



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
August 22, 2007 7:30 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, August 22, 2007 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Karen Roselli, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Commissioner Osterman led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Discussion of Code Compliance Board was moved after the Consent Agenda. Item #5 Resolution No. 59-08-07 was moved to last item on the agenda and Item #10 Ordinance No. 19-2007 was deferred.

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

**PRESENTATION:**

Proclamation to Jane Terwillegar

Mayor Castro thanked Jane Terwillegar for all of the hard work she put into the Library and for her work with the Kiwanis Club. He read the proclamation.

Ms. Terwillegar thanked everyone and especially the Library staff and Town staff.

**Motion: A motion was made by Commissioner Balius to approve the Proclamation to Jane**

**Terwillegar; 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          | X   |     |       |

Motion passed 5-0.

**PUBLIC and OTHER COMMENT**

*Earl Stewart of Stewart Toyota* – apologized to the Commission for the hostility between himself, his company and the Town. He took full responsibility. He asked to open the lines of communication, get the facts on the table and make the right decision for his company and the Town. He stated that everything the Town has done for him and his company. He requested the Town’s help for his next project. He reviewed the things that the Town has done for him and his company in the past. He requested time for discussion at the next Commission Meeting to discuss the next project of razing Journey’s Inn, extending the service department and body shop and the construction of a parking garage. He met with his employees and directed them to bury the hatchet, get along with the Commission, and do what’s best for the Town and Earl Stewart Toyota.

Mayor Castro thanked Mr. Stewart for coming and for opening a dialogue between himself and the Commission. He further stated that there was an opportunity to mend fences and possibly start on the second phase of the Earl Stewart Project. He informed Mr. Stewart that he could speak with the Commissioners individually.

*Bill Reichel President of Reichel Realty & Investments, 8845 N. Military Trail* – gave a brief history of his company and expertise. Earl Stewart has been a client of his for the past 18 years and Mr. Reichel has always had the utmost respect for him. Mr. Stewart has always gone above and beyond in all of his business dealings with Reichel Realty & Investments and he hoped that the Commission could work with Mr. Stewart on his project.

*John Glen OGS Architects* – stated that he was looking forward to working with the Commission and moving forward with the Earl Stewart Project.

Commissioner Osterman recommended a public discussion on the Earl Stewart Project versus individual private discussions.

Mayor Castro stated that a dialogue needed to be created between the Commission and Mr. Earl Stewart and he would give Mr. Stewart a call if needed.

Commissioner Balius stated that he would like to see the Earl Stewart Project begin.

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

**Commissioner Carey** stated he appreciated the Commission accompanying him to the League of Cities Conference. It was a great opportunity to get to know the Commissioners outside of their element and to see other cities' views and struggles.

**Commissioner Osterman** stated that she appreciated the opportunity to spend time with the Commissioners at the League of Cities Conference. She recommended having work sessions before Commission Meetings to have a more informal way to understand and discuss issues.

**Mayor Castro** asked Commissioner Osterman asked for clarification on work sessions.

**Commissioner Osterman** explained that a work session would be a pre-meeting to discuss issues in a more comfortable setting that would be open to the public. It would be a way of sharing ideas more fully and informally.

**Mayor Castro** stated that he didn't mind having work sessions for large projects. He didn't see the need to have one before each Commission Meeting.

**Commissioner Osterman** explained that the work sessions would give the Commission the opportunity to discuss issues and share more background on the issues before the Commission Meetings.

**Mayor Castro** stated that he tries to be as vocal and communicative as possible during the Commission Meetings but is sometimes overbearing and would work on those issues. He recommended having a work session on the CRA Plan.

**Commissioner Osterman** stated that she would like to have insight on individual perspectives on certain issues.

**Commissioner Balius** stated that he enjoyed the League of Cities conference. It was the first time that the Commissioners spent time together. He attended the Future Property Tax and Home Bill Conference. After the presentation the attendees were asked who would vote for Home Bill I. Only two people raised their hands. The entire room voted against Home Bill I.

Commissioner Balius further stated that he lost his schedule for the Bert Bostrom ball field and would like a replacement. Since he's been back from the League of Cities Conference there, have been football players playing every night at 6 pm. He also observed tire tracks on the field and noted that the field was not supposed to be driven on.

**Town Manager Maria Davis** stated that she drove her vehicle on the field earlier in the week and that those tracks might have been the tracks observed by Commissioner Balius.

**Commissioner Balius** stated that he was under the impression that the football players were only using the field two nights a week.

**Town Manager Maria Davis** stated that the program had not begun yet and the players were doing drills. She asked why it was a problem for the players to use the field before starting their games.

**Commissioner Balius** stated that if the ball field was used every day the grass would not have an opportunity to grow.

**Town Manager Maria Davis** stated that she thought the idea of scheduling the games was so that AYSO and POP Warner did not conflict and further did not believe that the football players using the field every night would ruin the grass. She asked if the Commission wanted her to stop the players from using the field.

**Commissioner Balius** stated that there was a problem last year when the field was being used constantly and the grass was killed.

**Town Manager Maria Davis** stated that she was uncomfortable that she was now hearing those complaints. There was an agreement with AYSO and POP Warner that if either organization was having a problem they would come to her.

**Commissioner Balius** stated that he needed another schedule.

**Town Manager Maria Davis** stated that she would be happy to provide Commissioner Balius with a new schedule. She wanted to understand what the Commission's direction was.

**Commissioner Balius** stated that he was under the impression that the teams could not start until they had their insurance.

**Interim Recreation Department Director Greg Dowling** stated John Russ was in his office that day and he had just contacted POP Warner to get the insurance forms. He just received the soccer forms that day. Drills were done that day and equipment was passed out. The teams were practicing on the Little League field and there was a monthly schedule available.

**Commissioner Balius** stated that he was under the impression that the teams were supposed to add the Town to their insurance policy.

