much more than a private temporary company.

Commissioner Daly suggested a survey residents can fill out regarding the Marina, manager, dock master, and its employees to understand what the boater request.

Commissioner Balius stated that he would prefer leaving the hiring and firing of Town employee to the Town Manager as stated in the charter.

Commissioner Carey stated he feels it is not their responsibility as Commissioners to hire or fire an employee except for the Town Manager or Town Attorney position. Commissioner Carey suggested allowing the Town manager a chance to resolve the situation.
Commissioner Daly stated that the Marina Manager had a year to prepare for the Marina, which has not occurred.

Motion: A motion was made by Commissioner Daly to eliminate the Marina Manager position; Commissioner Balius made the second.

No vote was taken as the Town Attorney stated that under the charter, the Town Manager oversees all personnel issues, and it is not proper for the Town Commission to take this type of action. Town Attorney Tom Baird stated that the Commission has control of the budget; they can take action that only concerns the budget.

Motion: Commissioner Balius withdrew his second to the motion of eliminating the Marina manager position. Commissioner Daly withdrew the original motion.

Motion: A motion was made by Commissioner Daly to eliminate funding for the Marina Manager position; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey		X	
Vice-Mayor Garretson			Absent
Mayor Castro		X	

Motion failed due to lack of a majority vote.

Mayor Castro stated that hiring/firing employees is not a decision the Commission can make, however the Town Manager was directed to resolve the matter.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Mayor Castro

Mayor Castro expressed his concern with the streetlights on Congress Avenue. Town Manager Paul Carlisle stated that he is working with Palm Beach County and FP&L to get lighting for that area.
Mayor Castro asked about another Town sign at the C-17 canal and Water Tower Road.
Mayor Castro asked residents to keep safe during the storm.

Commissioner Carey

Commissioner Carey asked the Town Manager for a volunteer list to distribute items after the storm for those in need. Town Manager Paul Carlisle stated that he has been given one name.
Commissioner Carey asked what the ice, water and food situation will be. Town Manager Paul Carlisle stated that the American Red Cross, FEMA, and Salvation Army are prepared to assist with hot meals, water and ice. Commissioner Carey stated that the Town would host its first Halloween Egg Haunt on October 29 in Kelsey Park. The Town will host a Flea Market on December 9, 2005.

Commissioner Balius

Commissioner Balius expressed his condolences to the family of former Lake Park Mayor Jules Dorn. Mr. Dorn served as Mayor from 1971-1974. Several years ago, Mr. Dorn moved to the Orlando area.
Commission Balius stated that he had a meeting with Captain Reece and Captain Smith of the Palm Beach County Sheriff's Office regarding Police Service complaints. Commissioner Balius stated that he was very satisfied after the meeting that the issues discussed would be resolved. The conversation also led to the potential moving of the Palm Beach Sheriff's Office out of Town Hall and into the former police building. Commissioner Balius stated that the roof condition in the former police building is dangerous for our children.
Commissioner Balius stated that the FEC railroad promised to make the rail crossing quiet zones, but have not done so yet. FEC uses the vacant lot as storage for debris; they left the lot full of trash. Commissioner Balius wanted to know why the Town has to contact FEC to force them to maintain the property.

Commissioner Balius expressed his concern with the streetlights that remain out on Cypress and other area of Town. Commissioner Balius stated that on the Town Attorney invoices he has noticed a large number of Code of Ordinance work billed, how much longer before a new Codebook will be issued. Town Manager Paul Carlisle stated that Municode has renumbered the code, but the biggest issue is the rezoning that has taken place in Town.

Commissioner Balius asked for an update on the use of the ball field restrictions. Town Manager Paul Carlisle stated the Ordinance would come before the Commission at its November 2 meeting.

Commissioner Daly
Commissioner Daly expressed his concern regarding the Code Compliance board continuously canceling their meetings. Town Manager Paul Carlisle stated that staff is investigating several issues. Commissioner Daly stated that more advertisement is required to fill empty positions on volunteer boards.
Commissioner Daly stated that COP (Citizens on Patrol) is losing volunteers.
Commissioner Daly expressed his concern regarding a Palm Beach Sheriff's Office response report. Town Manager Paul Carlisle indicated that the PBSO does not have a system that can separate the Lake Park calls from all the others. Palm Beach Sheriff's Office is working on developing such a system, but will not be available for a long time.

Commissioner Daly stated that the streets signs are not legible at the time. Town Manager Paul Carlisle indicated that the problem with fixing the street signs is getting the necessary materials from over seas.

Town Attorney
No comment.

Town Manager
Town Manager introduced Joseph Kroll as the new Public Works Director. Mr. Kroll thanked the Commission for the opportunity to serve the Town.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Bolina and seconded by Commissioner Dela and by unanimous vote, the meeting adjourned at 10:25 p.m.

Mayor Paul Castro

Town Clerk Stephanie Thomas

Vivian Mendez, Deputy Town Clerk

Approved on this 16 day of November, 2005.