Minutes
Town of Lake Park, Florida
Regular Commission Meeting
May 17, 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, May 17, 2006 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Paul Carlisle, Town Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.
Mayor Castro led the Pledge of Allegiance.
Town Clerk Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA
Ordinance 05-2006 was pulled from the agenda and replaced with Resolution 30-06-06.
How to proceed with a search for a new Town Manager was added to the Discussion and Possible Action portion of the agenda.

Motion: A motion was made by Commissioner Osterman to approve the agenda as amended; 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:
None

PUBLIC and OTHER COMMENT
None

CONSENT AGENDA:
1. Commission Meeting Minutes from May 3, 2006.
2. Donation of abandoned boat.

Commissioner Osterman stated that an excerpt on page three (3) of the May 3, 2006 minutes under Ex-Parte Communication should state that she met with the Town Manager and the developer.

Public Comment Open.
None
Public Comment Closed.

Motion: A motion was made by Vice-Mayor Daly to approve the Consent Agenda; Commissioner Balius made the second.

Vote on Motion:

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

Motion passed 5-0.

PUBLIC HEARING(S)

RESOLUTION(S)
RESOLUTION NO. 11-02-06 – Mariner's Key
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A PRIVATE CLUBHOUSE AND RENOVATION OF THE EXISTING RESIDENTIAL UNITS LOCATED ON 10.31 ACRES OF PROPERTY, OWNED BY LAKE PARK OWNER LLC AND LOCATED AT 901 LAKESHORE DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Castro asked that all witnesses be sworn in. Town Clerk Vivian Mendez swore in all witnesses.

The Commission declared Ex-Parte communication prior to this Quasi Judicial Hearing as follows:
Mayor Castro – none
Vice-Mayor Daly – Stated that he met with Town Manager Paul Carlisle and Jamie Gentile of Gentile, Holloway, & O'Mahoney Associates, Inc. to discuss the project.
Commissioner Balius – Stated that he met with Town Manager Paul Carlisle and the developers to discuss the project.
Commissioner Osterman – none

Patrick Sullivan, Community Development Director introduced himself and stated that the Mariner's Key project had a new architect and revisions were made to the site plan. A Power Point presentation

Mr. Hearing stated that the entire development team was present to answer any questions of the Commission. Mr. Hearing presented the Power Point presentation of Mariner's Key. See Exhibit "A".

Mayor Castro asked to see the front elevation of the building from Lake Shore Dr. Mr. Hearing explained that the elevation was the same vernacular as the courtyard picture.

Commissioner Balius stated that the presentation was better than the last.

Vice-Mayor Daly stated that his concerns with parking were addressed.

Commissioner Osterman complimented the architects on the new site plan and stated that it was a quality product. Commissioner Osterman expressed her concern over the color scheme of the balconies.

Commissioner Carey commented that he loved the project and asked about affordable housing.

Mayor Castro commented that he did not believe that any percentage of the project should be allotted to affordable housing.

Dotti Glas of Gentile, Holloway, & O'Mahoney Associates, Inc. expressed concern over the timing for construction and asked suggested an option to return for an extension if needed.

Mayor Castro stated that a provision should be made for them to request an extension if needed. Mayor Castro explained the process of obtaining a permit and request for additional time. Mayor Castro stated that a completion date of 2008 should be plenty of time.

John Gary of Gary, Dietrich, & Ryan stated that he did not have a problem with the date for submitting a permit application. Mr. Gary stated that he would like to propose to submit a permit application within one (1) year and agree within 60-90 days of issuance to maintain continuous construction until completion.

Mayor Castro objected the proposal. Mayor Castro stated that in other areas construction must be started within twelve (12) months and completed within twenty-four (24) to twenty-eight (28) months. Mayor Castro asked Town Manager Paul Carlisle if there was a time limit in the Town code for a building permit to be open. Town Manager Paul Carlisle explained that the only provision in the Town code is they must have infrastructure improvements done within eighteen (18) months.

Vice-Mayor Daly asked Dotti Glass if the developers were done with regards to tearing apart the existing building. Dotti Glas stated that there is more work to be done and more permits to be obtained.

Mayor Castro stated that he was very happy with the changes to the overall project and was pleased with the clubhouse.

Vice-Mayor Daly stated that he agreed with Mayor Castro that the Town offers enough affordable housing.

Commissioner Osterman stated that the construction company has demonstrated good faith and the color scheme is not a deal breaker for her.