**Interim Recreation Department Director Greg Dowling** stated that Mr. Russ was a one man show but trying his best to get the teams together and programs started. The POP Warner teams were practicing Tuesday, Wednesday, and Thursday. AYSO was practicing Monday, Friday and Saturday. No teams would be practicing on Sunday.

**Vice-Mayor Daly** asked for assurance that the Commission would meet with the insurance carrier before the budget meeting.

**Town Manager Maria Davis** stated that the insurance carrier would be at the next budget meeting.

**Vice-Mayor Daly** stated that some employees were unhappy with the insurance situation and he would like to get clarification on the changes that would be made. He asked if insurance was a bid process.

**Town Manager Maria Davis** stated that the last time the insurance was bid out was in Budget Year 2005-2006. Insurance should not be bid out every year because the insurance carriers would not bid if the contract was bid annually. An insurance representative will be at the September 12, 2007 Commission Meeting.

**Vice-Mayor Daly** recommended that Town Manager Maria Davis give updates periodically on the issues at the ball field.

**Town Manager Maria Davis** stated that she would be forwarding minutes of each meeting every Friday to resolve any issues or concerns that arise between either of the organizations. There should not be any problems if there is communication and each party adheres to the agreement. There were two issues that AYSO brought to her attention which were subsequently resolved. AYSO was not happy with the storage situations and they now have storage on the second floor of the ball field building on 7<sup>th</sup> St. Secondly, AYSO was upset because POP Warner had not come out with the schedule. If POP Warner's schedule was not received by that end of business on August 22, 2007, the Town would come up with their own schedule and POP Warner would have to adhere to it. She was hoping that the regularly scheduled meetings would calm the drama and resolve the issues.

**Vice-Mayor Daly** requested that Town Manager keep the Commission updated on what was going on with the ball field.

**Commissioner Osterman** asked there was an insurance liability on the ball field before the organizations actually had their insurance in place.

**Mayor Castro** stated that the Town was fully covered should anyone get injured on the ball field.

**Vice-Mayor Daly** observed that lawn cuttings were blowing into the gutters and getting caught in the catch basins which has clogged up the drains. He recommended notifying contractors to pick up their lawn clippings.

**Mayor Castro** referred to an article in the Weekday written by Bert Bostrom that indicated that Lake Park had a strong Mayor form of government. He stated that he was not a strong mayor who makes all the decisions for the Commission. Each Commissioner has their say and opinion over every issue. The Firefighter's Pension lawsuit was unanimously voted on by the Commission.

**Commissioner Balius** announced that Bob Dobson, a former police officer with Lake Park, recently passed away.

**Town Attorney Karen Roselli** gave an update on the Firefighter's Pension Fund lawsuit. There has been no opinion given on the case.

**Town Manager Maria Davis** introduced Anne Costello as the Town's new Finance Director. She has 22 years experience with the City of Lake Worth and would start work on Monday. She announced that Public Works Director Joseph Kroll would be leaving the Town to work for the City of Lake Worth. She congratulated him and wished him well.

She referred to a notification of a Public Hearing that would take place on September 11, 2007 regarding the Park Ave. extension in the Palm Beach County Commission Chambers at 9:30 am.

Lake Shore Park is nearing completion and she requested setting a date for dedication. She asked the Commission for their protocol for park dedications.

**Mayor Castro** requested an early morning dedication. He recommended any Saturday before noon.

Discussion ensued between the Commissioners regarding dates for the dedication of Lake Shore Park.

The Commission recommended October 13<sup>th</sup> or 27<sup>th</sup> for the dedication ceremony. Each Commissioner agreed to check their calendars and confirm a date.

**Town Manager Maria Davis** stated that there was previously a brief discussion on having electric gates for Lake Shore Park. Captain Douglas Reece liked the idea and recommended putting timers on the gates.

Discussion ensued between the Commissioners regarding the installation of electric gates at Lake Shore Park.

**Town Manager Maria Davis** stated that she would bring back an estimate for electric gates for discussion at the next Commission Meeting of September 12, 2007.

She recommended adding Jeff Blakely to the dedication plaque as landscape architect for Lake Shore Park.

**The Commission came to consensus to have Jeff Blakely's name on Lake Shore Park's dedication plaque.**

**Town Manager Maria Davis** asked the Commission to recommend a date for the Comprehensive Plan Workshop with Coradino and Associates.

The Commission requested that the Comprehensive Plan Workshop be scheduled on a Wednesday.

**Town Manager Maria Davis** stated that there was a Park Ave Improvement Workshop scheduled for next Wednesday, August 29, 2007. September 5<sup>th</sup> and September 19<sup>th</sup> were open to schedule the Comprehensive Plan Workshop.

**The Commission came to consensus to have the Comprehensive Plan Workshop on September 19, 2007.**

**Town Manager Maria Davis** stated that she was contacted by the Holiday Boat Parade of the Palm Beaches Committee Chair.

**Mayor Castro** stated that he was also contacted by the Chair to make a donation. He requested that Town Manager Maria Davis check on what the contribution was last year and put it on the next Commission Meeting Agenda for discussion.

**Town Manager Maria Davis** stated that the Holiday Boat Parade of the Palm Beaches Committee Chair requested the use of the Harbor Marina to have a barge to conduct their fireworks display on the day of the Holiday Boat Parade.

**Town Manager Maria Davis** stated that the Town was able to get a one (1) year extension on their dredging grant.

She announced that Stephen Smith had retired after 30 years as a Town employee, and a luncheon would be held for him on Friday, August 24, 2007 at noon. She asked the Commission to present Mr. Smith for his years of service to the Town.

