



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**December 20, 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, December 20, 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**

Resolution 76-12-06 was removed from the agenda.

**Motion: A motion was made by Commissioner Balius to approve the agenda as amended; Vice-Mayor Daly made the second.**

Vote on Motion:

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

Motion passed 5-0.

**PRESENTATION:**

**Harbor Marina Advisory Board present issues at Marina.**

Jim Lloyd, Chairman of the Harbor Marina Advisory Board expressed the urgency of ongoing issues at the Lake Park Harbor Marina. He stated that the board's principal concern was to change the administration of the Marina to a less cumbersome form. He stated that he had been at different Marinas and stated the best situation was to have a director who reported back to the Town or City. He gave examples of issues at the Marina such as the floating docks and brick pavers. He stated that the issues had been ongoing and there was a need to change the administration in a positive manner so that they could react more quickly and in a streamline manner.

Interim Town Manager Cynthia Sementelli explained that it was the town manager's responsibility to administer policies and procedures at the Marina.

Mayor Castro stated that the Town was in transition and would have a new town manager by the first quarter of next year. He stated that it was the Commission's hope that the new town manager would work with the administration and the Harbor Marina Advisory Board. He stated that the Town had not had a town manager since July and that there would be serious considerations for the new town manager to make. He stated that two of the Commissioners had been very concerned with the issues at the Marina and had been following up with staff on a biweekly basis regarding the ongoing issues.

Commissioner Balius stated that Joseph Kroll, Public Works Director would be implementing a card system for the gas pumps. He recommended that the Marina implement the same system. He stated that he checked into the cost of pilings and found the cheapest cost was \$900.00 per piling.

Vice-Mayor Daly stated that he was concerned that there was not enough communication between the Commission and the Lake Park Harbor Marina Advisory Board. He stated that it was very important to repair the floating dock. He stated that it had been a year and a half and there was still no permit. He stated that he was concerned about protecting the investments of those who rent slips from the Marina. He stated that the Lake Park Harbor Marina Advisory Board deserved to be heard.

Mayor Castro stated that contractual agreements and grants for the Marina needed to be delegated to those responsible and if they are not taken care of, they need to be held accountable.

Commissioner Osterman stated that the Commission needed to go back and review the Marina project.

Commissioner Carey stated that the Commission had discussed the Marina issues over the last couple of months. He stated that it took time to get plans, permit and money together.

Jim Lloyd, Lake Park Harbor Marina Advisory stated that the floating docks were broken over a year ago and it was frustrating that they were just beginning to be addressed. He stated that one of the board members had a question regarding accessibility of the original plans of the Lake Park Harbor Marina.

Mayor Castro stated that the original plans of the Lake Park Harbor Marina were public record and accessible.

### **Sea Scouts**

Andy Flag, skipper of Sea Scout Ship 777 introduced himself to the Commission. He explained that the Sea Scouts were a division of the Boy Scouts and it was designed to help its members work together as a team, to make ethical choices, and to help them grow into responsible citizens. He stated that the boat was a vehicle and an attraction to the members who are interested in boating. He stated that there were currently 50 children and 12 adults involved in the program. He stated that the program was chartered by the Palm Beach Sailing Club. He requested a slip at the Lake Park Harbor Marina to house a 33 foot sailboat that was donated to the Sea Scouts. He asked the Town if they would make an investment in the children who are a

part of the Sea Scout program by donating the slip for free.

Mayor Castro asked how many members of the Sea Scouts were residents of the Town of Lake Park.

Andy Flag, Skipper of the Sea Scouts stated that there was one boy who was a resident of the Town of Lake Park.

Mayor Castro stated that donation of the slip was a big investment for the Town to make for one child.

Andy Flag, Skipper of the Sea Scouts stated that the children who are involved in the Sea Scouts were an investment to the Town through their community service.

Commissioner Balius asked who could join the Sea Scouts.

Andy Flag, Skipper of the Sea Scouts explained that anyone male or female between the ages of 14 through 20 and had completed the eighth grade.

Commissioner Balius stated that he requested a sailing club approximately 5 years ago. He stated that he learned to sail at a young age and envisioned a program that taught children to sail for Lake Park.