Mayor Castro stated that the color schemes and architecture cannot change without approval from the Commission. Mayor Castro recommended submittal to obtain a building permit within twelve (12) months and completion within twenty-four (24) months of the issued permit. Mayor Castro stated that the construction company must come before the Commission thirty (30) days before the end of the twenty-four (24) month time period to request an extension if needed.

Public Hearing Opened.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution 11-02-06 as amended; 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. 26.05.06 – Dockage Agreement
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A NEW DOCKAGE AGREEMENT FOR USE BY THE LAKE PARK HARBOR MARINA IN LEASING BOAT SLIPS TO VESSEL OWNERS AT THE MARINA; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Paul Carlisle stated that the previous language in the agreement was difficult to understand and he explained the changes that were made to the agreement. Town Manager Paul Carlisle requested that additional information be added to the agreement.

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve the modification to

Resolution 26-05-06; 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. 27.05.06 – Major Illness Leave
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REVISING THE TOWN OF LAKE PARK EMPLOYEE POLICY/HANDBOOK TO PROVIDE FOR MAJOR ILLNESS LEAVE TO BE EFFECTIVE RETROACTIVELY FROM OCTOBER 1, 2005; AND PROVIDING AN EFFECTIVE DATE.

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution 27-05-06; 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. 28.05.06 – Law Enforcement Grant
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ACCEPTING A LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE

FLORIDA DEPARTMENT OF LAW ENFORCEMENT IN THE AMOUNT OF $10,000.00, FOR THE PROJECT ENTITLED THE "LAKE PARK PROJECT" AND WHICH HAS BEEN ASSIGNED FDLE GRANT NUMBER: 2006-JAGD-PALM-13-M9-145; WITH SAID GRANT FUNDS TO BE USED FOR CRIME REDUCTION AND IMPROVING PUBLIC SAFETY FOR THE PERIOD OF FEBRUARY 1, 2006 THROUGH JULY 31, 2006; AND AUTHORIZING THE MAYOR TO EXECUTE A CERTIFICATION OF ACCEPTANCE/REQUEST FOR PAYMENT FORM AND ANY AND ALL OTHER REQUIRED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Paul Carlisle stated that this grant allows the Town to purchase three (3) in car cameras for law enforcement to help gather evidence.

Commissioner Osterman commented that the grant requires a lot of provisions be carried out.

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Vice-Mayor Daly to approve Resolution 28-05-06; Commissioner Balius made the second.

Vote on Motion:

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

Motion passed 5-0.

RESOLUTION NO. 29.05.06 – Park Avenue Funding
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE FINANCIAL ASSISTANCE AGREEMENT BETWEEN THE TOWN OF LAKE PARK AND PALM BEACH COUNTY FOR FUNDING FOR ENGINEERING AND DESIGN OF THE IMPROVEMNTS TO PARK AVENUE BETWEEN 7TH STREET AND FEDERAL HIGHWAY; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Paul Carlisle explained that the Commission previously approved a Resolution for the design of improvements to Park Avenue funded 100% by Palm Beach County. Town Manager Paul Carlisle stated that staff are working on the preliminary designs and layouts and will have a workshop

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Osterman to approve Resolution 29-05-06; Commissioner Balius made the second.

Vote on Motion:

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

Motion passed 5-0.

RESOLUTION NO. 30.06.06 – EAR – Evaluation and Appraisal Report
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE PARK; STATING THE INTENT OF THE TOWN COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Castro explained the Resolution and stated that the word section needed to be changed to read Chapter. Town Attorney Thomas Baird stated that the referenced section is listed in the Florida Statute as Chapter 163 Section 163.3193.

Public Comment Open.
None
Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution 30-06-06; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		

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

Motion passed 5-0.

DISCUSSION AND POSSIBLE ACTION
Board Appointment to P&Z Board

Vice-Mayor Daly commented that it was agreed that applicants running for the board would appear before the Commission and introduce themselves. Town Clerk Vivian Mendez stated that the applicants were informed.

Commissioner Osterman stated that the first applicant for the Harbor Marina Advisory Board was not eligible to be a board member because they were not a resident or business owner in Town.

Commissioner Balius stated that he was shocked that many of the applicants had never attended a meeting.

Tim Stevens, 133 Foresteria Dr. - Stated that he applied for several of the boards and was notified that he was eligible for the Planning and Zoning Board. Mr. Stevens stated that he had been a resident of Lake Park for two and a half (2 ½) years and an attorney with the Legal Aid Society as his resume reflects, and that he is committed to public service.