**The Commission came to consensus to present Stephen Smith with a proclamation for his 30 years of service with the Town.**

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of July 18, 2007
2. Budget Workshop Meeting Minutes of July 25, 2007
3. Resolution No. 55-08-07 Library State Aid
4. Resolution No. 56-08-07 Tennis Pro Contract
5. Resolution No. 59-08-07 Forming an independent Non-Profit 501 (c)(3) Organization
6. Resolution No. 60-08-07 Florida Recreation Development Assistance Program (FRDAP) Grant Submission
7. Resolution No. 61-08-07 Rental Fee Structure
8. Resolution No. 63-08-07 Addendum to Hy-Byrd Contract

Items 3, 5, 6, and 8 were pulled from the Consent Agenda for discussion.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve items 1, 2, 4, & 7 of the Consent Agenda; Commissioner Carey made the second.**

Vote on Motion:

| Commission Member     | Aye | Nay | Other |
|-----------------------|-----|-----|-------|
| Commissioner Balius   | X   |     |       |
| Commissioner Carey    | X   |     |       |
| Commissioner Osterman | X   |     |       |

|                    |   |  |  |
|--------------------|---|--|--|
| Vice-Mayor<br>Daly | X |  |  |
| Mayor<br>Castro    | X |  |  |

Motion passed 5-0.

Mayor Castro asked if the Library State Aid required a matching grant or matching funds.

Former Library Director Jane Terwillegar explained that the Library State Aid did not require a matching grant. The funds would be reduced from last year. She expected the funds to be approximately \$12,000. They would not know the exact amount until January.

**Motion: A motion was made by Commissioner Carey to approve item #3 Library State Aid of the Consent Agenda; Commissioner Osterman made the second.**

Vote on Motion:

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

Motion passed 5-0.

Mayor Castro asked if the FRDAP Grant required a matching grant.

Grants Writer Gini Martin explained that the FRDAP Grant required a matching grant if over \$50,000 was awarded. Whatever match would be required could be matched by a grant that the Town would receive from the U.S. Soccer Foundation. They would provide the engineering and architectural components for the soccer field.

Mayor Castro asked what the requirements were from the U.S. Soccer Foundation.

Ms. Martin stated that the U.S. Soccer Foundation required that the Town provide training for children and get them involved in soccer and to promote training for the referees and coaches.

Mayor Castro asked what the U.S. Soccer Foundation required for the infrastructure improvements of the soccer fields and if they had to be strictly soccer fields or could they be co-mingled.

Ms. Martin stated that the soccer fields could be co-mingled.



**Motion: A motion was made by Commissioner Carey to approve item #6 FRDAP Grant of the Consent Agenda; 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.

Mayor Castro asked for clarification on the inspection that needed to be done for a Business Tax License.

Community Development Director Patrick Sullivan explained that when a business owner moves into a vacant property, an inspector must go out to inspect the property to make sure the building is up to code and to confirm that the space is adequate to cover the business' needs.

Mayor Castro stated that there should not be a requirement for an inspection on a building that was already built unless they were doing improvements.

Community Development Director Patrick Sullivan explained that if major improvements were being done to the building than the adequate permits would need to be pulled. The building is inspected to determine if it is safe and adequate.

Mayor Castro stated that there would be no need for an inspection and no liability issue for the Town.

Town Manager Maria Davis requested that item #8 Addendum to Hy-Byrd Contract be pulled and deferred until she could do more research on it.

Discussion ensued between the Commission regarding the history of the Hy-Byrd Contract.

**Motion: A motion was made by Commissioner Osterman to defer item #8 Addendum to Hy-Byrd Contract of the Consent Agenda to the next Commission Meeting of September 12, 2007; Commissioner Osterman made the second.**

Vote on Motion:

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

|                          |   |  |  |
|--------------------------|---|--|--|
| Commissioner<br>Carey    | X |  |  |
| Commissioner<br>Osterman | X |  |  |
| Vice-Mayor<br>Daly       | X |  |  |
| Mayor<br>Castro          | X |  |  |

Motion passed 5-0.

**Discussion and possible action**

**Code Compliance Board**

Community Development Director Patrick Sullivan reviewed the costs to run a Code Compliance Board. He made a comparison of costs between the Code Compliance Board and the Special Magistrate Hearing. Two attorneys must be present for the Code Compliance Board and staff is paid overtime at approximately \$25 per hour. He calculated approximately \$1200 to \$1500 per Code Compliance Board Meeting. Between January 2006 and April 2007 there was approximately \$29,000 in administrative costs billed for the Special Magistrate Hearing and the in-house administrative costs were approximately \$17,000. He explained that many violations were resolved before going to the Code Compliance Board Meetings and those violations were usually resolved one to two days before the meeting. There was a total of 60 cases in one year for the Code Compliance Board Meetings and over 200 in one year for the Special Magistrate Hearings. Staff called other municipalities to see if they had Code Compliance Boards. Three municipalities - Palm Beach, Greenacres, and North Palm Beach - had a Code Compliance Board. Eight municipalities had only a Special Magistrate. Director Sullivan recommended holding off on the Code Compliance Board.

Commissioner Balius asked for clarification of the figures and cost comparisons of the Code Compliance Board and Special Magistrate Hearings. He did not see how the Code Compliance Board was cost effective for the Town.

**Public Comment Open.**

*Barbara Bursey, 209 Cypress Dr.* – thanked the Commission for the opportunity to serve on the Code Compliance Board for the past 6 years. She understood how governments work and that they would not keep something that was not cost effective such as the Code Compliance Board. She expressed her love for the Town and the Town’s children. She stated that she would find something else to do instead of the Code Compliance Board.

*Desca Dubois, 516 Sabal Palm Dr.* – stated that she had been with the Code Compliance Board for 10 years. She thanked the Code Compliance Board Members. She stated that the Code Compliance Board was supposed to be making revenue. Several meetings were cancelled because someone who was crucial to the board was out of town. She thanked the Commission for the opportunity to serve. It was important to her that the Special Magistrate was able to keep the Town aesthetically pleasing. She recommended that the Code Compliance Board be suspended rather than be abolished.

**Public Comment Closed.**

Commissioner Balius stated that the issue with the Code Compliance Board was a fixed cost of \$1300 to \$1400 which was not cost effective if only two cases were heard.

