



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
April 4, 2007 7:43 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, April 4, 2007 at 7:43 p.m. Present were Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez. Mayor Castro was absent.

Vivian Mendez led the Invocation.
Vice-Mayor Daly led the Pledge of Allegiance.
Town Clerk Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Remove #24 from Agenda – Village Shoppe Presentation

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

Vote on Motion:

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

Motion passed 4-0.

PRESENTATION:

Proclamations to Cynthia Sementelli

Vice-Mayor Daly read and presented two proclamations to Cynthia Sementelli.

Cynthia Sementelli thanked the Commission for their support and stated that Lake Park had been a wonderful place to work, had given her great professional and personal growth, and it was an honor to serve both the Commission and residents of Lake Park.

Motion: A motion was made by Commissioner Osterman to approve both proclamations to Cynthia Sementelli; Commissioner Balius made the second.

Vote on Motion:

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

Motion passed 4-0.

PUBLIC and OTHER COMMENT

Katherine Lampkin, Date Palm Dr. – stated that approximately three weeks ago she witnessed two young men shooting off fireworks by the basketball court. She stated that it was a hazard and a problem for dogs. She asked if fireworks could be banned in the Town.

Commissioner Balius stated that fireworks were already banned in the Town.

Vice-Mayor Daly stated that they were banned in the Town but fireworks were for sale everywhere. He recommended that Ms. Lampkin call 911 if she witnessed someone setting off fireworks again. He stated that it was a law enforcement issue.

William McDow, 220 U.S. Hwy. One – proposed April 28, 2007 as the date to conduct a children’s fishing tournament at the Marina’s one year anniversary of its grand opening. He requested the Commission’s approval.

Vice-Mayor Daly stated that it was his understanding that the Commission already approved the children’s fishing tournament.

Town Manager Maria Davis stated that the approval for the fishing tournament was discussed and would not conflict with the Maritime Academy fishing tournament which was taking place in May.

William McDow stated that it was his understanding that the Commission just approved the Maritime Academy fishing tournament. He stated that the April 28, 2007 tournament was to commemorate the anniversary of the opening of the Lake Park Harbor Marina. He stated that the tournament would be the same as the last one. Fishing rods and reels for the children would be provided as well as food and drinks. He stated that he would like to continue the tournament on an annual basis.

Commissioner Balius stated that he always envisioned a real fishing tournament on the anniversary of the Lake Park Harbor Marina.

Vice-Mayor Daly stated that the Commission could come to consensus for the April 28, 2007 fishing tournament and Mr. McDow could return next year to get approval on the next tournament.

The Commission came to consensus on approval of a children’s fishing tournament to take place on April 28, 2007 at the Lake Park Harbor Marina.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Mayor Castro

Absent

Commissioner Osterman – stated that a Marina Board Meeting letter recommending a boat slip for the Sea Scouts needed to be brought up for discussion at the next Commission Meeting of April 18, 2007. She requested a report on the Public Works auction.

Commissioner Balius – asked for the outcome of the Public Works auction. He stated that the Kiwanis Club was having a breakfast at Lake Shore Park on Sunday morning for the sunrise services. He stated that it was \$5.00 for all you can eat and started at 6:30 a.m. He asked for the status of the Volunteer Dinner.

Commissioner Carey

None

Attorney Thomas Baird – requested a motion for approval from the Commission to start foreclosure proceedings if necessary on Venetian Isles for their \$90,000 code enforcement lien.

Motion: A motion was made by Commissioner Balius to approve the commencement of foreclosure proceedings against Venetian Isles by Town Attorney Thomas Baird; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

Town Manager Maria Davis – stated that she would bring the Volunteer Dinner item to the next Commission Meeting of April 18, 2007 to discuss and establish a date. She announced Michael Klingensmith as the new manager of the Lake Park Harbor Marina. She stated that the

engineer for the Marina was nearing completion on the design for wave attenuation baffles on the east west alignment of the fishing pier. She stated that it would greatly reduce the wave action entering the basin from a northeast wind generated and boat induced wake. In conjunction the engineer was designing baffles to reduce the flushing openings on the northern breakwater segment. DEP had informed them that permits were not needed for the work. Construction plans for both items would be ready in less than thirty days. The engineer sent a letter to the Florida Fish and Wildlife Commission justifying the need to extend the temporary no wake zone status. The engineer was revising the design to move the breakwater back to its original position and also had reapplied to construct the southernmost breakwater along the original alignment. She stated that the construction would not eliminate any boat slips.

She stated that the brick pavers were received for the marina. She asked the Commission for direction on where to install the brick pavers at the Marina.

Commissioner Balius recommended placing the brick pavers near Jim Knox's brick paver.

Town Manager Maria Davis proposed that the bricks be installed along the seawall which was the eastern walkway along the water. She stated that once the bricks were installed and advertised at the store, more bricks would be purchased.

Commissioner Carey recommended installing the brick pavers. He stated that if they needed to be moved, they could be moved in the future.

The Commission came to consensus to begin installing the brick pavers in front of the ship store at the Lake Park Harbor Marina.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of March 21, 2007.
2. Authorized the Mayor to execute an Interlocal Agreement with Palm Beach County for Traffic Engineering Service.
3. Purchase of playground equipment for Lake Shore Park
4. Purchase of ADA compliant mulch playground surface for Lake Shore Park.
5. Purchase of exercise trail equipment for Lake Shore Park.
6. Expenditure approval for benches, picnic tables and trash receptacles for Lake Shore Park.
7. Expenditure approval for lighting for Lake Shore Park
8. Expenditure approval for excavation and fill for Lake Shore Park.
9. Expenditure approval for relocation of Public Works two way radio system to American Tower (Lodestar)
10. Resolution 25-04-07 Revise job description for Code Compliance Officer.
11. Resolution 26-07-07 Revise job description for Community Development Director
12. Resolution 27-04-07 Support of Bioscience.
13. Resolution 30-04-07 Community Development Block Grant Amendment 001 Improvements in the Neighborhood Target Area.
14. Resolution 32-04-07 Electronic Transfers.
15. Proclamation for Arbor Day
16. Proclamation declaring April as Water Conservation Month.

Commissioner Osterman requested that items 3 and 6 be pulled from the Consent Agenda.

Commissioner Carey requested that item 9 be pulled from the Consent Agenda.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve the Consent Agenda with the exception of items 3, 6, and 9; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

Commissioner Osterman stated that she checked the website of the playground equipment provider Gametime. She stated that her concern was that the equipment chosen was for the 5 to 12 year age group. She stated that the proposal was for four different sections for Lake Shore Park. She stated that there were sections available for the 0 to 2 year age group and the 2 to 5 year age group. She recommended either spreading the \$25,000 allotted over all the age groups or changing one section to accommodate all ages.

Town Manager Maria Davis stated that Ms. Osterman had an excellent idea and there was no problem with substituting some of the equipment. She stated that the surface beneath the equipment would also be substituted with handicap ready mulch instead of a synthetic turf.

Commissioner Osterman stated that one section of the playground included a swing set. She stated that the proposed swing set included only one seat out of the six that was adaptable to an infant. She recommended that two adaptable seats be placed on the swing set side by side so that larger children are not up against the smaller infants and toddlers. She stated that the company also provided spray parks. She stated that there were prepackaged setups. One of the setups was a circular pattern that would mimic the fountain in Kelsey Park. She stated that it would cost approximately \$100,000. She stated that she knew that the Town did not have \$100,000 for that equipment but the company offered a service that would search for grant money for towns that need playground equipment. She stated that they have discussed approaching Commissioner Karen Marcus to request grant money toward the playground at Lake Shore Park.

