



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
November 15, 2006 7:30 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, November 15, 2006 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Interim Town Manager Cynthia Sementelli, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Mayor Castro led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

1. Resolutions 58-10-06 and 69-11-06 moved to Consent Agenda
2. Recreation and Charter Issues moved from Discussion and Possible Action to after Presentation.

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

Vote on Motion:

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

Motion passed 5-0.

PRESENTATION:

Proclamation commemorating Edwin Dunbar

Mayor Castro thanked Ed Dunbar's family for being present for the proclamation and expressed his condolences. Mayor Castro read the proclamation and presented it to Edwin Dunbar's wife, Heather Dunbar.

Motion: A motion was made by Commissioner Balius to approve the proclamation commemorating Edwin Dunbar; 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.

Recreation

Interim Town Manager Cynthia Sementelli explained that she compiled a comparison of other Recreation Departments in the area. She stated that Lake Park has a very small budget compared to other surrounding municipalities such as Palm Beach Gardens and North Palm Beach. She stated that Lake Park offers similar classes and programs. She stated that Lake Park offers twenty-two (22) classes and have had a very hard time getting people involved. She stated that she provided salary surveys of directors of other municipalities and concluded that Lake Park's Recreation Director's salary was lower in comparison. She stated that the Recreation Directors of other municipalities do not teach the classes, they only oversee them.

Mayor Castro asked what type of facilities and fields other municipalities offer.

Interim Town Manager Cynthia Sementelli stated that Palm Beach has one (1) facility, Palm Springs has two (2) facilities, Riviera Beach has two (2) facilities, North Palm Beach has seven (7) facilities, and Palm Beach Gardens has four (4) facilities. She stated that she did not have information on the types of fields offered in the surrounding facilities.

Mayor Castro stated that he knew that North Palm Beach and Palm Beach Gardens had extensive fields.

Vice-Mayor Daly stated that an \$80,000.00 salary for a Recreation Department Director was an outrageous amount of money for what the Town was getting out of the Recreation Department. He stated that if the Town was going to pay \$80,000.00 per year, there should be something going on. He stated that Dale Dougherty, Recreation Department Director did a good job on events and parties. He stated that there was nothing being offered for the children of the town. Vice-Mayor Daly stated that there were no sports programs for the children. He stated that the Lake Park Sharks were brought in and it turned into a mess. He stated that Dale Dougherty, Recreation Department Director did not handle the Lake Park Sharks correctly. He stated that the Lake Park Sharks came in and did what they wanted. He stated that tax payers who own property near the ball field felt that they were victims of people coming in and doing what they want on the ball field. He stated that the Commission was put on the spot because of the mishandling of the Lake Park Sharks. He stated that the ball fields at North Palm Beach and Palm Beach Gardens cannot be used at will. Vice-Mayor Daly stated that if the Recreation

Department had handled the Lake Park Sharks properly the Commission would not be discussing it . He stated that paying \$80,000.00 a year for the Recreation Department Director's salary did not make sense when there has been no interest from the community in classes or programs. He asked if someone could explain why the Town was paying an \$80,000.00 salary to the Recreation Department Director.

Mayor Castro stated that he felt that Dale Dougherty, Recreation Department Director was doing his job. He stated that if more money was put into the Recreation Department there would be better programs. He stated that his son played with the Lake Park Sharks the first year and that he learned a lot. He stated that it was a good program. He stated that a lot of children from Lake Park participated along with children from Riviera Beach. Mayor Castro stated that Lake Park cannot separate itself from Riviera Beach. He stated that Lake Park had to be a community that helps its children to grow up, learn to be good teammates and work with other peer groups. He stated that eastern Palm Beach County was mostly a minority community. He stated that Lake Park must do everything they can to promote better recreational programs for the children. He stated that he has had his differences with Dale Dougherty, Recreation Department Director since 1996. He stated that despite their differences, Dale had done a good job in providing programs and events and it had been reflected in his evaluations. He stated that he was not a fan of Dale Dougherty, Recreation Department Director, but he was a big Recreation fan. Mayor Castro stated that he was totally against removing the Recreation program just to get rid of one person.

Vice-Mayor Daly asked what programs there were for the children.

Mayor Castro stated that there are over 250 children involved in the Lake Park Sharks. He stated that the Town tried to implement soccer, baseball, and basketball programs for the children, but the parents would not get involved. He stated that POP Warner came in and developed the Lake Park Sharks and it had been a success.