Mayor Castro stated that reviewing the efficiency of the Code Compliance Board was to be more efficient by doing the same job at a lower cost.

Vice-Mayor Daly stated that he wanted to give the Code Compliance Board the opportunity to speak. He expressed concern over eliminating boards. He wished the Code Compliance Board members well and hoped that they could find something else that they could do for the Town.

Commissioner Osterman agreed and liked the idea of suspending the Code Compliance Board rather than abolish it.

Attorney Karen Roselli stated that what was done in the past with other municipalities was to leave the Code Compliance Board in the Town code and the Town had the option of using the Code Compliance Board when they found it necessary.

Commissioner Carey recommended the suspension of the Code Compliance Board in the same manner that the Harbor Marina Board was suspended to an on call or as needed basis.

**Motion: A motion was made by Commissioner Balius to discontinue the Code Compliance Board until the Commission deems it necessary to bring it back; 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.

Mayor Castro recommended letters to all of the Code Compliance Board members informing them of their decision and authorize the Town Manager to present proclamations to all of the Code Compliance Board Members.

**The Commission came to consensus to have proclamations presented to all Code Compliance Board Members.**

**PUBLIC HEARING(S)**

**ORDINANCES ON 2nd READING**

**ORDINANCE NO. 18-2007 - Reasonable Accommodation**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, TO CREATE NEW CODE SECTION 78-6 TO BE ENTITLED “REASONABLE ACCOMMODATIONS PROCEDURES” PROVIDING FOR REASONABLE ACCOMMODATION PROCEDURES PURSUANT TO THE FAIR HOUSING AMENDMENTS ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 18-2007 upon 2<sup>nd</sup> reading; 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.

Attorney Karen Roselli read Ordinance No. 18-2007 by caption only.

**ORDINANCES ON 1<sup>st</sup> READING**

**ORDINANCE NO. 20-2007 – Citations**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA BY AMENDING SECTION 9-71 ENTITLED “ENFORCEMENT PROCEDURES AND STANDARDS”; AND REPEALING SECTION 9-72 ENTITLED “NOTICE TO APPEAR”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open:**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 20-2007; 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.

Attorney Karen Roselli read Ordinance No. 20-2007 by caption only.

**ORDINANCE NO. 21-2007 – Amending Chapter 54 to Correct Miscellaneous Errors.**

**A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, SECTION 54-81 ENTITLED “PROPERTY MAINTENANCE STANDARDS, GENERALLY”; SECTION 54-82 ENTITLED “BOARDED UP BUILDINGS, HURRICANE SHUTTER REMOVAL REQUIRED”; SECTION 54-131 ENTITLED “NUISANCE DECLARED”; SECTION 54-132 ENTITLED “NUISANCE TO BE ABATED”; AMENDING SECTION 54-133 ENTITLED “PROCEDURE FOR ABATEMENT OF NUISANCE”; SECTION 54-134 ENTITLED “APPEAL PROCEDURE”; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice-Mayor Daly requested clarification on whether residents or the Town was responsible for sidewalks.

Mayor Castro stated that repair of damaged sidewalks was the sole responsibility of the Town.

**Public Comment Open:**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 21-2007; Vice-Mayor Daly made the second.**

Vote on Motion:

| Commission | Aye | Nay | Other |
|------------|-----|-----|-------|
|------------|-----|-----|-------|

|                          |   |  |  |
|--------------------------|---|--|--|
| Member                   |   |  |  |
| Commissioner<br>Balius   | X |  |  |
| Commissioner<br>Carey    | X |  |  |
| Commissioner<br>Osterman | X |  |  |
| Vice-Mayor<br>Daly       | X |  |  |
| Mayor<br>Castro          | X |  |  |

Motion passed 5-0.

Attorney Karen Roselli ready Ordinance 21-2007 by caption only.

**ORDINANCE NO. 22-2007 Business Tax Increase**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCE CHAPTER 28, TO RECLASSIFY BUSINESSES, OCCUPATIONS AND PROFESSIONS BY CATEGORY, TO ELIMINATE THE LISTING OF CERTAIN ARCHAIC AND OBSOLETE BUSINESSES, AND TO INCREASE THE BUSINESS TAX CHARGED FOR THE PRIVILEGE OF ENGAGING IN A BUSINESS, PROFESSION, OR OCCUPATION WITHIN THE TOWN OF LAKE PARK BY AMENDING SECTION 28-41 ENTITLED "SCHEDULE OF FEES AND REGULATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open:**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 22-2007; Commissioner Carey made the second.**

Vote on Motion:

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

Motion passed 5-0.

Attorney Karen Roselli read Ordinance No. 22-2007 by caption only.

## **RESOLUTIONS**

### **RESOLUTION NO. 57-08-07 – Facility Fee Waiver/ Reductions Criteria**

#### **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ADOPTING NEW CRITERIA FOR FEE WAIVER REDUCTIONS FOR TOWN FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Balius stated that the majority of municipalities charge business owners and residents equally. He agreed with the majority of the fees (see Exhibit "A") but had a problem with not charging a public sector organization for use of the facilities and only giving residents a 10% discount.

Town Manager Maria Davis stated that the Commission could set up the rental facility fees whichever way they wanted.

Commissioner Balius recommended charging out of town business entities full price. He could understand giving the Lake Park Kiwanis Club a break because they donate funds to the Town every year.

Commissioner Osterman recommended changing Category I of the rental facility fees to state Public Organizations located within the Town of Lake Park. She asked if the AYSO and Lake Park Sharks Occupational License was through the Town or with their home base.

Town Manager Maria Davis recommended that organizations located outside of the Town produce a legitimate 501(c)(3) certificate and that they serve in the Town in order to rent the Town's facilities.

Discussion ensued between the Commission regarding the criteria for organizations and rental facility fees.

Mayor Castro asked for flexibility in the rental fee criteria so that the Town could accommodate national organizations such as the Salvation Army.