Joby Slay, 307 4th St. – Stated that he is a resident and business owner in Town. Mr. Slay stated that he had a little bit of experience with development and real estate and had dealt with different cities and towns as well as Planning and Zoning issues in Lake Park.

Mayor Castro expressed the need for members on other boards within the Town. Mayor Castro expressed his appreciation to the applicants for their interest in becoming board members.

Commissioner Osterman made suggestions regarding the process for the appointment of board members.

Tim Stevens was appointed to the Planning and Zoning Board.

Board Appointment to Marina Board

There were no applicants present to introduce themselves to the Commission.

Joseph Wexler was appointed to the Harbor Marina Advisory Board.

CRA Alleyway Improvements

Town Manager Paul Carlisle introduced Community Development Director Patrick Sullivan to discuss the plans for the CRA Alleyway Improvements.

Community Development Director Patrick Sullivan stated that the construction plans, preliminary cost estimates total approximately $800,000.00 and the assessment needs to be set up, which would not be until approximately September or October. Town Manager Paul Carlisle stated that their projected project date was September or October.

Commissioner Balius asked about lighting in the alleyways. Community Development Director Patrick Sullivan stated that lighting, landscaping and dumpster placement would be discussed at the next Planning & Zoning meeting scheduled in June.

Search for New Town Manager Process

Mayor Castro discussed Town Manager Paul Carlisle's resignation. Mayor Castro expressed the sadness of the Commission regarding Town Manager Paul Carlisle's departure. Mayor Castro stated that Town Manager Paul Carlisle had done a great service for the community and had done a lot of good projects. Mayor Castro stated that the Commission must act in proceeding with the search to find a replacement. Mayor Castro asked for a recommendation from Town Manager Paul Carlisle for an interim Town Manager, which would be discussed at the next Commission meeting.

Vice-Mayor Daly discussed the lack of money paid to the employees of the Town. Vice-Mayor Daly asked Town Manager Paul Carlisle if his leaving was an issue of money or a combination of wanting to move on. Town Manager Paul Carlisle replied by stating that his leaving was due to an exciting opportunity and a combination of money and opportunity that he cannot refuse.

Vice-Mayor Daly suggested that Town Manager Paul Carlisle present to the Commission a legitimate pay scale for the Town Manager position.

Mayor Castro stated that he disagreed with the Vice-Mayor and stated that the Town could not compete with the pay scale in the private sector.

Vice-Mayor Daly stated that the Town's pay scale was below in comparison to other Town Managers. Vice-Mayor Daly stated that if low wages continued, the same situation would reoccur in the future.

Commissioner Balius stated that he did not want Town Manager Paul Carlisle to leave Public Works. Commissioner Balius discussed how the Commission could locate a new Town Manager. Commissioner Balius stated that he would like to see a change in the pay scale.

Mayor Castro asked Town Manager Paul Carlisle to provide a survey of pay scales of towns with the same population size to the Commission at the next meeting.

Commissioner Carey thanked Town Manager Paul Carlisle for his good work and for being a hands on manager.

Commissioner Osterman stated to Town Manager Paul Carlisle that she was impressed with his work and wished him the best.

Mayor Castro asked the Commission's opinion on using a professional service to assist in finding a new Town Manager. Mayor Castro stated that he preferred Collin Benzinger. Commissioner Balius agreed with using Collin Benzinger because he could provide the Commission with a lot of applicants at one time.

Commissioner Osterman asked about the cost. Mayor Castro replied that the cost was approximately $7,000.00 to $8,000.00. Commissioner Osterman stated that the money would be money well spent.

Town Manager Paul Carlisle stated that a recommendation for an interim Town Manager would be presented at the next Commission meeting.

Commissioner Osterman expressed concern over the screening process for a new Town Manager. Mayor Castro explained the process to Commissioner Osterman.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Mayor Castro