Andy Flag, Skipper of the Sea Scouts explained that sailing was a large part of the Sea Scout program. He stated that two of the children were U.S. Certified Sailing instructors.

Vice-Mayor Daly stated that donation of the marina slip would be a \$6000.00 yearly investment. He stated that if the Town donated that kind of contribution, other programs would come to the Town requesting the same.

Andy Flag, Skipper of the Sea Scouts stated that the boat was in a yard and was ready to go back into the water.

Mayor Castro asked if Andy Flag, Skipper of the Sea Scouts inquired about a slip at the Riviera Beach or North Palm Beach Marina.

Andy Flag, Skipper of the Sea Scouts stated that the water was not deep enough at the North Palm Beach Marina.

Commissioner Osterman stated that she was in favor of donating the boat slip to the Sea Scouts if the Sea Scouts would donate a day a month to provide a free clinic for the children of the Town and to actively recruit children from the Town of Lake Park.

Andy Flag, Skipper of the Sea Scouts stated that it was certainly doable to staff six or eight children for a sailing clinic.

Vice-Mayor Daly asked if the Sea Scouts could pay a portion of the rental fee for the boat slip.

Andy Flag, Skipper of the Sea Scouts stated that the Sea Scouts could pay for a portion of the boat slip fee. He explained that the children in the program must raise money through fundraisers

in order to participate in the program.

Commissioner Osterman recommended donating the boat slip to the Sea Scouts with contingencies.

Attorney Thomas Baird stated that the Commission would come up with an agreement with the Town that could be brought back for review.

Andy Flag, Skipper of the Sea Scouts thanked the Commission.

Commissioner Carey stated that there were three empty slips available at the Lake Park Harbor Marina. He stated that the boat could be docked at the wall if the slips were occupied. He stated that the boat needed to be in the water, not on land.

Mayor Castro stated that discussion of a boat slip for the Sea Scout sailboat could be deferred to the next Commission Meeting of January 3, 2007.

Jim Lloyd, Lake Park Harbor Marina Board Chairperson stated that the board was just informed at their last meeting and had not been able to discuss it.

#### **PUBLIC and OTHER COMMENT**

*Jeffrey Burck, Marina Slip Renter* – stated that he was a slip holder at the Lake Park Harbor Marina. He asked if the Board acted on a breakwater to protect the south basin of the Marina.

Interim Town Manager Cynthia Sementelli stated that the breakwater was budgeted for the new year and they are in the process of obtaining a DEP Permit which would take 6 months. She stated that they are in the process of drawing up the bid documents.

Jeffrey Burck stated that the Marina was very exposed. He stated that a large boat came in and produced large waves that tossed his boat against the dock and threw his children out of their bunks. He stated that there were gaping gaps between the floating sections of the outside docks. He stated that if someone walked out in the dark on the dock they could fall and be killed.

Mayor Castro stated that in the interim they were trying to obtain an emergency no wake zone in the channel and it was his hope that a no wake zone would be placed out there within the next month.

Jeffrey Burck suggested that the floating docks be locked down for safety reasons.

#### **CONSENT AGENDA:**

1. Regular Commission meeting minutes of December 6, 2006.
2. Resolution 73-12-06 Telvue contract.
3. Rescind of the Florida Department of Law Enforcement Grant (FDLE).

Item #3 Rescind of the Florida Department of Law Enforcement Grant (FDLE) was pulled from the Consent Agenda.

**Motion: A motion was made by Commissioner Balius to approve #1 and #2 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 Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Commissioner Carey asked if the Florida Department of Law Enforcement Grant (FDLE) grant money could be used for something else.

Interim Town Manager Cynthia Sementelli stated that it was too late to use the Florida Department of Law Enforcement Grant (FDLE) money for another expense. She stated that they just applied for another Florida Department of Law Enforcement Grant (FDLE) to purchase security cameras.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve the Rescind of the Florida Department of Law Enforcement Grant (FDLE); 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.

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

**Mayor Castro**

Mayor Castro wished everyone a Merry Christmas and Happy Holidays, best of the New Year.