Commissioner Osterman recommended that if an organization meets the criteria in Category I or II they would not have to come before the Commission for approval. If an organization falls outside the categories they would have to come before the Commission for approval.

Commissioner Balius had concerns with the proposed rental fees for outside organizations.

Mayor Castro recommended that Resolution No. 57-08-07 be deferred for further discussion at the next Commission Meeting of September 12, 2007.

Discussion continued between the Commission regarding rental fee criteria for the Town's rental facilities.

Town Manager Maria Davis stated that the Commission had requested that staff provide rental fee criteria for review and to make a decision to have the criteria set in place.

Mayor Castro asked that if a rental facility fee could be waived for an organization should they donate 75% of their proceeds from the event back to the Town.

Town Manager Maria asked if Mayor Castro wanted revisions made to the rental fee criteria.

Mayor Castro agreed to have staff make revisions to the rental fee criteria and bring it back to the Commission for review.

Discussion continued between the Commissioners regarding rental fee criteria for the Town's rental facilities.

Town Manager Maria Davis stated that a church had come to the Town requesting the use of the ball room for church services.

Mayor Castro stated that churches were a special exception in the district and it would constitute running a church service in a municipal building.

Interim Recreation Director Gregory Dowling stated that the church had contacted them because they were being kicked out of their building. There were approximately 12 people who needed to meet in the ballroom to gather and talk on Sunday mornings.

Commissioner Balius stated that Town Hall should not be rented out for church services.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to defer Resolution No. 57-08-07 to the next Commission Meeting of September 12, 2007; 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.

**RESOLUTION NO. 58-08-07 – Dockage Rate**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE REVISED DOCKAGE RATE SCHEDULE FOR THE**



**LAKE PARK HARBOR MARINA FOR VESSEL OWNERS AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Balius asked for clarification on Resolution No. 58-08-07.

Town Manager Maria Davis explained that a 30 foot boat could lease a 40 foot slip until a 40 foot boat became available for the slip. If there were no 30 foot slips available, a 40 foot slip would be offered until a 40 foot boat came in.

Marina Manager Michael Klingensmith explained that there were a large number of 60 foot slips and a smaller number of 30 and 40 foot slips. There has been a problem where there have been people coming in with 40 and 50 foot boats in which he would have to charge them for a 60 foot slip. Those boats were going to other marinas because they were able to get slips at a cheaper rate than the 60 foot slip.

Vice-Mayor Daly asked if the charges would be for a daily rental.

Marina Manager Michael Klingensmith explained that the charges would be monthly or annually. Daily rentals could be charged by the size of the vessel. He explained that a 50 foot boat could be held in a 60 foot slip until a 50 foot slip became available.

Commissioner Osterman stated that she was comfortable with monthly charges but not annual charges for smaller boats placed in larger slips.

Marina Manager Michael Klingensmith explained that the smaller boat would utilize the larger slip until a smaller slip became available.

Discussion ensued between the Commission regarding rental charges for boat slips at the Marina.

Attorney Karen Roselli stated that as long as a boat owner consents to renting a larger boat slip and the language in the lease agreement was correct it shouldn't be a problem.

Town Manager Maria Davis stated that the rental agreements for boat slips would need to be given to the Town Attorney so that the language could be reviewed.

Vice-Mayor Daly stated that he wanted to be sure that the proper language was in the boat slip rental agreement.

Commissioner Osterman stated that she was comfortable approving Resolution No. 58-08-07 theoretically but would like to see a revised contract before approval.

Attorney Karen Roselli stated that Resolution No. 58-08-07 could be approved subject to the revised lease agreement.

Discussion ensued between the Commission and Marina Manager Michael Klingensmith regarding the availability of boat slips at the Marina.

Commissioner Osterman recommended a summer monthly rate of \$20 for boat slip rentals

Marina Manager Michael Klingensmith stated that there was already a summer monthly rental rate of \$17.50.

Mayor Castro stated that he did not want the larger boat slips available during the season.

Marina Manager Michael Klingensmith explained how the Marina would accommodate the larger boats but also the smaller boats while there was space for them.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 58-08-07; 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. 62-08-07 Authorizing the Town Manager to Identify and Engage an Audit Committee**

**A RESOLUTION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE TOWN MANAGER TO IDENTIFY AND ENGAGE A NEW AUDITING FIRM; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Maria Davis explained that Tallahassee had come up with a new statute for the selection of an auditing firm. She recommended changing the Town's current auditing firm. By statute the Town could no longer follow the current procedures and processes for a Request for Proposal (RFP). An Audit Committee must now review all proposals. The Finance Director or Town Manager can no longer have any input into the Request for Proposal (RFP) process. The law states that the governing body must be the Audit Committee. The Commission was the governing body. The law states that the Audit Committee must have the proper expertise. If it does not, outside expertise could be brought in to assist the Commission. She explained the following options for the Audit Committee. The whole Commission could be the Audit Committee and outside expertise could be brought in. One or two members of the Commission could volunteer to be on the Audit Committee and the rest of the Committee could be made up of outside members. The last option would be to make the Audit Committee out of a three person

team of Finance Directors from other cities as expertise to make recommendations to the Commission.

Mayor Castro stated that he did not want to volunteer for the Audit Committee.

Commissioner Carey asked how many members were required for the Audit Committee.

Town Manager Maria Davis stated that three members were required for the Audit Committee.

Mayor Castro recommended an outside Audit Committee that the Commission did not pick.

Town Manager Maria Davis stated that so far she had Stanley Hockman from Royal Palm Beach and Patrice Monaco from Belle Glade who have volunteered. There was one more person she was waiting for.

Mayor Castro asked if there were any volunteers closer than Belle Glade.

Town Manager Maria Davis stated that she just put out a word to her colleagues for volunteers.

Mayor Castro stated that he would like to see and know who the volunteers were before choosing.