Commissioner Balius stated that he liked the idea and that a letter could be written to

Commissioner Karen Marcus.

Commissioner Carey asked about possible liability issues with a spray park.

Town Manager Maria Davis stated that she would have to research liability issues with a spray park further.

Vice-Mayor Daly stated that a letter could be sent to Commissioner Karen Marcus. He stated that he and Community Development Director Patrick Sullivan would be at a meeting with her in two weeks and they could approach her in person about the Town's request.

Commissioner Osterman stated that she read on the Gametime website that \$300,000 was given away for each of 20 different parks. She addressed item #6 and stated that there were no bike racks proposed for Lake Shore Park and recommended that a bike rack be added.

Town Manager Maria Davis stated that Lake Shore Park definitely needed bike racks. She stated that they could come up with a great design for bike racks.

Commissioner Balius asked about the benches that would be placed at Lake Shore Park.

Town Manager Maria Davis stated that there were pictures of the benches in the agenda packet and that the benches would be hunter green.

Commissioner Osterman stated that she was at Loggerhead Park and observed their pavilions. She described the pavilions and stated that they were able to provide shade.

Commissioner Carey asked if Nextel was paying for the entire transfer of the tower at Public Works.

Town Manager Maria Davis stated that Nextel contributed \$40,000 of the \$52,000 for the generator at Public Works.

Finance Director Cynthia Sementelli stated that \$7,500 was contributed and would be reimbursable.

Motion: A motion was made by Commissioner Carey to approve items 3, 6, and 9; Commissioner Osterman made the second.

Vote on Motion:

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

Mayor Castro	Absent		
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Motion passed 4-0.

PUBLIC HEARING(S)

ORDINANCE ON 2ND READING

ORDINANCE 07-2007 – Mid-Year Budget

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2006-2007 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 9-2006 ; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Thomas Baird read Ordinance 07-2007 by caption only

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance 07-2007 on 2nd reading; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

RESOLUTION NO. 29-04-07- Overtime provision for non-exempt employees

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN OF LAKE PARK EMPLOYEE POLICY/HANDBOOK TO REVISE THE OVERTIME PROVISION FOR NON-EXEMPT EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Maria Davis stated that employees were treated two different ways as it related to overtime. She explained the current criteria for overtime in the Employee Handbook and gave an example of how an employee in the bargaining unit would receive overtime if they worked a week that included a

holiday. She stated that there was a segment of employees in which the same rules did not apply and they would not receive overtime in the same instance. She stated that she felt that it was not fair to treat one class of employee differently than the other. She stated that she had finance do an analysis and the difference to the budget was \$100.

Commissioner Balius asked if the overtime was regarding town business or doctor's appointments.

Town Manager Maria Davis stated that general employees would not get paid overtime in the same instances as other employees. She requested that the Commission approve modification of the Employee Handbook so that all employees would be treated equally.

Public Comment Open:

None

Public Comment Closed

Motion: A motion was made by Commissioner Balius to approve Resolution No. 29-04-07; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

**QUASI-JUDICIAL HEARING
RESOLUTION NO. 28-04-07**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A LANDSCAPE PLAN AND LANDSCAPE MITIGATION PLAN SUBJECT TO CONDITIONS OF APPROVAL FOR THE BEV SMITH FORD AUTOMOBILE DEALERSHIP LOCATED ON A 5.9 ACRE PARCEL AT 1210 NORTHLAKE BLVD. AT THE SOUTHEAST CORNER OF NORTHLAKE BOULEVARD AND OLD DIXIE HIGHWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

As for having any ex-parte communication as it relates to Resolution No. 28-04-07, the Commission stated as follows:

Mayor Castro - absent
Vice-Mayor Daly – none
Commissioner Balias – none
Commissioner Osterman – none
Commissioner Carey – stated that he spoke with Community Development
Director Patrick Sullivan last week regarding Resolution 28-04-07.

Town Clerk Vivian Mendez swore in all witnesses.

See (Exhibit “A”)

Community Development Director Patrick Sullivan stated that in February 2006, the Commission approved a major redevelopment of the Bev Smith Ford site. One of the conditions of the approval was for the applicant to provide an approved landscape plan in order to receive a permanent Certificate of Occupancy. The permanent Certificate of Occupancy was needed soon since Seacoast Utilities would not turn on their water until it's received. The landscape plan was reviewed by the Planning & Zoning Board and there were conditions that the Planning & Zoning Board wanted the Commission to consider in their review. The Bev Smith property is in the C-1 Business District and the Northlake Boulevard Overlay Zoning District (NBOZ). He stated that it was clear in the code that a land redevelopment project of that size was required to bring its site into compliance with the landscaping requirements of the code. He stated that there were sites that were not able to come into full compliance with the code. The code recognizes those situations and provides for mitigation if the applicant is unable to comply with the code. He stated that the code was not clear on what the term “unable” means. He stated that staff believed that “unable” meant there was some physical feature on or about the site that would make it extremely difficult or impossible to comply with the regulations. He gave examples of situations that would be unable to comply with the code. He stated that the NBOZ District offered a waiver if the required landscaping would reduce required parking or would substantially restrict the operation of the business. He stated that there were reasonable measurable guidelines to judge whether the applicant was unable to provide the required landscaping. He stated that if the cost of a building is out of proportion to a building project then mitigation was appropriate. The code states that the applicant must provide mitigation for all the criteria they were unable to meet. He stated that the process of the Bev Smith Ford application did not meet consensus. He stated that the applicant did not agree to most of the conditions that were set by the Planning & Zoning Board. He stated that staff had two major concerns which were the south side of the building along Old Dixie Highway and the east side of the building along Northlake Boulevard and the FEC Railroad. Both sides had a considerable visual impact.

He presented slides of the property to the Commission to observe and review. He explained the slides and reviewed the improvements and conditions that the Planning & Zoning Board recommended to the applicant. He reviewed areas on the property such as the wall along the property. He stated that the Planning & Zoning Board suggested plantings such as vines along the wall and trees on the backside of the property. He reviewed additional conditions that the Planning & Zoning Board recommended which were: \$17,500 be assessed for landscaping, a ficus vine with drip irrigation along the entire east side of the wall, the addition of 10 Royal Palms to be placed on the property, all Foxtails planted along Northlake Blvd. should be triple headed, improve the south side wall with some type of architectural detail, all Magnolias planted on the site be DD Blanchard variety, and all dumpsters to be fully screened from view along Northlake Blvd.