**Vice-Mayor Daly**

Vice-Mayor Daly wished everyone Happy Holidays.

**Commissioner Balius**

Commissioner Balius asked to have the County review the level of service on Silver Beach Road, conditions are really bad.

Commissioner Balius stated that there were many cars being parked on the sidewalks on Bayberry.

Commissioner Balius asked about a charge by the Attorney for Charter change. Attorney Thomas Baird explained the charge.

Commissioner Balius stated that all the shrubs around poles were pulled, it should have been the weeds. Someone walking commented on how 2<sup>nd</sup> Street park looks and wants something done around flag poles. Commissioner Balius would like new flag poles put up. He had offered to donate flag poles once before.

Commissioner Balius wished everyone Happy Holidays.

**Commissioner Carey**

Commissioner Carey wished everyone Happy Holidays, and to drive safely.

**Commissioner Osterman**

Commissioner Osterman wished everyone Happy Holidays.

**Interim Town Manager Cynthia Sementelli**

Interim Town Manager Cynthia Sementelli reminded residents that residential collection would be done on Tuesday.

Interim Town Manager Cynthia Sementelli wished everyone a Happy Holiday.

**Town Attorney Thomas Baird**

Attorney Thomas Baird wished everyone Happy Holidays.

Attorney Thomas Baird stated that a principal agreement with new Town manager was reached. Additional details with the Town Manager attorney are being reached and would like to bring the contract to the January 3, 2007 Regular Commission Meeting.

**PUBLIC HEARING(S)**

**ORDINANCE ON FIRST READING**

**ORDINANCE NO. 18-2006 Proportion Share.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 56, ARTICLE IV, SECTION 56-100 OF THE CODE OF ORDINANCES, PERTAINING TO TRANSPORTATION PERFORMANCE STANDARDS TO CREATE NEW CODE SECTION 56-100 TO BE ENTITLED "PROPORTIONATE FAIR-SHARE MITIGATION PROGRAM"; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director, Patrick Sullivan explained the purpose of this Ordinance was to adopted an Ordinance required by DCA. Every municipality was asked to adopt this Ordinance by the end of the year. Attorney Thomas Baird explained that in 2005 the Florida Legislature mandated that all Cities and Counties adopt an Ordinance that would allow developers to proceed with their projects even if there was no capacity on the roadway to accommodate that project. However in order to proceed the developer would have to pay their far share of the improvement to make the roadway accommodate their project.

Town Attorney Thomas Baird read the Ordinance by caption only.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Daly to approve Ordinance No. 18-2006; 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.

**ORDINANCE ON 2<sup>ND</sup> READING:**

**ORDINANCE NO. 16-2006 Electric Substation.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN ZONING CODE, CHAPTER 78, ARTICLE III, TO CREATE NEW CODE SECTION 78-81 TO BE ENTITLED "DISTRIBUTION ELECTRIC SUBSTATION;" IN ORDER TO REGULATE THE DEVELOPMENT OF DISTRIBUTION ELECTRIC SUBSTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan explained the purpose of this Ordinance. This Ordinance requests the maximum landscaping and screening for any new or additional substation being built.

Commissioner Balias wanted to know what would stop an electric or other type of company to build on 2<sup>nd</sup> Street. Community Development Director Patrick Sullivan explained that the set back, which was set to 100 feet, would stop a company from building on that piece of property. The property would allow for an expansion of about one third, but not much more than that.

Town Attorney read the Ordinance by caption only.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Daly to approve Ordinance No. 16-2006; 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.

**RESOLUTION NO. 64-11-06 Rental Fees.**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE REVISED FEES FOR THE USE OF TOWN MEETING FACILITIES; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution 64-11-06; Commissioner Balias 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.