Discussion ensued between the Commission regarding the Audit Committee.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 62-08-07 and to form an Audit Committee consisting of Vice-Mayor Daly, Commissioner Balius and three other professional finance directors to oversee the selection of an auditor for the Town; 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.

**General Approval of Item**

### **Minor changes to Mariner's Key site plan**

Mayor Castro asked if changes could be made to a plan that was heard under a Quasi-Judicial Hearing without having a Quasi-Judicial Hearing for the changes.

Attorney Karen Roselli explained that the changes or amendments to a site plan needed to be made under a Quasi-Judicial Hearing. If it was not an administrative change, it would have to go through the Quasi-Judicial process.

Community Development Director Patrick Sullivan explained that the Resolution allowed him to make minor changes to the site plan. The one area that needed to come before the Commission was the color changes. The current proposed changes were not related to colors.

Mayor Castro asked why the discussion of changes to Mariner's Key was brought to the Commission.

Community Development Director Patrick Sullivan explained that the Commission previously stated that it wanted to review any changes that were made to the site plan.

Bill Hughes of Principal Design Development passed out a copy of the Mariner's Key site plan (see Exhibit "B") for the Commission's review and reference.

Attorney Karen Roselli explained that Community Development Director Patrick Sullivan was looking for guidance from the Commission as to whether the changes were changes that could be done under his authority and that he could do administratively or if they were changes that needed to be done by the Quasi-Judicial process.

Bill Hughes explained the proposed changes to the Mariner's Key site plan. There were changes made to carports and softening of the pads in the detention ponds. The carports would be changed from a trellis design to a design with a hard metal roof. He explained the illustration (see Exhibit "B") to the Commission.

Commissioner Balius stated that he liked the changes made to the carports.

Mayor Castro asked that staff review changes to site plans with the Town Attorney before bringing it to the Commission.

Attorney Karen Roselli explained that in reviewing the agenda item on Mariner's Key she assumed that Community Development Director Patrick Sullivan was looking to the Commission for guidance on whether he could make the changes to Mariner's Key administratively.

**The Commission came to consensus to approve the minor changes to the site plan for the Mariner's Key project.**

### **Town Manager's six month performance evaluation**

**Motion: A motion was made by Commissioner Balius to approve Town Manager Maria Davis' performance evaluation and to award a pay raise of \$5000 which would bring her total salary to \$130,000; 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.

**Discussion and Possible Action**

**Temporary use of a satellite dish at the Marina**

Town Manager Maria Davis stated that there was no infrastructure for cable at the Lake Park Harbor Marina. She asked Marina Manager Michael Klingensmith to explain.

Marina Manager Michael Klingensmith explained that many boats at the Marina currently had satellite dishes. There was no cable at the Marina for the use of checking weather like other marinas. The Harbor Marina Advisory Board recommended that accommodations be made for those boats to make their own arrangements until cable was put in at the Marina.

Mayor Castro recommended contracting with Comcast.

Town Manager Maria Davis explained that former staff had approached Comcast in the past and were turned down.

Mayor Castro asked if it was time to renew or renegotiate a contract with Comcast.

Vice-Mayor Daly stated that cable companies were changed from Adelphia to Comcast and recommended checking into negotiating with the current cable company.

Attorney Karen Roselli stated that approximately one year ago outside counsel checked to see if any modifications needed to be made to the franchise agreement with Comcast.

Commissioner Carey stated that the satellite would not be on the boats but a satellite would be on one of the pilings for the smaller boats to access.

Vice-Mayor Daly stated that he did not want to see satellite dishes all over the Marina. He stated that there were people living at the Marina.

Mayor Castro stated that there should be no one living at the Marina.

Commissioner Carey stated that revenue could be made by allowing boaters to have satellite dishes installed.

Mayor Castro stated that there was not a need to have satellite dishes at a Marina that does not allow boaters to live aboard their boats.

Vice-Mayor Daly stated that there were people living at the Marina. He asked Marina Manager Michael Klingensmith to explain.

Marina Manager Michael Klingensmith explained that the boats that were over 60 feet that come down for the winter have a mate and a captain that live on board. The mate and captain are required by insurance to live on board. Owners of those boats must show proof of a primary residence. Other boaters come down for a week or two at a time and do not use the boats as a primary residence.

Mayor Castro directed the meeting back to the discussion of satellite dishes.

Marina Manager Michael Klingensmith explained that there were rules and regulations where the Town could not prohibit the installation of a satellite on a boat.

Mayor Castro stated that the concern was over having satellite dishes on the docks.

Town Manager Maria Davis asked if there was a Resolution or minutes to a meeting pertaining to the boat owners living on their boats.

Mayor Castro stated that the FIND permit had a requirement that the Marina could not have live aboards as a condition to complete the construction of the Marina.

Town Manager Maria Davis asked for direction regarding the larger boats that have mates and captains living aboard.

Mayor Castro stated that they would have to talk to the State about that matter.

Discussion ensued about the boat owners living on board their vessels.

Commissioner Balius stated that he has received more complaints about the man on the motorcycle at the Marina than any other complaint.

Marina Manager Michael Klingensmith asked for direction on what to do about the motorcyclist.

Commissioner Balius stated that the motorcyclist lives on a boat and if he was not allowed to live on the boat the problem would be resolved.

Marina Manager Michael Klingensmith stated that there were two people at the facility who owned motorcycles. He spoke with one of them and was assured that he was not the motorcyclist who was rattling their pipes in the early morning hours.

Commissioner Balius recommended that Vice-Mayor Daly and Town Manager Maria Davis get together and discuss the matter of the motorcyclist at the Marina.

Mayor Castro recommended having satellite service at the Lake Park Harbor Marina.

Town Manager Maria Davis stated that they would look into the different options for satellite service at the Marina.

Commissioner Balius recommended a League of Cities conference titled "Everything you want to know about helping City Council and Advisory Boards be more Effective" at a cost of \$45.