Jim Brindell of Gunster, Yoakley, & Stuart reviewed the history of Bev Smith Ford and gave a presentation of the landscaping project. He stated that there were currently 16 trees on the site. There would be an addition of 88 trees and 1857 shrub and ground cover plants. He reviewed a plan of the existing landscaping and the proposed landscaping plan. He stated that the plan that was proposed does what the resolution directed and closely adheres with the landscape code. The south and east perimeters presented some problems. On the east side, there was only a foot between the wall and property line. He stated it would not be practical to plant within a foot. He stated that the Collision Center to the south was at a lower elevation than the Bev Smith Ford site. There was a drainage runoff problem, and there was a 4 foot wide area which was an engineered 3 feet gravel drainage area. Placing plants in the drainage would defeat the purpose of the drain field. The Northlake Boulevard and Old Dixie Highway perimeters have additional problems as they relate to Seacoast Utility. The Northlake frontage was only 12 feet wide which 6 feet of was Seacoast Utilities easement. Their consultants met with Seacoast and an accommodation was reached to allow Foxtail plantings in that area. The same situation exists on Old Dixie Highway and the same approach was taken for that area. The two areas together resulted in all of the trees and plants required by the code that was generated by the two street perimeters. The Resolution did not address the requirement to ask for any particular waivers through the Northlake Boulevard Overlay Zone.

Attorney Thomas Baird stated that in a Quasi Judicial Hearing, staff receives 20 minutes to present their item, the applicant receives 20 minutes, then questions are asked. Following the question period, if there was any time leftover, staff and the applicant could make additional comments. He stated that by his calculation, Community Development Director Patrick Sullivan had 5 minutes remaining and Bev Smith Ford had 10 minutes remaining.

Jamie Gentile of Gentile & Holloway explained and reviewed the proposed landscaping plan. He stated that they proposed to plant triple Foxtail Palms along Northlake Blvd. He reviewed the slides showing the existing site and what it would look like with the Foxtail Palms planted.

Jim Brindell stated that the entire site would be repainted. The east wall along the FEC Railroad track would be painted at the same time. Instead of the \$17,500 mitigation, they proposed \$26,840 in mitigation which is based upon the analysis by Gentile & Holloway.

Jamie Gentile discussed the pros and cons of utilizing different types of Palm Trees at the Bev Smith Ford site. He stated that 4 DD Blanchard Magnolias would be added to the site and he explained the benefits of those plantings. He also reviewed the dumpster area and explained that they would be screened from view.

Mr. Bev Smith explained that the drainage area on the south area of the site needed to be developed because there was severe water intrusion into the Body Shop building. He stated that it was engineered and constructed to have the 3 foot deep gravel pathway along the south side. He stated that they were told that any plantings in that area would inhibit the drainage.

Vice-Mayor Daly asked if there was any piping under the gravel.

Mr. Smith stated that to his knowledge it was a natural gravity drainage.

Vice-Mayor Daly addressed Mr. Smith and stated that the Commission worked with him to expedite his project. He stated that the Commission received a letter criticizing the Commission

for holding up the project. He stated that at least one Commissioner wanted the project expedited. He stated that he believed that the Commission went above and beyond in trying to assist him with the project and he was not happy to receive that letter.

Commissioner Carey stated that he liked the landscaping. He recommended architecture on the wall instead of painting.

Commissioner Balius asked if a simple expression line could be implemented on the wall.

Jim Brindell stated that they were discussing different options to make the wall aesthetically pleasing.

Mr. Bev Smith stated that they were trying to incorporate more contemporary colors in the overall design. He stated that the color they have used which was a rich beige would be eventually painted on all of the buildings.

Commissioner Osterman stated that the drainage looked terrible and asked what could be done to make the area look nicer.

Mr. Smith stated that he had to run an effective business and they have been a good citizen of the community. He stated that they have made significant improvements in their landscaping. He stated that they received accolades and awards from the Town of Lake Park for the look and maintenance of their facilities.

Conversation ensued between the Commissioners regarding the recommendation of improving the drainage area at the Bev Smith Ford site.

Commissioner Osterman recommended using a colored rock for the drainage area.

Mr. Smith stated that he did not know what cost would be involved to paint the rocks that were currently in the drainage area. He asked if the Town went back to the original mitigation amount the extra funds could be used to accomplish the additional requests that the Commission made.

Community Development Director Patrick Sullivan explained and reviewed the differences between the two mitigation amounts.

Commissioner Osterman asked where the picture of the dumpster was taken from.

Community Development Director Patrick Sullivan stated that the picture of the dumpster was taken from Old Dixie Hwy.

Jamie Gentile stated that the mitigation amount of \$39,500 included vegetation that was to be included along the interior perimeter buffer to the site. There were 84 trees total for the perimeters and interior. He stated that the dumpster was within an enclosed service area. There was a concern about trucks going in and out of the area. He stated that the configuration works with the Public Works Department and they were trying to screen that whole area with the vegetation provided in the interior landscape.

Commissioner Osterman asked for the height of the Foxtail Palms.

Jamie Gentile stated that the Foxtail Palms would be 12 feet at the time of planting and reach 35 to 40 feet at full growth.

Vice-Mayor Daly stated that he had a problem with seeing the dumpsters from the road.

Mr. Smith stated that the dumpster would not be emptied if it was shrouded or the truck would damage or destroy the gates or walls in front of it.

Vice-Mayor Daly stated that the Commission was trying to meet the code with regards to the dumpster area.

Jamie Gentile stated that the existing location of the dumpsters did not impact the current operations on the site. He stated that changing it may have an impact on the current operations on the site.

Commissioner Osterman asked Attorney Thomas Baird if a provisional waiver could be set in place stating that the Town would allow them not to screen the dumpster providing that the proposed landscaping screens the dumpster, if it did not they would have to place screening around the dumpster.

Attorney Thomas Baird stated that he did not know if the code provided any waivers.

Community Development Director Patrick Sullivan stated that the only provision for waiver was if it reduced required parking or substantially restricted the operation of the business.

Attorney Thomas Baird stated that the applicant's position was that the requirement of the screened enclosure prohibits business because there were vehicles on site that could potentially be damaged by sanitation trucks. He stated that if the Commission finds that the applicant's position was correct, then the Commission could waive the screen enclosure.

Commissioner Osterman asked if they could put a provisional waiver in place.

Attorney Thomas Baird stated that the only reason for a waiver would be for finding whether it takes away parking or was a hardship for the business. He stated that the Commission had to either agree with the applicant and waive the screen enclosure or not agree and keep the requirement.

Public Comment Open:

Diane Munroe, Hawthorne Dr. - recommended an in-kind contribution toward W. Ilex Park. She recommended that funds be allotted to W. Ilex Park for improvements.

Vice-Mayor Daly stated that the W. Ilex Park would be discussed and determined at a later date.

Public Comment Closed.

Commissioner Balias stated that he was unsure on how to make a motion on Resolution No.28-04-07. He asked for clarification on the plantings proposed for the property.

Community Development Director Patrick Sullivan stated that the code required plantings around the whole property. He stated that more could be planted than required by the code.

Commissioner Osterman asked if Mr. Smith was willing to paint the east side wall.

Mr. Bev Smith stated that they were willing to paint the east side wall. He stated they had a plan in place between the next 12 to 18 months to paint the buildings that were not part of the renovation project to match the showroom building. He stated that FEC Railroad property has been severely neglected and asked the Commission to address those issues.

Jim Brindell stated that he was confused about the dumpster. He stated that the physical enclosure of the dumpster was a site plan issue not a landscape issue. He asked how the physical enclosure of the dumpster tied in with the landscape issue.

Vice-Mayor Daly stated that in past discussions the Commission decided to address the dumpster issue along with the landscape issue.

Attorney Thomas Baird gave direction and guidance to the Commission on how to proceed with making a motion on Resolution No. 28-04-07.

Discussion ensued between the Commission on how to proceed with a motion.

Mr. Brindell reviewed and discussed the conditions in Resolution No. 28-04-07 that needed to be revised.