Vice-Mayor Daly stated that he did not have a problem with the Lake Park Sharks playing in the Town of Lake Park. He stated that it could've been handled a lot better than it was. He stated that there was aggravation for two (2) years in a row and it was Dale Dougherty's responsibility to manage.

Mayor Castro stated that Dale Dougherty, Recreation Department Director had great evaluations from all past town managers.

Vice-Mayor Daly stated that the Commission was not responsible for doing Dale Dougherty's job.

Commissioner Balius stated that he agreed with the Town's charter and how it was set up. He stated that if it was the town manager's decision to keep a department head, the Commission could not interfere. He stated that the Commission could only fire the town manager.

Vice-Mayor Daly reminded the Commission that Community Development was close to getting outsourced several years ago. He stated that changes had to be made and once they were made, the department had been running good. He stated that the Commission was making changes and the changes they have made have helped the Town, not hindered the Town.

Mayor Castro reminded everyone that the Town Manager was the Commission's responsibility to hire and fire.

Vice-Mayor Daly stated that a director was fired as the result of the Commission's opinion which was given to the Town Manager.

Mayor Castro stated that the Community Development Director was fired as a result of the town manager's decision who informed the commission of the action that he was going to take. He stated that it was up to the town manager to run the town, not the Commission.

Commissioner Osterman stated that she wanted to revisit the budget not discuss the Recreation Director's performance. She stated that the current Public Works Director's salary was \$70,980.00, the Community Development Director's salary was \$74,511.00, and the Library Director's salary was \$67,828.00. She stated that the Public Works Department and the Library deal with a lot more supervision in terms of employees than the Recreation Department. She stated that the Recreation Director's salary was \$73,000.00 and the Assistant Recreation Director was approximately \$51,000.00 and \$14,000.00 was budgeted for part-time work plus benefits which totaled \$198,966.00 in salaries and benefits alone. She stated that her concern was that the salaries in the Recreation Department make up 56% of the budget. She stated that the budget was her concern. She stated that there were too many employees to run the Recreation Department that was currently in place. She stated that if there was one employee to manage programs and part-time staff to manage other programs the Town would be in a much better position to manage a department, grow it and meet the Town's future goals of building a Community Center.

Vice-Mayor Daly stated that the Recreation Building was part of the issue and other options have been discussed that were not addressed. He stated that taxpayers cannot afford 1 to 2 million for a new Recreation Building. He stated that the Town needed to look for a partner to build a new Recreation Building.

Commissioner Balius stated that the Commission was part of the problem for approving every roster and description of responsibilities that was presented by the Recreation Department Director.

Commissioner Osterman recommended reducing the salaries of the Recreation Department employees to come into line with 25% of the budget. She stated that she recommended an Assistant Town Manager that would run all public relations, special events, CRA, Park Ave. and the Biotech promotion. She stated that the Town's budget should match the Commission's goals and it has not.

Mayor Castro stated that it was the Community Development Director's responsibility to oversee the CRA, Biotech and the Planning and Zoning. He stated that the Recreation Department Director's soul responsibility was to oversee the activities and events of the town. He stated that he wanted to know why the issues with the Recreation Department had come up when there was an acting interim town manager in place and not when a town manager was in place so that he or she can address those issues.

Commissioner Osterman clarified and stated that she was not looking at the legal aspects of the different districts but the promotional and public relations aspect of those districts.

Mayor Castro stated that it was also the Community Development Director's responsibility to handle the promotional aspects of the CRA District, and Planning and Zoning developments.

Commissioner Osterman stated that the duties of the Community Development Directors duties would be overwhelming since he was rewriting the code.

Mayor Castro stated that the Recreation Department Director has received stellar evaluations from the past five (5) town managers. He stated that it was the town manager's decision to hire and fire. He stated that the Commission cannot take salaries away from employees.

Commissioner Osterman asked if the budget could be changed to match the Commission's goals.

Attorney Thomas Baird stated that changes to the budget are done at the Budget Meeting. He stated that the practice of the town was to have a midyear adjustment to the budget due to reduced or increased funding of programs. He stated that the manager normally brings that meeting to the Commission in March.

Mayor Castro asked if the Commission can change salaries.

Attorney Thomas Baird stated that it was the manager's responsibility to change the salary of an employee due to their performance.

Mayor Castro asked if the Commission could make an adjustment to salaries at the midyear budget meeting.

Attorney Thomas Baird stated that the manager would bring the budget at midyear and the Commission would make policy decisions on what programs should be funded at what level.

Commissioner Osterman expressed concern that there was not a goal setting meeting of the Commission since her election in March 2006.