**Resolution No. 59-08-07 Forming and independent Non-Profit 501(c)(3) Organization**

Town Manager Maria Davis requested authorization to develop a 501(c)(3) organization in order to obtain grants from private entities and foundations. Three persons must be selected to serve as officers.

Mayor Castro stated that he would like to think more about the agenda item and would like more information before making a decision.

**The Commission came to consensus to defer Resolution No. 59-08-07 to the next Commission Meeting of September 12, 2007.**

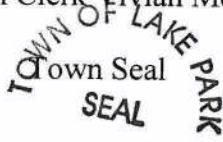
**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Daly and seconded by Commissioner Balius, and by unanimous vote, the meeting adjourned at 9:55 p.m.

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

  
\_\_\_\_\_  
Deputy Clerk Jessica Shepherd

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



FLORIDA

Approved on this 26 of Sept., 2007.



# Facility Rentals

## Oct. 06 – Sept. 07

| <u>DATE</u>           | <u>FACILITY</u> | <u>PROFIT</u>         |
|-----------------------|-----------------|-----------------------|
| Oct. 6 <sup>th</sup>  | Ballroom        | \$200 (Employee Rate) |
| Oct. 15 <sup>th</sup> | Ballroom        | \$400                 |
| Oct. 21 <sup>st</sup> | Gazebo          | \$25                  |
| Nov. 4 <sup>th</sup>  | Pavilion        | \$200                 |
| Nov. 4 <sup>th</sup>  | Ballroom        | \$450                 |
| Nov. 4 <sup>th</sup>  | Ballroom        | \$400                 |
| Nov. 18 <sup>th</sup> | Ballroom        | \$500                 |
| Dec. 16 <sup>th</sup> | Ballroom        | \$200 (Employee Rate) |
| Dec. 16 <sup>th</sup> | Pavilion        | \$100 (Employee Rate) |
| Dec. 17 <sup>th</sup> | Pavilion        | \$250                 |
| Jan. 12 <sup>th</sup> | Ballroom        | \$400                 |
| Jan. 13 <sup>th</sup> | Ballroom        | \$400                 |
| Jan. 27 <sup>th</sup> | Pavilion        | \$200                 |
| Feb. 3 <sup>rd</sup>  | Ballroom        | \$400                 |
| Feb. 17 <sup>th</sup> | Ballroom        | \$500                 |
| Feb. 24 <sup>th</sup> | Gazebo          | \$25                  |
| Feb. 25 <sup>th</sup> | Gazebo          | \$25                  |
| Mar. 3 <sup>rd</sup>  | Ballroom        | \$400                 |
| Mar. 17 <sup>th</sup> | Ballroom        | \$200 (Employee Rate) |
| Mar. 30 <sup>th</sup> | Ballroom        | \$450                 |
| Apr. 21 <sup>st</sup> | Ballroom        | \$400                 |
| Apr. 21 <sup>st</sup> | Pavilion        | \$200                 |
| Apr. 21 <sup>st</sup> | Gazebo          | \$25                  |
| May 12 <sup>th</sup>  | Ballroom        | \$550                 |
| May 19 <sup>th</sup>  | Ballroom        | \$400                 |
| May 27 <sup>th</sup>  | Ballroom        | \$400                 |
| May 28 <sup>th</sup>  | Pavilion        | \$200                 |
| June 4 <sup>th</sup>  | Gazebo          | \$25                  |
| June 9 <sup>th</sup>  | Ballroom        | \$450                 |
| June 16 <sup>th</sup> | Ballroom        | \$400                 |
| June 16 <sup>th</sup> | Gazebo          | \$25                  |
| July 7 <sup>th</sup>  | Ballroom        | \$500                 |

|                        |                     |                 |                 |
|------------------------|---------------------|-----------------|-----------------|
| July 13 <sup>th</sup>  | Ballroom            | \$400           |                 |
| Aug. 18 <sup>th</sup>  | Ballroom            | \$200           | (Employee Rate) |
| Aug. 11 <sup>th</sup>  | Ballroom            | \$400           |                 |
| Sept. 15 <sup>th</sup> | Ballroom            | \$400           |                 |
|                        |                     | -----           |                 |
|                        | <b>TOTAL PROFIT</b> | <b>\$10,700</b> |                 |