Community Development Director Patrick Sullivan stated that there was a provision in the code that stated that if a dumpster was located in an industrial area where it cannot be seen from the road, it could be modified.

The Commission agreed to remove the requirement of a screen enclosure on the dumpster area of Bev Smith Ford.

Commissioner Osterman stated that she wanted to see the FEC Railroad wall painted.

Discussion ensued between the Commission on the explanation of the difference between regular Magnolias and DD Blanchard Magnolia trees.

Jamie Gentile explained that the DD Blanchard Magnolia tree would grow approximately 70 feet in height at maturity.

Vice-Mayor Daly stated that there were a variety of species of trees and plants that if not maintained would grow out of control and too large. He stated that he wanted to go with Jeff Blakely of the Planning & Zoning Board's recommendation because he was a landscape expert and knew what he was doing.

Discussion ensued between the Commission regarding the mitigation amount.

Commissioner Balius stated that the mitigation amount offered was \$26,840.

Motion: A motion was made by Commissioner Balius to approve the Bev Smith Ford site plan with the conditions set forth in Resolution No. 28-04-07 with the exception of the mitigation amount, the Ficus Hedge along the east wall, painting of the east wall, DD Blanchard Magnolias planted, screening of the dumpster eliminated, substitution of Foxtail trees for Royal Palms, painting of a mural on the south wall subject to approval from Community Development, and install ground cover for planting at the base of the wall eliminated; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

General Approval of Item

Professional engineering services to design additional mooring piles for Marina.

Town Manager Maria Davis explained that there was a problem at the Lake Park Harbor Marina where there were not enough pilings. She recommended that the coastal engineer review the marina, the pilings and the size of boats currently there and to recommend the amount of additional pilings needed. She stated that it would also include construction administration and all pre bid-conferences and quality control.

Commissioner Carey asked if the Town would pay the cost up front and the Marina would reimburse through the Enterprise Fund.

Town Manager Maria Davis stated that Commissioner Carey was correct.

Public Comment Open:

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve professional engineering services to design additional mooring piles for the Marina; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

Discussion and possible action

Fund raising benefit for Leukemia in Kelsey Park

Commissioner Balias stated that once a door is opened it will have to be opened every time.

Commissioner Carey stated that he did not have a problem with the fund raiser except for having alcohol at the event.

Commissioner Osterman expressed concern and stated that a clear policy was needed. She stated that when it came to a benefit or non-profit organization the Town should be willing to do it as long as it did not create hardship on the Town. She agreed that alcohol was inappropriate at the event.

Vice-Mayor Daly asked what the fee was to rent the facility at Kelsey Park.

Town Manager Maria Davis stated that the fee was \$200 for the rental facility.

Vice-Mayor Daly stated that he would pay the fee for the rental facility.

Commissioner Carey asked for the hours of the event.

Mrs. Potter explained that the hours of the event were 1 pm to 5 pm and that Officer Spears was willing to donate his time to the event. She stated that the event would take place on April 29, 2007.

Town Manager Maria Davis made a correction and stated that the rental facility was \$200 for 4 hours plus tax for a total of \$213.

Commissioner Osterman recommended that a security deposit be obtained for the rental facility so that the Town would be protected. She recommended making a final decision on a policy for rental facilities.

Vice-Mayor Daly asked Town Maria Davis to place discussion for creation of a policy for rental

facilities on the agenda for a future Commission meeting.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to waive the fee of the rental facility for the fund raising benefit for Leukemia in Kelsey Park; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

Designation of voting delegate & alternate to Palm Beach County League of Cities

Motion: A motion was made by Commissioner Balius to appoint the Mayor as voting delegate and Vice-Mayor Daly as alternate; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

Public Comment Open.

None

Public Comment Closed.

Parks & Recreation Department housing options

Town Manager Maria Davis stated that Lake Park Baptist School had offered the use of one of their buildings at 614 Greenbriar Dr. to house the Lake Park Summer Camp.

She reviewed the ongoing issues regarding the Recreation Department. She stated that she provided a report comparing FEMA trailers, versus new trailers, rental trailers, and modular buildings. She stated that she and Vice-Mayor Daly went to Port Saint Lucie to inspect FEMA trailers. There were approximately 20 trailers and of those there were 12 that were suitable for for housing the Parks & Recreation Program and staff. She reviewed the costs associated for acquisition and updating between the different types of trailers. She stated that she had a concern over bidding on the FEMA trailers. She stated that it was a bidding process that was done on the web and she would have to bid on more than one trailer. She stated that there was a 20% charge on the trailers that are won but not purchased.

Commissioner Carey expressed concern over the cost of the trailer and the children being in a confined space at the school without having a bus to take trips.

Commissioner Osterman stated that a school bus could be rented for \$100 per day.

Commissioner Balius stated that he would like to get the used FEMA trailer.

Motion: A motion was made by Commissioner Balius to approve the bid amount of \$16,000 for a FEMA trailer and the option of bidding on a second trailer if necessary; Commissioner Osterman made the second.

Vote on Motion:

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

Motion passed 3-1.

Public Comment Open.

None

Public Comment Closed.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Carey and seconded by Commissioner Balius, and by unanimous vote, the

ADJOURNMENT

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



Mayor Paul Castro



Town Clerk Vivian Medina



Deputy Clerk Jessica Shepherd

Approved on this 2 day of May, 2007.

Record Copy

Exhibit "A"



GENTILE
HOLLOWAY
O'MAHONEY
Associates, Inc.
Landscape Architects
Planners and Environmental
Consultants • LC-0000177

George G. Gentile, FASLA
M. Troy Holloway, ASLA
Emily O'Mahoney, ASLA

Mr. James Brindell
Gunster, Yoakley, Valdes-Fauli & Stewart, PA
777 South Flagler Drive
Phillips Point
Suite 500 East
West Palm Beach, FL 33401-6194

RE: Bev Smith Ford Landscape Plan
GHO# 06-0915

Dear Mr. Brindell:

Based on current landscape material costs we offer the following estimated mitigation costs for the East Buffer and South Buffer of the Bev Smith Ford Site:

East Buffer:

Required Trees: 20 Trees x \$250.00 = \$5,000.00
Required Shrubs: 392 shrubs x \$10.00 = \$3,920.00

South Buffer:

Required Trees: 10 Trees x \$250.00 = \$2,500.00
Required Shrubs: 200 shrubs x \$10.00 = \$2,000.00

Total = \$13,420 x 2 = \$26,840.00

Should you have any additional questions or concerns please contact me at 561-575-9557.

Sincerely,

George G. Gentile, FASLA
Gentile, Holloway, O'Mahoney & Associates, Inc.