**RESOLUTION NO. 74-12-16 Safety Manual.**

**A RESOLUTION OF THE TOWN COMMISSION OF LAKE PARK, FLORIDA, APPROVING THE WORKPLACE SAFETY AND HEALTH MANUAL; REVISING THE TOWN OF LAKE PARK EMPLOYEE POLICY/HANDBOOK TO INCORPORATE REFERENCE TO THE WORKPLACE SAFETY AND HEALTH MANUAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Daly to approve Resolution 74-12-06; 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. 75-12-06 Interlocal Agreement with Palm Beach County to install and maintain fuel.**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF LAKE PARK AND PALM BEACH COUNTY, TO INSTALL A FUEL CONTROL READER; AND PROVIDING AN EFFECTIVE DATE.**

Interim Town Manager Cynthia Sementelli stated that she was checking into doing the same for the Marina.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balias to approve Resolution 75-12-06; Vice-Mayor Daly 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**

Florida Emergency Management Association (FEMA) Trailer.

Interim Town Manager Cynthia Sementelli updated the Commission explaining that a trailer would cost approximately \$1600 – \$7000, not including the cost of transport. Two calls were made to FEMA and were told that they were not giving trailers away. The trailer auction were being done out of Pensacola.

Vice-Mayor Daly stated that there were plenty when he worked on this with the Interim Town Manager. He called FEMA after Commissioner Balias comment about trying to get one for free, and it was obvious that they were not giving trailers away for free. A second called was placed and 50 trailers were available in Port St. Lucie, which he brought up at a passed meeting. Vice-Mayor Daly asked why the trailers in Port St. Lucie were not researched.

Interim Town Manager Cynthia Sementelli stated that the website shows the trailers were in Pensacola. She stated that if the Commission wanted to bid on a trailer she would need consensus.

Commissioner Osterman stated that either the Interim Town Manager or staff was not interested in doing this because of the resistance and that the Commission was not getting the full story.

Interim Town Manager Cynthia Sementelli stated that there was no resistance from her or staff, but explained the issues and concerns with the trailers.

Commissioner Balias stated that the article discussed about the FEMA trailers were from Louisiana and Mississippi.

Commissioner Osterman asked if the trailers come with documentation.

Interim Town Manager Cynthia Sementelli stated that the trailer does come with documentation.

Mayor Castro requested that staff check on the trailers in Port St. Lucie.

**Game day fees clarification.**

Interim Town Manager Cynthia Sementelli explained that several meeting ago some of the Commissioner expressed that the game days fees were high at \$100.00. The motion at that meeting was to make the fee \$50.00 per game, although the entire discussion was on game day, not per game fees.

Mayor Castro stated that the Town was being taken advantage of without the Commissions knowledge. Mayor Castro suggested charging \$50.00 for Lake Park teams and \$100.00 for all other teams.

Commissioner Balius stated that having a fence around the field would help the situation.

Commissioner Osterman suggested a \$100.00 tournament charge.

Mayor Castro stated that the host team needs to pay.

Commissioner Osterman suggested charging game day \$50.00 per game for out of town teams.

Vice-Mayor Daly agreed with the \$50.00 charge.

**Commissioner Osterman made a motion to charge \$50.00 a game. Motion failed for lack of a second.**

**Motion: A motion was made by Commissioner Carey to charge \$50.00 per game day up to three (3) games, \$25.00 each additional game with a maximum of five (5) games; 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 4-1.

Commissioner Balius stated that Recreation and Public Works needed to coordinate the schedule of the field.

Vice-Mayor Daly stated that this was the issue last season, no coordinate.

Interim Town Manager Cynthia Sementelli stated that administratively these issues have been straighten out.

Vice-Mayor Daly wanted to be assured that the issues do not repeat in the upcoming season.

Commissioner Balius stated that maintenance should be priority not the games.

Commissioner Osterman stated that Interim Town Manager Cynthia Sementelli had suggested once before to place Recreation under Public Works and with the new Town manager coming aboard maybe that would all be finalized.

**Seminole Bay Land Company request to purchase a right of way that is currently owned by the Town of Lake Park.**

Mayor Castro stated that it was too confusing to understand the memo and map provided to the Commission on this project. Also questioned an Attorney charge for a title search.

Town Attorney Thomas Baird explained the purpose of the attorney involvement in the project, including that the applicant was paying for the title search.

Mayor Castro stated the map was too confusing and should have been highlighted to make easier to identify to area being discussed.