**Additional Revenues:**

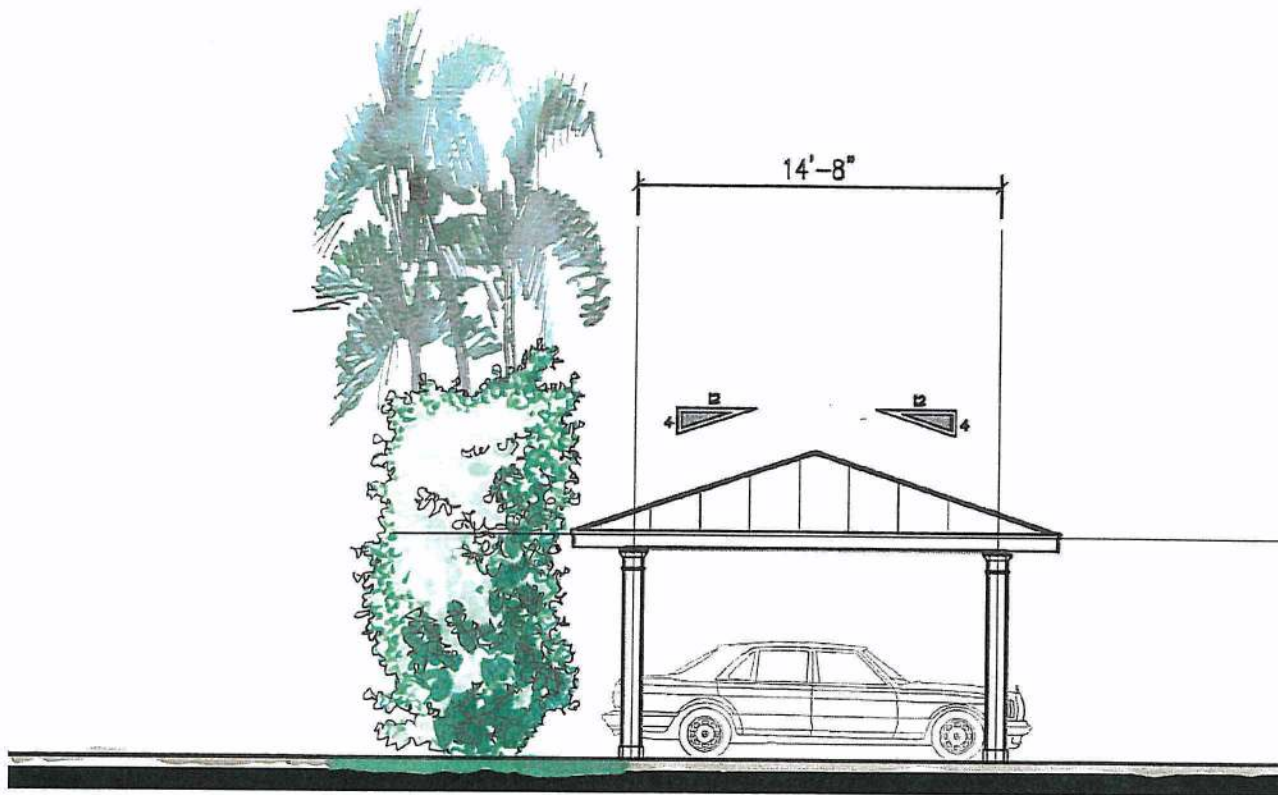
|                  |                   |
|------------------|-------------------|
| Ballroom Dancers | \$2,163.50        |
| Contra Dance     | \$ 342.25         |
| Swing Dancers    | \$2,400.00        |
|                  | -----             |
| <b>TOTAL</b>     | <b>\$4,905.75</b> |

**Oct. 06 – Aug 07 Total Facility Rental Count:**

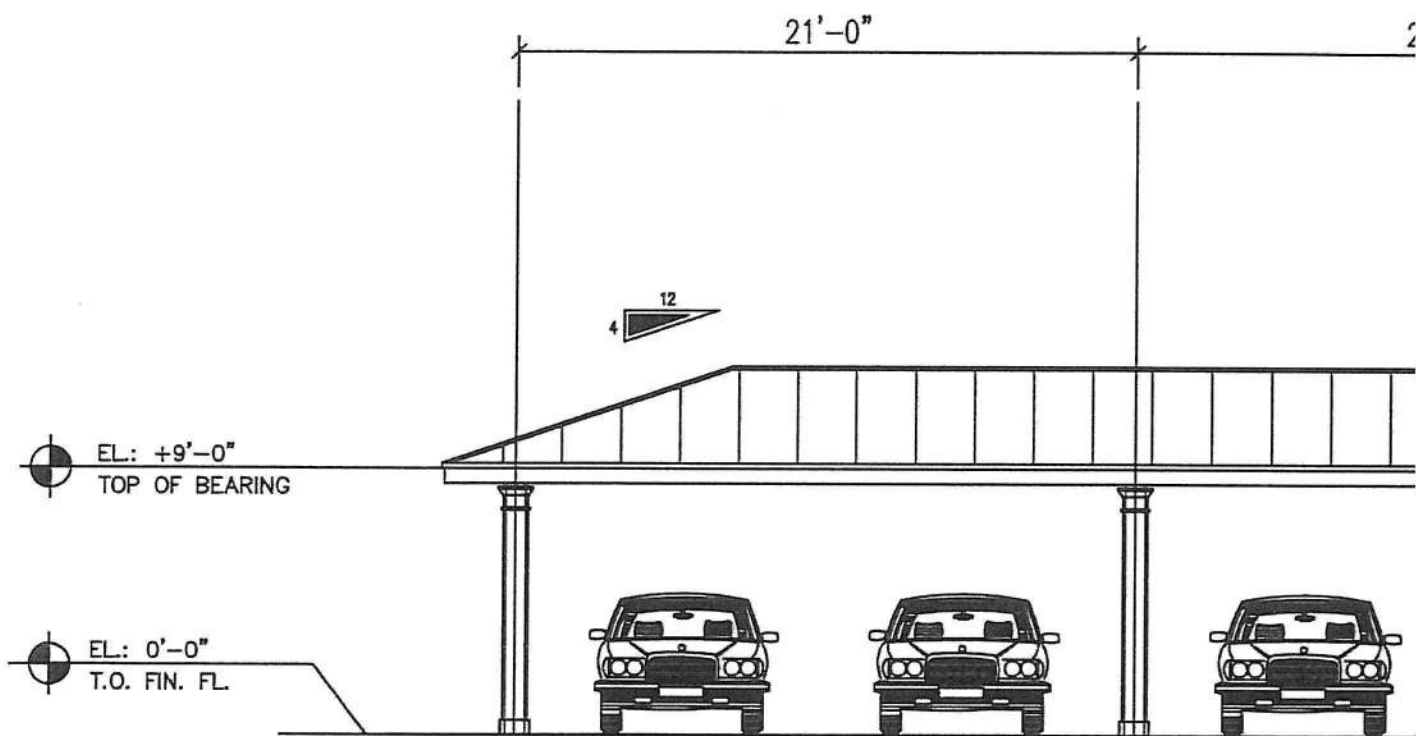
|                 |    |
|-----------------|----|
| Gazebo          | 6  |
| Pavilion        | 6  |
| Mirror Ballroom | 24 |

**\*\*Total profit excludes personal fee, alcohol fee, and taxes.**

**\*\*If you calculate the proposed charge with this years total facilities rented, the Town is looking at a net increase of \$5,000-\$5,500.**



MARINER'S KEY - CARPC



Front Elevation

Mariner's Key