U:\CLIENT FILES\Bev Smith Ford\Team Correspondence\Estimate.doc

1907 Commerce Lane, Suite 101
Jupiter, Florida 33455
561-575-9557
561-575-5200 FAX
www.landscape-architects.com



LAKE WORTH
SEAWALL
8-3000.00
B = 12'45.36"
A = 80.5.95'

EX. PARKING

EXONIC SHELTER
PLAYGROUND

EX. TENNIS
TENNIS OFFICE

EX. PARKING

EXISTING TENNIS
TENNIS

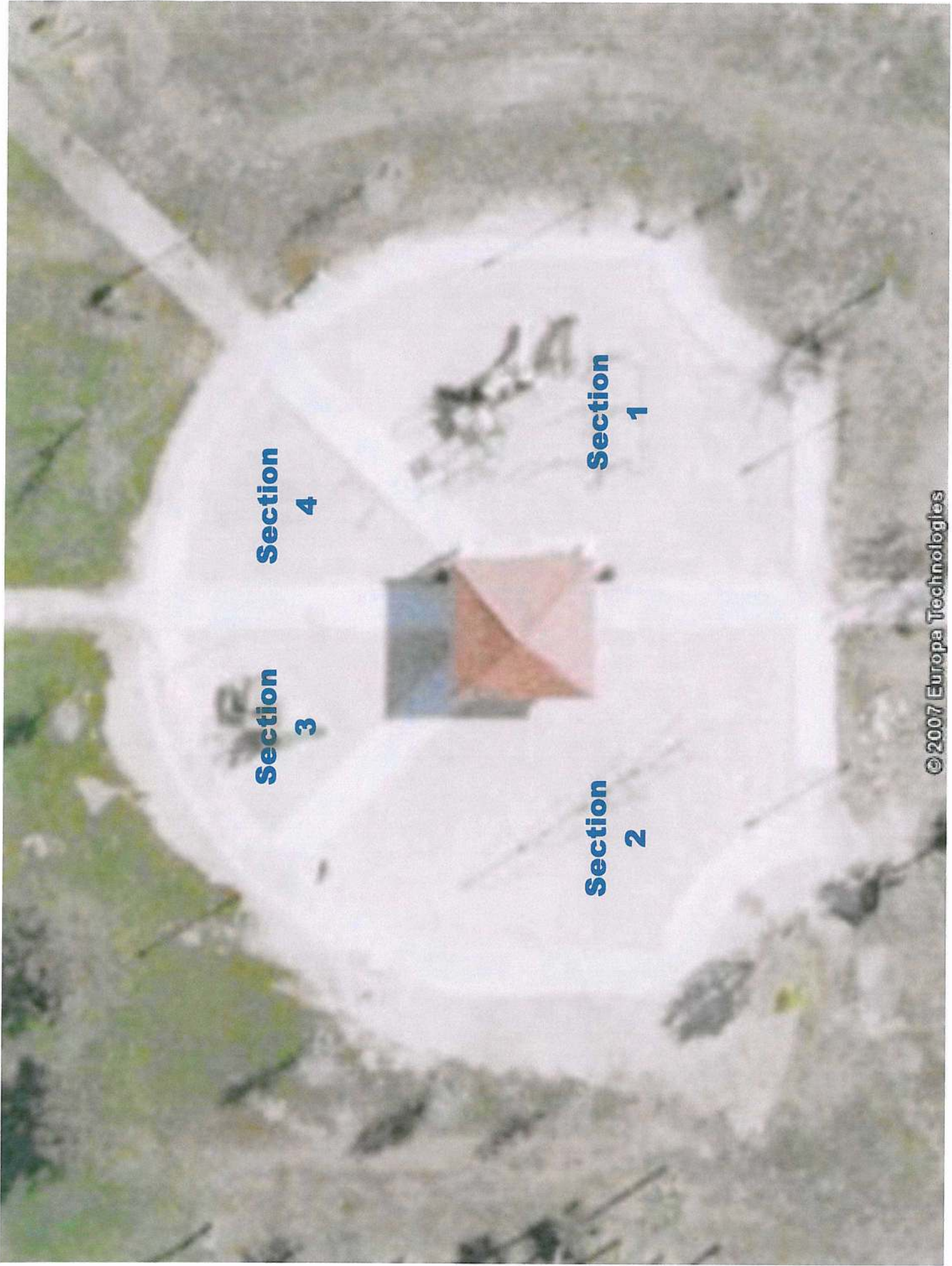
PROP. PARKING

LAKE SHORE DRIVE
LAKE WORTH

N51115 W 776.11

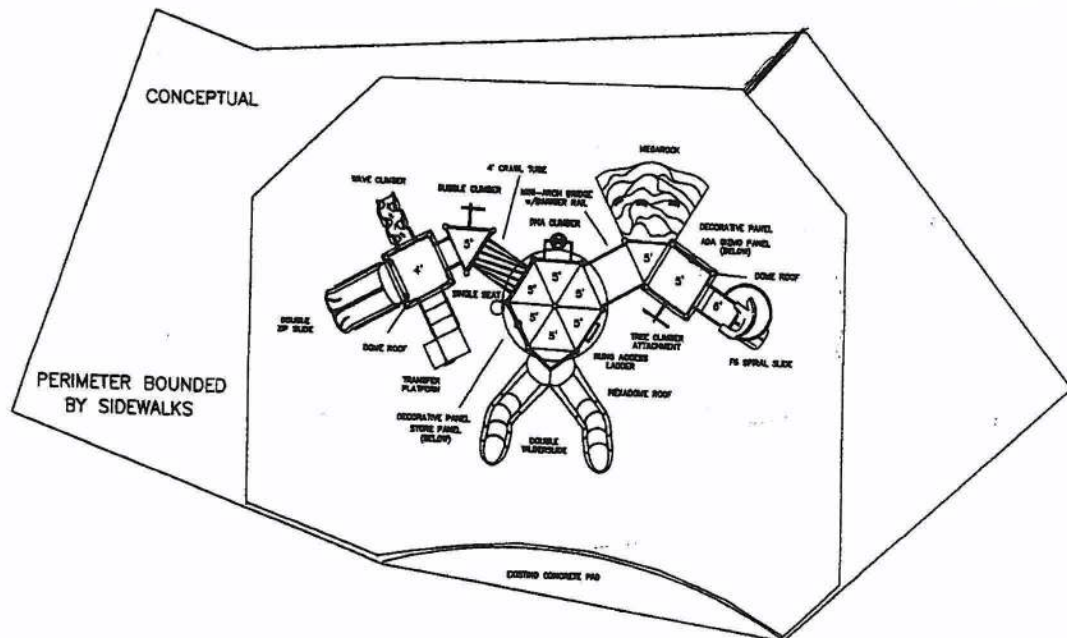
N8422.45 W 576.7





LAKE SHORE PLAYGROUND

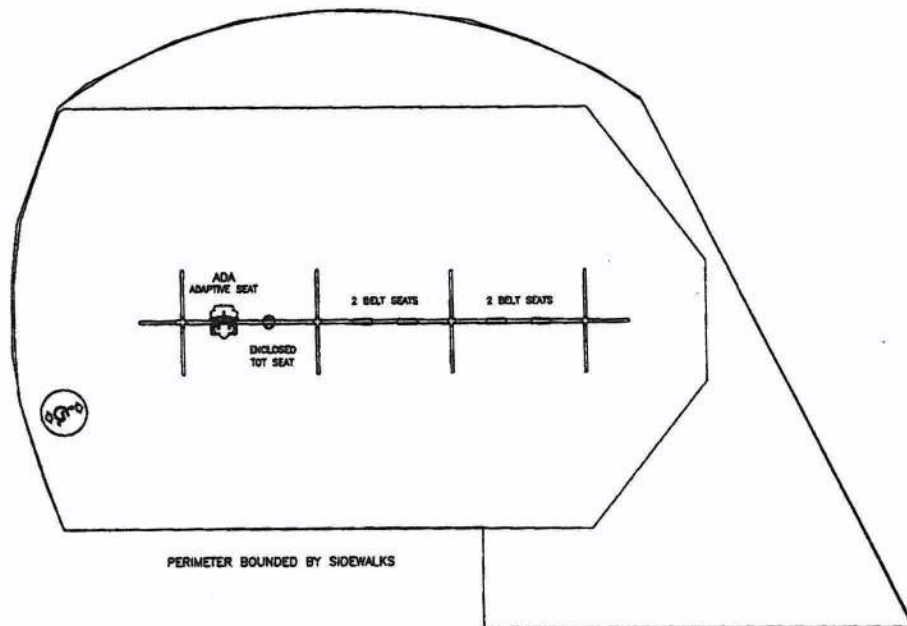
SECTION 1



The largest piece of playground equipment will be installed in section 1 of the newly renovated playground. The interior lines indicate the necessary safety zone around the apparatus. This would allow for future growth, with the installation of additional pieces of equipment.