Mayor Castro asked about the status of a generator for Town Hall.
Mayor Castro asked Town Manager Paul Carlisle for status on the Town trees being trimmed in preparation for hurricane season.
Mayor Castro thanked Town Manager Paul Carlisle and Vice-Mayor Daly for traveling to Tallahassee for the Scripps deal and Chicago in working with Palm Beach Gardens and Jupiter.
Mayor Castro stated that he liked the way the Lake Park Harbor Marina was operating.
Mayor Castro stated that the Commission needed to discuss the possibility of a restaurant at the Lake Park Harbor Marina.
Mayor Castro asked Town Manager Paul Carlisle to get with the Commission individually to discuss the Lake Park Harbor Marina and place the discussion on the appropriate agenda.
Mayor Castro expressed gratitude to the Commission on their efforts regarding the Mariner's Key Project.
Mayor Castro asked Town Attorney Thomas Baird for direction on an Executive Session to discuss Dr. Sallent's appeal of the Commission's recent decision declining the doctor from relieving him of the obligation of maintaining the horse sculptures on the property. Mayor Castro asked Town Attorney Thomas Baird if Dr. Sallent was willing to place the sculpture of children on a tree in front of the Pediatric Respiratory Care Center building. Mayor Castro stated that he could accept the children on a tree sculpture.
Mayor Castro directed Town Manager Paul Carlisle to speak with the Commission individually and set up a special call meeting, if necessary, regarding Dr. Sallent's appeal.

Commissioner Balius

Commissioner Balius stated that he received a complaint regarding designated handicapped parking at the Grand Opening of the Lake Park Harbor Marina.
Commissioner Balius stated that he received a complaint regarding the ball field. Commissioner Balius stated that someone was using the upstairs room of the ball field building. Commissioner Balius stated that there was loud music and approximately eleven (11) people coming in and out of the building.
Commissioner Balius stated that the horse sculpture for the Pediatric Respiratory Care Center would be discussed at the next Commission meeting.

Commissioner Balius stated that Dr. Sallent had the Pediatric Respiratory Care Center building up for sale and should it sell the building will be without horses and the Commission's efforts may go out the window.

Commissioner Carey

Commissioner Carey read a letter (Exhibit "B") he received from his neighbor Tyler Ward a student of H.L. Watkins middle school requesting more street lights and visible street signs for the betterment of the neighborhood.

Commissioner Carey asked if the horse sculpture for the Pediatric Respiratory Care Center was going to be discussed at the next Commission meeting.

Commissioner Osterman

Commissioner Osterman stated that she received an e-mail from a resident regarding the status of the trees in the swale ordinance.

Commissioner Osterman stated that the horse sculptures are made of the same material that is found in a similar sculpture at the PF Chang's restaurant in Palm Beach Gardens. Commissioner Osterman stated that Dr. Sallent should consider the symbolic meaning of the horses which would be spirit and standing in adversity. Commissioner Osterman stated her opinion of Dr. Sallent's behavior as manipulative and lacked good faith. Commissioner Osterman stated that she felt the matter of the horse sculpture was a matter of doing what you say you are going to do.

Vice-Mayor Daly

Vice-Mayor Daly stated that the horse sculpture seemed to be important to a lot of people and suggested that the Commission relieve Dr. Sallent of maintaining the horse sculpture on his property. Vice-Mayor Daley suggested that the Town maintain the horse sculpture and assume the liability.

Town Attorney

Town Attorney Thomas Baird asked the Commission to authorize the Mayor Castro to sign the stipulation dismissing the appeal of variances on the Mariner's Key Resolution. Commission gave consensus.

Town Attorney Thomas Baird stated that he had a phone conversation with the attorney for Dr. Sallent of the Pediatric Respiratory Center. Town Attorney Thomas Baird stated that Dr. Sallent's attorney was going to appeal the Commission's recent decision declining the doctor from relieving him of the obligation of maintaining the horse sculptures on the property. Town Attorney Thomas Baird stated that he wanted to reserve any further comments he had regarding the horse sculptures the attorney – client session. Town Attorney Thomas Baird stated that Dr. Sallent was willing to place the sculpture of children on a tree in front of his building.

Town Manager

Town Manager Paul Carlisle stated that staff revisited the original swale ordinance and the Town Clerk research similar ordinances with other towns and cities and they are revising the Town's current swale ordinance.

Town Manager Paul Carlisle stated that the Town Hall generator was outside of Town Hall and CR Dunn would be wiring it and setting it up over the weekend.

Town Manager Paul Carlisle stated that most trees in Town have been trimmed in preparation for hurricane season.

Town Manager Paul Carlisle requested that the Commission meet with him individually to discuss the documentation he reviewed concerning Dr. Sallent's appeal.

Town Manager Paul Carlisle expressed his gratitude and thanks to the Commission for their comments and the opportunity to be Town Manager.
Town Manager Paul Carlisle stated that he received an offer that he could not refuse and that he would be available to the Town for any questions after his departure.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 9:25 p.m.

Mayor Paul Castro

Town Clerk Vivian Mendez

TOWN OF LAKE PARK SEAL FLORIDA

Approved on this 7th day of June, 2006.