Community Development Director Patrick Sullivan stated that this was a very difficult issue to explain. The property being discussed was the right-of-way to the left of Rinker to Old Dixie Highway. There was a 5000 square foot section, which would provide access to the applicant from their property to Old Dixie Highway. The front section of the property was very important to the Town as it was the only access to the parking for the two (2) commercial properties. Patrick Sullivan expressed concern with the amount of traffic it could potentially create from the entrance of the Water Tower Road extension to Old Dixie Highway. He explained what the process would be to sell the property as per the Town code. Patrick Sullivan stated that Rinker plays an important part as they use this access. It was considered an unimproved property because of the dirt road.

Mayor Castro asked if Rinker was aware of this project.

Community Development Director Patrick Sullivan stated that he was not sure if Rinker was aware or not of this project. He explained that if the Commission was interested in this sale that a Public Hearing would follow, and each of the property owners would be notified to be heard at a meeting.

Mayor Castro stated that he wants to hear from the property owners and public before making a decision.

Community Development Director Patrick Sullivan stated that if the Commission would like to proceed then a public hearing would be scheduled.

Commission Balius expressed concern with the property since it was not considered a road, there was no documentation labeling this property a road, it had been considered drainage.

Community Development Director Patrick Sullivan stated that he did not believe that it was considered a road.

Town Attorney Thomas Baird suggested if the applicant wants to make use of it as a road and it was existing as a drainage then it should be up to Town standards and accommodate the drainage.

He also stated that Rinker would need to agree to these conditions. Thomas Baird suggested another alternative which would have the applicant pay the Town back for fixing the road.

Commissioner Balius expressed concern with having two way traffic on such a small area. Two tracker trailers would not fit.

Community Development Director Patrick Sullivan introduced David Keer who provided the Commission with additional photos of the project. See Exhibit "A".

David Keer, Planner and Landscape Architect with Seminole Bay Land Company, explained the purpose of the project and the need for this road or right-of-way. Mr. Keer explained that they are proposing to purchase this property, which was 20 feet wide by 230 long, for an office warehouse project. This would consist of a large warehouse with a number of warehouse office connected to it. The shape of this project would be in an L shape, west of it would be a two (2) to three (3) story administrative building. The proposal of this land was not a road, but a one way road, egress only. Mr. Keer gave three reasons for the egress only:

1. Not enough space. Eight (8) foot utility easement on the North side by Southern Bell. The plan was to stay away from the area.
2. Safety, once you reach the top of the hill, with a fully loaded truck it would not be able to move out of the way.
3. Water Tower extension does provide access for the other companies to travel safely.

Mr. Keer concluded by stating that his clients had been paying taxes on that property and expressed concern considering they just found out that they were not the owners of that property.

Commissioner Balius inquired about the traffic direction of the trucks. Mr. Keer explained that they would follow the same direction that Rinker currently follows. Railroad Avenue would be the main access road traveled. The main purpose of this purchase would be for the administrative staff to gain access.

Mayor Castro clarified saying that the one side would be using Old Dixie Highway, no left turn movement of the vehicles. Mr. Keer stated that if it was not permitted now, then they would not be making those types of turns. Mayor Castro inquired to where the truck would be headed. Mr. Keer stated that they would be going all over, in all directions. Mayor Castro stated that he did not want any of those large trucks on Park Avenue. As Rinker does, they travel on Old Dixie Highway and south to Silver Beach, but not on Park Avenue. Mr. Keer clarified that they would not be traveling in any direction that was not allowed.

Commissioner Balius stated that it would cause travel flow issues because of the size of the road. It would not allow for the radius needed to turn a large vehicle.

Mr. Keer stated that the truck could be directed onto Northlake Blvd and travel from there.

Vice-Mayor Daly asked Captain Reece was there signs posted in that area to avoid traffic as such on Park Avenue. Captain Reece stated that trucks are allowed on 10<sup>th</sup> Street, no streets east of 10<sup>th</sup> Street on Park Avenue.

Mayor Castro stated that this would need to go to Planning & Zoning Board and the discussion of which street would be allowed would be addressed at another time.

Commissioner Balias expressed concern with limiting Rinker to that area.