LAKE SHORE PLAYGROUND

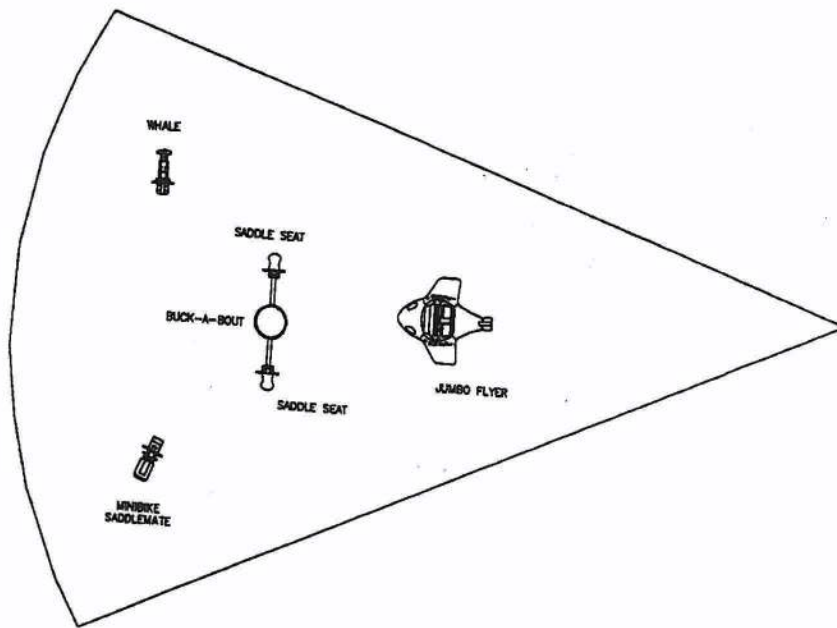
SECTION 2



The above six-seat swing set will be placed in section 2 of the enclosed playground overlay. Due to the need for space for swinging and landing, a safety zone of at least sixteen (16) feet is needed on both sides of the swing set.

LAKE SHORE PLAYGROUND

SECTION 3



The above photograph indicates several of the miscellaneous playground equipment that we plan to install in Section 3. The pieces will be evenly spread out to allow for safety and ease of movement.

LAKE SHORE PARK PLAYGROUND AND PARK RENOVATION

ADA COMPLIANT MULCH



In place of the messy and non-ADA compliant sand, we plan to install the wood fiber in three of the four large sections of the Lake Shore Playground area. The mulch we plan to install is the same playground mulch that we placed in our ball field playground three years ago. The 15" base of mulch, which will compress to 12", will allow for easy drainage, while the overall surface will have a safe, spongy feel. Underneath the wood fiber will be a thick Geotextile Fabric to act as a weed barrier.

LAKE SHORE PARK

EXERCISE TRAIL ALONG 1/3 OF A MILE HEART TRAIL



LAKE SHORE PARK PLAYGROUND AND PARK RENOVATION

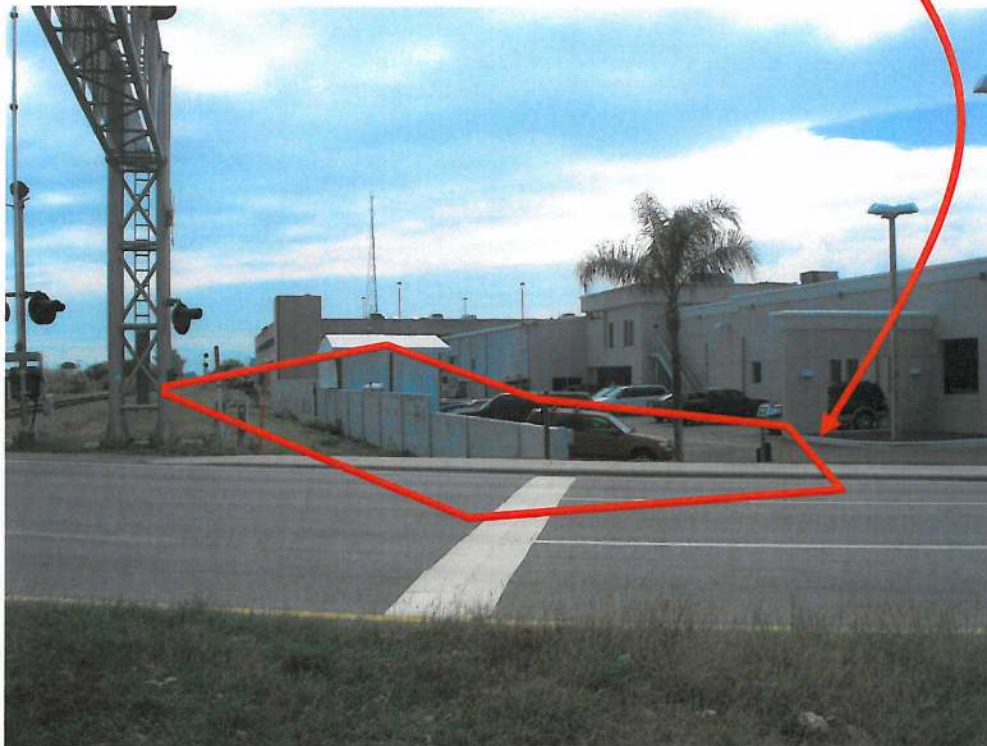


The above photographs indicate several of the miscellaneous park equipment that we plan to purchase and install around the playground. The picnic benches will be in forest green.

This wall as seen from Old Dixie has no proposed landscape.