Mayor Castro stated that it was the manager's responsibility to evaluate the programs and report back to the Commission how the Town was operating. He stated that he did not understand why the Commission was trying to make big decisions about the Recreation Department when there was an acting interim town manager in place.

Vice-Mayor Daly stated that the Town always has an interim town manager and town managers who have come in were out the door in eight (8) or nine (9) months.

Commissioner Osterman stated that she requested the next budget to have a narrative. She stated that the departments should set the criteria with the manager to see if the money has been spent well. She stated that the budget had been a repetition of the past. She stated that the department heads and manager must be held accountable to the standards they set in the budget.

Commissioner Carey explained the allocation for the fireworks display and used it as an example of accountability in the budget.

Vice-Mayor Daly stated that Dale Dougherty's strong point was the events that he had put on for the Town. He stated that his concern was that there were no programs for the children.

Commissioner Carey stated that parent participation was needed to start programs for the children and there had been none.

Vice-Mayor Daly stated that if the Recreation Department had ten (10) children that wanted to play baseball, then the Recreation Department must gather them to play baseball.

Commissioner Carey stated that Vice-Mayor Daly was criticizing the Lake Park Sharks which was a multi-city program.

Vice-Mayor Daly stated that the Lake Park Sharks were welcome. He stated that there were issues of rules not being followed at the ball field. He stated that there were complaints from residents who lived around the ball field.

Mayor Castro stated that he received two (2) complaints from residents who lived around the ball field.

Commissioner Osterman asked if it was okay that 60% of the Recreation Department budget was made up of salaries.

Commissioner Balius stated that he was not concerned with the salaries making up 58% of the Recreation Department budget. He stated that labor takes up 75% of the entire Town budget.

Mayor Castro stated that 60% of the Police and Fire Rescue budget was salaries and benefits.

Commissioner Balius stated that according to the Charter it was the town manager's responsibility to hire and fire department heads.

Commissioner Osterman suggested bringing in a consultant to teach the Commission how to effectively work the budget.

Commissioner Balius recommended that the Commission come to consensus on what they want the town manager to do about the Recreation Department.

Mayor Castro recommended a goal setting priority meeting with the new town manager and to also meet with him or her one on one and allow them to do their job.

Commissioner Balius recommended reviewing the Recreation Department Directors job description.

Public Comment Open

Leigh Kendall, 318 Hawthorne Dr. - stated that she had experience in event planning and was currently a consultant for the City of West Palm Beach. She stated that she had looked at the list of what the Recreation Department does and observed that it was spread in a million directions with no direction. She agreed that the Recreation Department needed to be restructured when the new town manager was in place. She stated that two employees running all of the programs and events was a lot for two people and it cannot be expected for the Department to be run well.

Joe Senecal, 539 Cypress Dr. – stated that if the Recreation Department was taken away from the children they would not have anything to do. He stated that the Town needed to give the children something to do and have a safe place for them to go.

Kendall Rumsey, 315 Hawthorne Dr. - stated that he was responsible for putting on events at City Place and the Harriet Himmel Theatre. He stated that he pulled up an events calendar from the Town's webpage and noticed that there were thirteen (13) programs and activities that Dale Dougherty, Recreation Department Director was responsible for and that he was spread too thin. He stated that \$100,000.00 was put into the Recreation Department to fix it up and that the Commission voted to give it over to the Police Department and place the children in a trailer. He asked the Commission what kind of image it would portray to put the children in a trailer.

Gretchen Reisman, Lake Harbor Tower – asked the Commission what would be offered for the citizens if the Recreation Department was dissolved. She stated that there have been complaints about the Recreation Department but no guidelines. She stated that she liked the bus trips that the Town offered in the past. She stated there was an allocation to buy a new town bus and the Town was not buying one. She stated that the Town was not supporting the senior citizens. She stated that there was no deficit in the budget so that the Town cannot buy a new bus.

Mayor Castro stated that the Town did not budget for a bus.

Vice-Mayor Daly explained that the trips would not be dissolved but the trips would take place in a rental bus.

Commissioner Osterman stated that there was a dangerous situation that took place at the Recreation Building relating to guns and the Police Department and the children had to be moved out of the building.

Charter issues referendum

Commissioner Carey stated that he had nothing to consider with regards to the charter.

Commissioner Osterman stated that many cities were turning to at large elections rather than specific seats and she recommended that the Commission take a look at that.

Mayor Castro stated that at large elections were a great idea.

Commissioner Osterman explained how at large elections are run.

Mayor Castro explained the drawbacks of having an at large election.