Mr. Keer expressed for the record that they would go so far as at site plan review time or other appropriate time to post signage on the site within the right-of-way whatever provides the additional information, that no one would be allowed to do not drive on Park Avenue, and would work with staff to put that language so that it would be posted right at their gate at the right-of-way.

Mayor Castro stated that it would be discussed at a later date. Mayor Castro stated that the issue today would be to proceed with the project and he would prefer to notify the surrounding property owners first and then notify Planning & Zoning. Mayor Castro clarified by saying that the answer was not no, but would not make a decision at this time.

Mayor Castro stated that they would see how many property owners would show up to the public hearing and give feedback.

Town Attorney Thomas Baird stated that the issues addressed tonight would need to be worked out before moving forward. Thomas Baird suggested if the Town decided to sell then instead of waiting on a site plan, work out the details of the access issues and turning movement, and place these details in the sales agreement. Staff should evaluate if it was feasible to turn this into a public road. Notice of hearing and then bring back to the Commission to consider all the options, and then provide staff with direction.

Mayor Castro stated that this was not a Planning & Zoning issue, but it was a matter of selling Town owned property.

Town Attorney Thomas Baird stated that it was considered an abandonment issue and the Town Ordinances provide direction on how these are handled, which always involves a Public Hearing.

Commissioner Osterman asked if the Town paid for the work would the applicant reimburse the Town.

Mr. Keer stated that the applicant was not in favor of the option of reimbursing the Town. He explained that the piece of property was not a right-of-way, it was a piece of Town owned land. Since it was a sale of property it did not fall into the category of an abandonment procedures, just a straight sale of land. Mr. Keer also pointed out some of the concerns discussed earlier with the road way and its safety.

Mayor Castro stated that there was a access issue for the neighbors, which was why he wanted those neighbors notified before a decision was made.

Mr. Keer clarified to the Commission that the restriction on the roadway would begin at the applicants property, not the neighbors property, and would not affect the neighbor.

Commission came to consensus to have staff come back after the notice of neighbors and the attorneys had some time to work out some issues and then the Commission could make a decision. The Commission wants to hear what the other property owners have to say before any further action was taken.

Community Development Director Patrick Sullivan clarified that the Town was not selling at this time, but were going to have a public hearing to discuss the issue with property owners.

**Consensus to dispose of Town Bus.**

Vice-Mayor Daly stated to sell the bus.

Commissioner Carey wanted to know where the funds would be going once the bus was sold at auction.

Interim Town Manager Cynthia Sementelli stated that the funds would be placed in the general fund.

Mayor Castro suggested placing it in the reserve fund.

**Motion: A motion was made by Commissioner Balius to sell the Town Bus; 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 passed the gavel over to Vice-Mayor Daly.**

**A motion was made by Commissioner Balius to place the funds from the sale of the Town Bus to the General fund under Public Works; Mayor Castor made the second.**

Commissioner Osterman stated that her recollection was that the funds would goes towards the purchase of another bus at a future date.

Vice-Mayor Daly stated that his recollection was that the funds would go towards bus trips and rental of a bus, then another discussion was to place the funds in the general fund.

Commissioner Balius suggested placing a specific line item in the budget for the use of these funds.

Commissioner Balius modified his motion as follows:

**Motion: A motion was made by Commissioner Balius to place the funds from the sale of the Town Bus to a line item in the budget called either equipment replacement or vehicle replacement; Mayor Castor 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.

**Vice-Mayor Daly returned the gavel to Mayor Castro.**



**ADJOURNMENT**

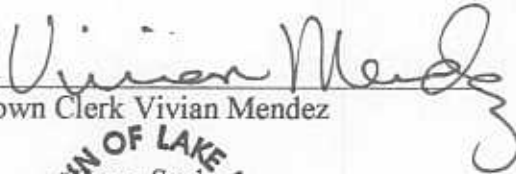
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Vice-Mayor Daly, and by unanimous vote, the meeting adjourned at 9:07 p.m.



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Mayor Paul Castro



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Deputy Clerk Jessica Shepherd



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Town Clerk Vivian Mendez



FLORIDA

Approved on this 3 of January 2007.