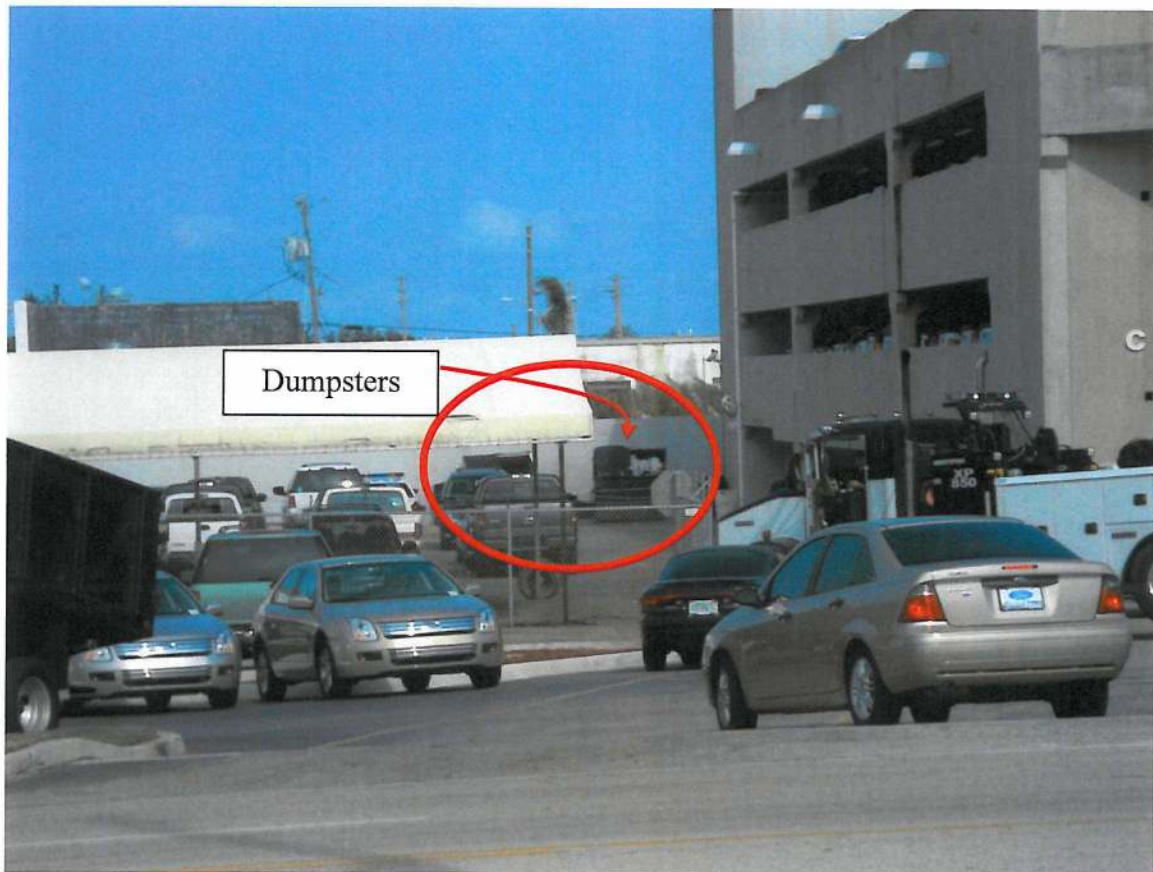


This area as seen from Northlake Blvd has no proposed landscaping except for the one tree in the picture.





South Wall off
Old Dixie





Kelsey Station



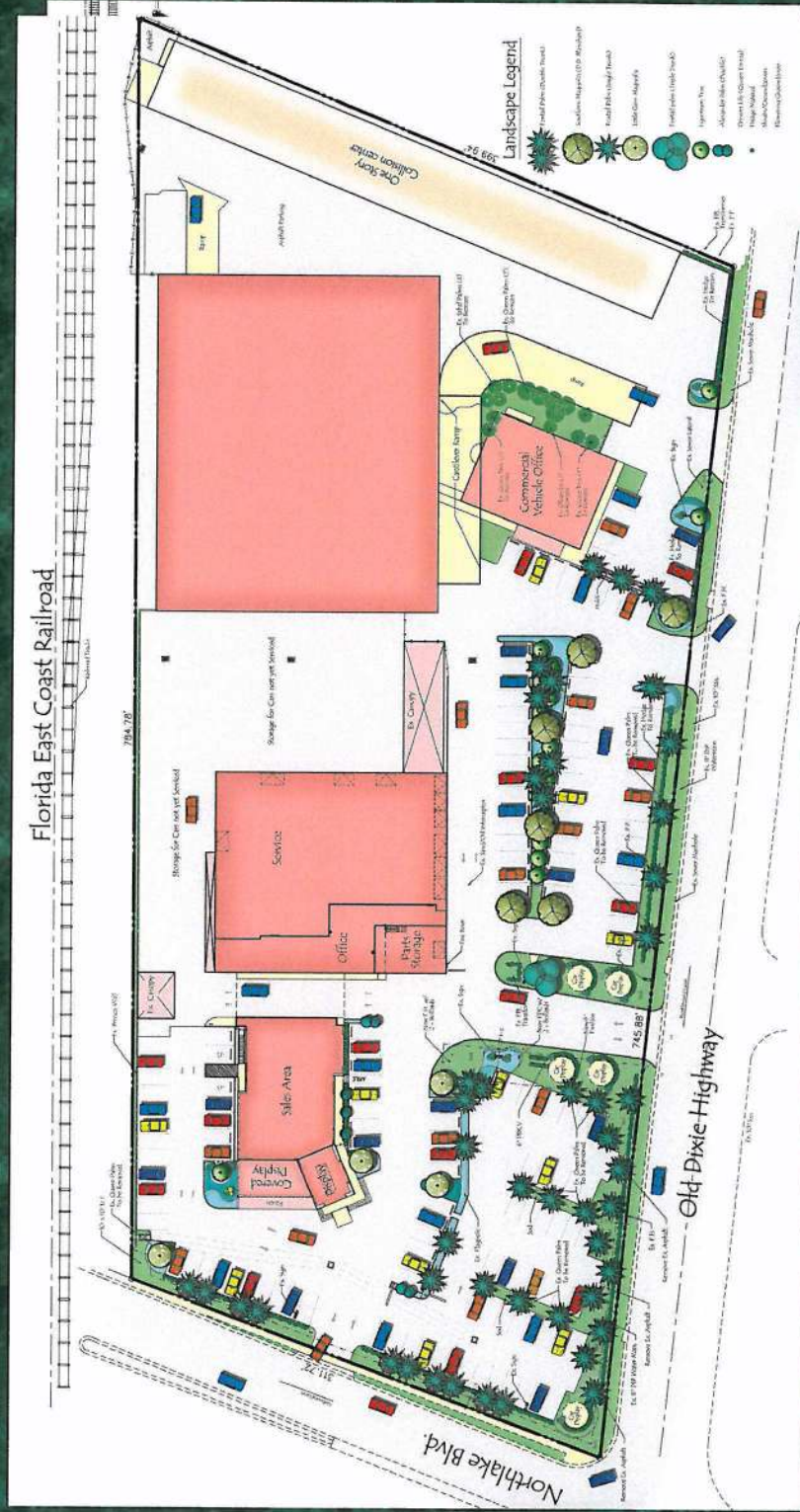
Bev Smith

Bev Smith Ford Landscape Plan

Town Commission
Meeting

April 4, 2007

Existing & Proposed Landscape



Northern Buffer Existing & Proposed



Western Buffer Existing & Proposed



FEC Right-of-Way/Eastern Buffer Existing Conditions

- Existing Wall on Property Line
- Site Circulation and Service Area Vehicle Storage adjacent to wall



Southern Buffer Existing Conditions

- Buffer width 4 feet
- Adjacent Collision Center below grade.
- Buffer area used for drainage
- Buffer area contains utilities (electric and gas)