Commissioner Osterman stated that the current charter stated that you have to show residency at the time of applying to run for election but not to remain in residency once elected. She stated that the charter does not indicate that an elected official must remain a resident of Lake Park.

Mayor Castro stated that he believed that it was state law that you could not live outside of a jurisdiction that you are elected to run.

Commissioner Osterman stated that there are different types of government and that she recommended that the Commission consider other options.

Attorney Thomas Baird read the portion of the charter regarding the residency of an elected official. He stated that a referendum was required to change any portion of the charter.

Commissioner Osterman requested a referendum for a charter amendment.

Public Comment Open.

None

Public Comment Closed

Motion: A motion was made by Commissioner Osterman to have a referendum to amend the Town's charter by strengthening residency requirements for an elected official; Commissioner Carey made the second.

Vote on Motion:

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

Motion failed/denied 4-1

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Vice-Mayor Daly

Vice-Mayor Daly stated that he had received many complaints regarding the lighting in the Town.

Commissioner Balius

Commissioner Balius stated that the grass was cut at the FEC Railroad.

Commissioner Balius disagreed with the consensus that the Commission came to in not putting a fence up at the ball field.

Commissioner Balius asked if there was any feedback on the Comprehensive Plan discussion.

Commissioner Balius stated that he received a complaint about the lighting at the ball field not being secure.

Commissioner Balius stated that there was an issue with the downtown lighting.

Commissioner Balius thanked the Recreation Department for setting up the Veteran's Day Event and for accommodating the VFW.

Commissioner Balius stated that there was a Florida City Government Week and the Town received twenty-one (21) letters from the children of Lake Park Baptist School. He stated that the letters were available to read.

Mayor Castro

Mayor Castro stated that the Veterans Day event was very good. He thanked the VFW for all they did and for the plaque they presented to the Town.

Mayor Castro stated that he liked the fact that the Town offered free rides for children at all events.

Mayor Castro asked for a status report on lighting and securing for the alleyways.

Mayor Castro directed Interim Town Manager Cynthia Sementelli to bring back the ball game fees for discussion at the next Commission Meeting of December 6, 2006.

Mayor Castro stated that he would like fresh copies of the Town manager candidate applications for the Commission at the Town manager candidate interviews.

Mayor Castro stated that he wanted the interview with the Town manager candidates to be a Workshop.

Mayor Castro stated that he wanted the decision to hire a new town manager to be done at the next Commission meeting of December 6, 2006.

Commissioner Carey

None

Commissioner Osterman

Commissioner Osterman asked for the status of resident fees.

Commissioner Osterman asked for an accounting of the money brought in on the two past games days at the ball field.

Interim Town Manager Cynthia Sementelli

Interim Town Manager Cynthia Sementelli stated that she was pulling grants and researching resident fees.

Interim Town Manager Cynthia Sementelli reviewed past discussions between the Commission regarding ball game fees. She stated that it was discussed that the fee would be a per day fee. She stated that the fee was \$50.00 per day.

Interim Town Manager Cynthia Sementelli stated that town manager interviews were taking place on Saturday, November 18, 2006 and the interviews would start at 8:00 a.m.

Interim Town Manager Cynthia Sementelli asked the Commission if they wanted fresh copies of the Town manager candidates' applications.

Interim Town Manager Cynthia Sementelli asked if the Commission wanted the interview of the Town manager candidates to be a Workshop or Special Call Meeting.

Interim Town Manager Cynthia Sementelli asked if the decision to hire a town manager candidate be a Special Call Meeting or be done at the next Commission Meeting of December 6, 2006.

Interim Town Manager Cynthia Sementelli stated that Public Works was doing a complete inventory of the street lighting in the Town. She stated that they would be filling out a form to turn into FPL and FPL would respond within twelve (12) days.

Interim Town Manager Cynthia Sementelli stated that she reordered plaques for Town Hall and they would be put up as soon as they're received.

Interim Town Manager Cynthia Sementelli stated that the discussion on rental fees for the ballroom would be brought back to the next Commission meeting of December 6, 2006.

Attorney Thomas Baird

Attorney Thomas Baird stated that Dr. Salent erected a lighted sculpture at the Pediatric Respiratory Care Center and the lawsuit was dismissed with prejudice.

Attorney Thomas Baird stated that the Firefighters Pension Board appealed to the Fourth District Court of Appeal. He stated that under the rules of appellate procedure there was a forty (40) day time period for the record to be assembled and then a brief was filed. He stated that once the brief was filed, the Town could respond. He stated that appeals generally took six (6) to nine (9) months.

CONSENT AGENDA:

1. Special Call Comprehensive Plan Minutes of October 25, 2006
2. Regular Commission Meeting Minutes of November 1, 2006
3. Resolution No. 66-11-06 Lighting and Electrical for Mirror Ballroom
4. Employee Holiday Luncheon
5. Consensus of disposition of Town bus
6. Resolution No. 58-10-06 Dock Repair
7. Resolution No. 69-11-06 Community Development Block Grant

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve all items on the Consent Agenda excluding item #5, Consensus of disposition of town bus; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 5-0.

Commissioner Carey asked if the proceeds from the sale of the Town bus would be allocated solely for bus trips.

Commissioner Osterman stated that at the last meeting there was consensus that any rentals were to be included in the cost of tickets for any bus trip.

Vice-Mayor Daly stated that the proceeds from the bus would not last forever but the proceeds could be placed in an account to be used until it ran out.

Commissioner Carey stated that it was not fair to incorporate the bus rental fee into bus trip tickets.

Commissioner Balius stated that he could not imagine that the bus would sell. He stated that the bus was not taken care of and maintained properly.

Mayor Castro stated that it was agreed not to dispose of the bus because it was originally thought that the bus could be repaired. He stated that he had no interest in keeping the bus, but that there would be a need for a bus in the future. He recommended that the Town hold off on the bus and review the bus issue in one year. He stated that he thought that the Commission decided to dispose of the bus.

Interim Town Manager Cynthia Sementelli stated that the Commission never came to consensus on what to do with the Town bus.

Mayor Castro recommended putting aside the proceeds from the sale of the Town bus and revisiting the issue in one year.

Joseph Kroll, Public Works Director stated that he gave Interim Town Manager Cynthia Sementelli an estimate on what it would cost to repair the Town bus. He stated that the bus had an alignment problem somewhere. He stated that Public Works had spent a lot of time and money disassembling and assembling the bus.

Commissioner Balius asked why the bus just started throwing belts.

Joseph Kroll, Public Works Director stated that he did not know why the bus just started throwing belts.

Commissioner Balius stated that he reviewed costs to run the town bus. He asked who has looked at the bus.

Joseph Kroll, Public Works Director stated that Gary Jackson of Gary's Automotive; Public Works; two (2) dealers; and Trailer Truck on Military Trail inspected the Town bus.

Commissioner Balius stated that an engine could be purchased for the Town bus for approximately \$3,500.00.

Commissioner Osterman asked that all costs associated with running a new town bus be brought back to the discussion on December 6, 2006.

Motion: A motion was made by Vice-Mayor Daly to defer discussion of a new town bus to the next Commission Meeting of December 6, 2006; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		

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

Motion passed 5-0.

PUBLIC HEARING(S)

ORDINANCE NO. 11-2006 – Business Tax.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCE TO CHANGE THE TERM “OCCUPATIONAL LICENSE(S) TO THE TERM “BUSINESS TAX AND BUSINESS TAX RECEIPT TO CONFORM WITH FLORIDA STATUTORY CHANGES EFFECTIVE JANUARY 2007, AND SPECIFICALLY AMENDING CHAPTER 6, PERTAINING TO ALCOHOLIC BEVERAGES, AMENDING SECTION 6-4 ENTITLED “NUDITY, PARTIAL NUDITY AND SEXUAL CONDUCT PROHIBITED IN ESTABLISHMENTS SELLING, DISTRIBUTING, OR PERMITTING THE CONSUMPTION OF ALCOHOLIC BEVERAGES OR IN PRIVATE CLUBS;” AMENDING CHAPTER 8, PERTAINING TO AMUSEMENTS AND ENTERTAINMENT; AMENDING CHAPTER 8, ARTICLE II, SECTION 8-31 ENTITLED “APPLICATION FOR LICENSE, TOWN COMMISSION APPROVAL REQUIRED;” AMENDING SECTION 8-35 ENTITLED “FEE;” AMENDING SECTION 8-37 ENTITLED “REQUIREMENTS FOR EVENTS, RIDES AND MECHANICAL DEVICES;” AMENDING ARTICLE III, SECTION 8-66 ENTITLED DEFINITONS;” AMENDING SECTION 8-96 ENTITLED “ANNUAL LICENSE FEE;” AMENDING SECTION 8-121 ENTITLED “GENERAL REQUIREMENTS FOR ALL ADULT ENTERTAINMENT ESTABLISHMENTS;” AMENDING SECTION 8-127 ENTITLED “ESCORT SERVICES;” AMENDING SECTION 8-159 ENTITLED “FAILURE TO MAINTAIN REQUIRED RECORDS AND LICENSES;” AMENDING SECTION 8-168 ENTITLED “PROHIBITED ACTS BY ESCORT SERVICE WORKERS;” AMENDING CHAPTER 9, PERTAINING TO CODE ENFORCEMENT; AMENDING CHAPTER 9, ARTICLE III SECTION 9-71 ENTITLED “ENFORCEMENT PROCEDURES AND STANDARDS;” AMENDING CHAPTER 18 PERTAINING TO PARKS & RECREATION, AMENDING ARTICLE IV, SECTION 18-124 ENTITLED “PERMIT ISSUANCE;” AMENDING CHAPTER 24, PERTAINING TO SOLID WASTE, AMENDING ARTICLE IV, SECTION 24-112 ENTITLED “FEE DEBT TO TOWN; LATE FEE; ENFORCEMENT;” AMENDING CHAPTER 28, ENTITLED “TAXATION;” AMENDING ARTICLE II, SECTION 28-31 ENTITLED “DEFINITIONS;” AMENDING SECTION 28-32 ENTITLED “REQUIRED; DURATION;” AMENDING SECTION 28-33 ENTITLED “ENGAGING IN BUSINESS WITHOUT LICENSE; OR UPON FALSE REPRESENTATION;” AMENDING SECTION 28-34 ENTITLED