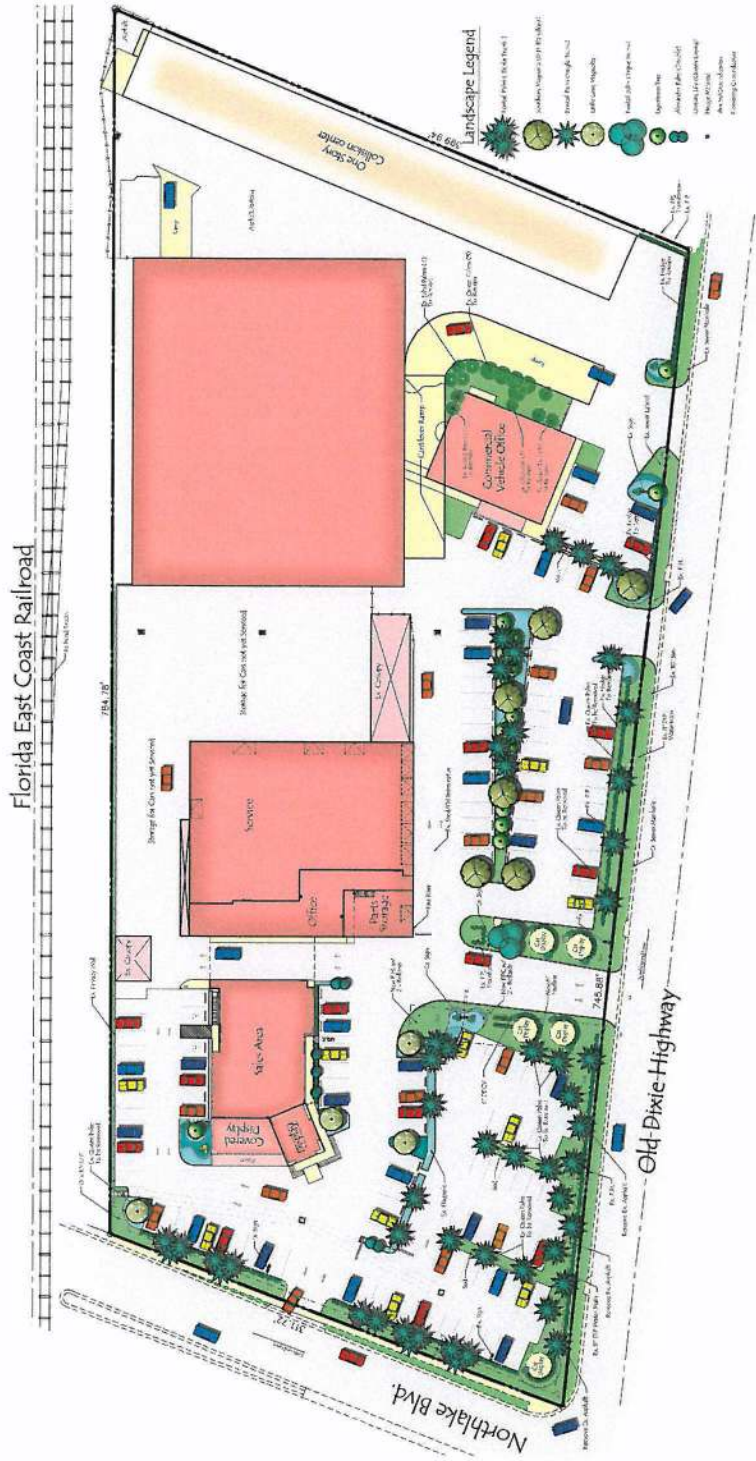


Original/Existing Landscape

- Continuous 3 foot hedge along north and west buffer.
- 6 Queen Palms within the Interior Parking Areas
- 9 trees adjacent to Garage Ramp



Bev Smith Ford Landscape Plan



Proposed Waivers

Use: C-1/NBOZ Automotive Dealership	Code Comparison (C-1)	Proposed
<i>Tree Spacing Sec. 78-253 (h) (2)</i>	20 feet along R/W 40 feet on perimeter	30 feet along R/W
<i>Perimeter Buffers Sec. 78-253 (h) (1)</i>	8 foot wide buffer (South and East Buffer)	0' Buffer (Existing)
<i>Required Trees Sec 78-253 (h) (3)</i>	No more than 50% of trees can be palms	56% of the proposed trees are Palms
<i>Foundation Planting Sec 78-253 (h) (5)</i>	Foundation Planting within 15 feet of all structures	Where feasible based on approved site plan
<i>Planting around Ground Planting Sec 78-253 (h) (8)</i>	Planting is required around all signs	None -Existing signs are located within paved display parking area
<i>Non-Living Landscape Material Sec 78-253 (h) (14)</i>	50% of barrier walls should covered with vegetation	None - Existing wall is located on property line adjacent to FEC R/W
<i>Parking Areas Sec 78-253 (c) (5)</i>	Multi-Story Garages shall have planters adequately designed	None - Existing Garage was not designed with any planters

REGULAR COMMISSION MEETING
Action Minutes from April 4, 2007



- A. CALL TO ORDER 7:43 p.m.
- B. INVOCATION Town Clerk
- C. PLEDGE OF ALLEGIANCE Vice-Mayor Daly
- D. ROLL CALL Mayor Castro absent
- E. ADDITIONS/DELETIONS. Remove item 24 (Village Shoppe Development).
- F. Proclamations to Cynthia R. Sementelli Approved.
- 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. *Katherine Lampkin; William McDow.*
- H. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER.
- I. 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.**
1. Regular Commission Meeting minutes of March 21, 2007.
 2. Resolution 33-04-07 Authorize the Mayor to execute an Interlocal Agreement with Palm Beach County for Traffic Engineering Services.
 3. Purchase of playground equipment for Lake Shore Park.
 4. Purchase of ADA compliant mulch playground surface for Lake Shore Park.
 5. Purchase of exercise trail equipment for Lake Shore Park.
 6. Expenditure approval for benches, picnic tables and trash receptacles for Lake Shore Park.
Expenditure approval for lighting for Lake Shore Park.
 7. Expenditure approval for excavation and fill for Lake Shore Park.
 8. Expenditure approval for relocation of Public Works two way radio system to American Tower (Lodestar).
Resolution 25-04-07 Revise job description for Code Compliance Officer.
 9. Resolution 26-07-07 Revise job description for Community Development Director.
 12. Resolution 27-04-07 Support of Bioscience.
 13. Resolution 30-04-07 Community Development Block Grant Amendment 001 Improvements in the Neighborhood Target Area.
 14. Resolution 32-04-07 Electronic Transfers.
 15. Proclamation for Arbor Day.
 16. Proclamation declaring April as Water Conservation Month.
- J. PUBLIC HEARING (S) All were approved.
Ordinance on Second Reading):
17. Ordinance 07-2007 Mid-Year Budget Amendment. Approved.
- K. RESOLUTION(S):
18. Resolution 29-04-07 Overtime provision for non-exempt employees. Approved.

Quasi-Judicial Hearing:

19. Resolution 28-04-07 Bev Smith Ford Landscape Plan. Approved with modification.

L. GENERAL APPROVAL OF ITEM:

20. Professional Engineering Services to design additional Mooring Piles for the Marina. Approved.

M. DISCUSSION AND POSSIBLE ACTION

21. Fund Raising Benefit for Leukemia in Kelsey Park. Approved.

22. Designation of voting Delegate & Alternate to Palm Beach County League of Cities. Approved.

23. Parks & Recreation Department Housing Options. Approved. 3/1

24. Proposed Village Shoppe development. Removed from agenda.

N. ADJOURNMENT:

10:10 p.m.