“EVIDENCE OF ENGAGING IN BUSINESS;” AMENDING SECTION 38-35 ENTITLED “EXEMPTIONS;” REPEALING SECTION 28-36 ENTITLED “NON-PROFIT ENTERPRISES;” AMENDING SECTION 28-37 ENTITLED “WHEN DUE AND PAYABLE;” AMENDING SECTION 28-38 ENTITLED “DELINQUENCY PENALTY;” AMENDING SECTION 28-39 ENTITLED “PAYMENT OF TANGIBLE PROPERTY TAXES PREREQUISITE TO ISSUANCE;” AMENDING SECTION 28-40 ENTITLED “PARTIAL-YEAR LICENSES;” AMENDING SECTION 28-41 ENTITLED “TRANSFERABILITY;” AMENDING SECTION 28-42 ENTITLED “DUPLICATES;” AMENDING SECTION 28-43 ENTITLED “POSTING;” AMENDING SECTION 28-44 ENTITLED “CARRYING ON PERSON WHERE NO FIXED PLACE OF BUSINESS MAINTAINED;” AMENDING SECTION 28-45 ENTITLED “REPORTS BY LICENSEES;” AMENDING SECTION 28-46 ENTITLED “SELF CLASSIFICATION OF BUSINESS AS MERCHANT;” AMENDING SECTION 28-47 ENTITLED “PERSONS DOING BOTH WHOLESALE AND RETAIL BUSINESS;” AMENDING SECTION 28-48 ENTITLED “SEPARATE FOR SEPARATE LOCATIONS;” AMENDING SECTION 28-49 ENTITLED “CHAIN STORES;” AMENDING SECTION 28-50 ENTITLED “BASED UPON STOCK OF MERCHANDISE-IN ADDITION TO LICENSE PAID UNDER OTHER CLASSIFICATIONS;” AMENDING SECTION 28-51 ENTITLED “SAME-PROVISIONS INAPPLICABLE TO SALE OF GOLD, ETC.,” AMENDING SECTION 28-52 ENTITLED “BUSINESS WITHIN MORE THAN ONE CLASSIFICATION TO MEET REQUIREMENTS OF EACH;” AMENDING SECTION 28-53 ENTITLED “LIABILITY INSURANCE-REQUIRED;” AMENDING SECTION 28-54 ENTITLED “SAME-EXPIRATION DATE; CANCELLATION;” AMENDING SECTION 28-55 ENTITLED “CERTIFICATES OF OCCUPANCY;” AMENDING SECTION 28-56 ENTITLED “CERTIFICATES OF COMPETENCY;” AMENDING SECTION 28-57 ENTITLED “VENDING AND AMUSEMENT MACHINES;” AMENDING SECTION 28-59 ENTITLED “LICENSE DOES NOT EXEMPT PROPERTY FROM TAXATION;” AMENDING SECTION 28-61 ENTITLED “TERMINATION OF LICENSE IN EVENT OF BANKRUPTCY;” AMENDING SECTION 28-62 ENTITLED “RIGHTS OF COMMISSION UNABRIDGED;” AMENDING SECTION 28-64 ENTITLED “REQUIREMENTS FOR ISSUANCE;” AMENDING SECTION 28-65 ENTITLED “APPLICATION FEE REQUIRED FOR APPLICATIONS AND RENEWALS;” AMENDING SECTION 28-66 ENTITLED “SCHEDULE OF FEES AND REGULATIONS;” AMENDING CHAPTER 36, PERTAINING TO VEHICLES FOR HIRE, AMENDING CHAPTER 36, ARTICLE II, SECTION 36-55 ENTITLED “OCCUPATIONAL LICENSE REQUIRED;” AMENDING ARTICLE III, SECTION 36-102 ENTITLED “APPLICATION; ISSUANCE; OCCUPATIONAL LICENSE REQUIRED;” AMENDING SECTION 36-103 ENTITLED “RENEWAL; DURATION;” AMENDING SECTION 36-106 ENTITLED “SUSPENSION AND REVOCATION;” AMENDING CHAPTER 78 PERTAINING TO ZONING, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-70 ENTITLED “PARK AVENUE DOWNTOWN DISTRICT;” PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN

CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Thomas Baird explained that legislature decided and required that all governments change the wording of Occupational Licenses to Business Tax.

Attorney Thomas Baird read Ordinance 11-2006 by caption only.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance 11-2006; Commissioner Balius made the second.

Vote on Motion:

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

Motion passed 5-0.

RESOLUTION NO. 52-09-06 – Boat Ramp Hours.

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

Interim Town Manager Cynthia Sementelli explained why the boat ramp hours had been changed. She stated that there would be security at the Lake Park Harbor Marina at all times.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Resolution 52-09-06; Commissioner Balius made the second.

Vote on Motion:

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

Motion passed 5-0.

RESOLUTION NO. 67-11-06 – Ball Field Policies.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE BALL FIELD POLICIES FOR THE USE OF THE TOWN OF LAKE PARK BALL FIELD ALSO KNOWN AS BERT BOSTROM FIELD; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Osterman stated that there was a typo on rule #2. She read rule #19 and stated that wording was added stating that additional fees were added to get a permit reinstated.

Mayor Castro recommended that a ball field permit holder who has had their permit revoked must come before the Commission to get their permit reinstated.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve Resolution 67-11-06; Commissioner Balius made the second.

Vote on Motion:

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

Motion passed 5-0.

RESOLUTION NO. 68-11-06 – Major Illness Leave Provisions.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REVISING THE TOWN OF LAKE PARK EMPLOYEE POLICY/HANDBOOK TO CLARIFY THE MAJOR ILLNESS LEAVE PROVISION; AND PROVIDING AN EFFECTIVE DATE

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balias to approve Resolution No. 68-11-06; 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.

Discussions and Possible Action

Town manager contract document

Commissioner Osterman stated that section 6 of the Town Manager contract stated that there was an annual performance review. She recommended that a review be done within the first six (6) months. She stated that if the contract was ended before the end of the year there would have to be a severance. She stated that most companies that hire have a probationary period where things are discussed and opportunities for change are given. She stated that there was nothing in the town manager contract that stated a probationary period.

Commissioner Carey stated that there was no severance for the town manager unless they were with the town for one (1) year.

Commissioner Osterman stated that if a new town manager performed very badly within the first six (6) months there was no provision in the contract to evaluate their performance.

Attorney Thomas Baird stated that section 6 provides that within six months the Commission must adopt goals that the manager must obtain. He stated that the manager cannot be evaluated until standards are established by which they would be evaluated.

Commissioner Osterman asked if the Commission wanted a \$500.00 car allowance for the new town manager.

Commissioner Balius stated that the \$500.00 included the costs of a vehicle and gas for the new town manager.

Attorney Thomas Baird stated that the new town manager contract was a combination of previous town managers' contracts.

Vice-Mayor Daly asked what it would cost the Town to lease a new car.

Interim Town Manager Cynthia Sementelli explained that a car allowance would be better from a financial standpoint because it would be a tax write off for the new town manager.

Commissioner Osterman asked if a \$400.00 car allowance would be better than \$500.00.

Mayor Castro stated that a \$500.00 car allowance was reasonable.

Commissioner Balius stated that he moved numerous times in the past and stated that \$5,000.00 was not enough to move.

Interim Town Manager Cynthia Sementelli stated that \$1,500.00 to \$2,500.00 was paid for moving expenses in the past. She stated that circumstances are different for each move.

Commissioner Balius asked for clarification of page 167-168 of the town manager contract.

Interim Town Manager Cynthia Sementelli stated that annual leave was accrued should a new town manager resign within one (1) year of commencing employment.

Motion: A motion was made by Commissioner Balius to approve the town manager contract document as drafted; Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 5-0

Town manager interview questions/goals for approval

Bambi McKibbon-Turner, Personnel Director explained and reviewed the process regarding the town manager interview questions and goals.

Mayor Castro stated that residents must present questions to new town manager candidates in writing before they are asked at the Public Hearing.

Marina update

Interim Town Manager Cynthia Sementelli stated that the elevator at the Lake Park Harbor Marina had been repaired. She stated that the light pole had been removed and a new one had been ordered. She stated that estimated arrival of the light pole was 12 to 16 weeks and the cost would be charged to the person who hit the pole. She stated that trash cans had been added to the pier and the irrigation had been repaired. She stated that Land Form was contacted regarding the dead trees. She stated that the pavers should be rectified soon and the safety issue had been addressed. She stated that the bathrooms would be cleaned twice a day. She stated that a survey had been done on the breakwater and it would be going out to bid by the end of the year.

David Hinaman, Marina manager stated that the dock repair took place due to the hurricanes. He stated that the dock was being torn apart due to wakes.

Vice-Mayor Daly stated that if money was going to be spent on the breakwater again than there must be something in place to protect it.

Interim Town Manager Cynthia Sementelli stated that their hope was to get the breakwater in before the next hurricane season.

Vice-Mayor Daly stated that there were other conditions besides hurricanes that could damage the dock again.

David Hinaman, Marina Manager stated that the breakwater has been held up due to the permitting process.

John Downs, engineer from Calvin Giordano & Associates stated that plans would be submitted for permit by the middle of next week. He stated that they would be providing a breakwater on the floating dock section and a breakwater on the existing pier section.

Commissioner Balius stated that a floating dock needed to be secured.

Vice-Mayor Daly stated that he had not seen anything happen to protect the docks in the past two years. He stated that the work was not guaranteed if a protector was not put in place.

Kiwanis club membership

Commissioner Balius stated that the Kiwanis Club gave the town a check for \$7,950.00. He recommended that the Town become a corporate member.

The Commission came to consensus to become a corporate sponsor of the Kiwanis club.

Interim Town Manager, Cynthia Sementelli explained the details of a corporate membership with the Kiwanis Club.

Trailer at Ball field

Interim Town Manager, Cynthia Sementelli stated that the concession stand at the ball field had been repaired. She stated that there had not been as much child participation at the ball field as they anticipated. She stated that she could not justify spending \$30,000.00 for a trailer. She stated that if a trailer was placed at the ball field there would be security issues to address. She stated that once the Sheriff's office was moved to the Recreation Building there would be two offices available in the Commission Chamber for the Recreation Department employees. She stated that there would not have to be any additional connections for computers. She stated that they would be able to connect to the main server in Town Hall.

Vice-Mayor Daly asked Interim Town Manager, Cynthia Sementelli if she researched the information he gave her regarding FEMA trailers.

Interim Town Manager, Cynthia Sementelli stated that she had researched the information. She stated that there were many FEMA trailers in different locations that would need to be viewed. She stated that she could not financially justify a trailer right now but possibly in the future if there were more child participation.

Commissioner Osterman asked if there was office space in the concession stand building at the ball field.

Joseph Kroll, Public Works Director stated that there was space in the concession stand building to be used as office space.

Commissioner Osterman stated that offices could be in the concession stand building and the trailer could be used to house the children.

Interim Town Manager, Cynthia Sementelli stated that the problem with placing the Recreation Department employees in the concession stand was that residents come to Town Hall to rent facilities and the concession building was not ADA compliant.

Motion: A motion was made by Commissioner Carey to approve Option #4 Proposal to place Recreation Department in the vacant offices of Town Hall until the vision of a new Recreation Center was brought to light; 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 3-2

ADJOURNMENT

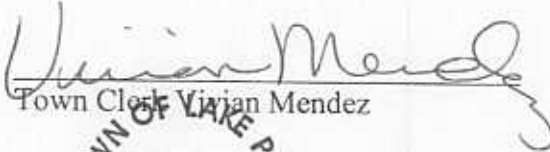
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balias and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 10:20 p.m.



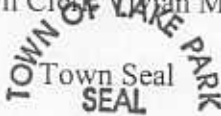
Mayor Paul Castro



Deputy Clerk Jessica Shepherd



Town Clerk Virjan Mendez



FLORIDA

Approved on this 6 of December, 2006.