

**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
August 3, 2005 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 3, 2005 at 7:30 p.m. Present were Vice Mayor Garretson, Commissioners Carey, Daly and Balius, Town Manager Paul Carlisle, Town Attorney Thomas Baird and Town Clerk Stephanie Thomas. Mayor Castro was absent.

Town Clerk Stephanie Thomas led the Invocation.  
Town Manager led the Pledge of Allegiance.  
Town Clerk Stephanie Thomas performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Town Manager Paul Carlisle asked to have the presentation by Florida Atlantic University pulled from the Agenda, indicating that they were unable to appear at the meeting.

**Motion: A motion was made by Commissioner Carey to approve the August 3, 2005 Regular Commission Meeting Agenda as amended; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro			Absent

Motion passed 4-0.

**PUBLIC and OTHER COMMENT**

The following person(s) addressed the Commission:

*Glenn Hood, 920 W. Jasmine* – Wanted to let the Commission know that he was very pleased to see all the activity on the Ball fields this past week. Mr. Hood commends

Mr. DeGeorge and Mr. John Russ for their Pop-Warner Football team that is now in Lake Park.

*John Russ 371 Silver Beach Road* – Wanted to guarantee a professional, sound, and well-rounded football program.

*Jerry Drayton 349 Australian Circle* – Cheerleader director for the Pop-Warner Football team. The program is a scholastic league. They are looking for any volunteers.

**PRESENTATIONS:**

None.

**CONSENT AGENDA:**

Commission Meeting Minutes of July 20, 2005.

Commission Budget Workshop Minutes from June 29, 2005.

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

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro			Absent

Motion passed 4-0.

**PUBLIC HEARING(S)**

**ORDINANCE(S) ON SECOND/ADOPTION:**

**ORDINANCE NO. 03-2005-Adopting the Florida Building Code.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 7, ARTICLE II, SECTIONS 7-16, 7-18, 7-18.1, OF THE TOWN CODE REPEALING THE STANDARD BUILDING, GAS, MECHANICAL AND PLUMBING CODE, 1994 EDITIONS AND THE NATIONAL ELECTRIC CODE, 1993 EDITION, AND ALL AMENDMENTS THERETO, AND ADOPTING THE FLORIDA BUILDING CODE AND ALL AMENDMENTS THERETO, TO IMPLEMENT CHAPTER 553, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Hearing Opened.**

**None.**

**Public Hearing Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance 03-2005; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro			Absent

Motion passed 4-0.

**ORDINANCES:**

**ORDINANCE NO. 4-2005 Change Block 37-, Lot 9-32 from C-1 Commercial to R-2 Residential.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CHANGING THE ZONING OF LOTS 9 THROUGH 32 OF BLOCK 37 OF THE KELSEY CITY PLAT FROM C-1 COMMERCIAL TO R-2 MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR THE REPEAL OF ORDINANCES 8-2002 AND 9-2002, AND ALL OTHER LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Opened.**

**None.**

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance 4-2005; Commissioner Daly made the second.**

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		

Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro			Absent

Motion passed 4-0.

**ORDINANCE NO: 5-2005 for the future land use of Block 37, Lots 9-32 from Commercial to Medium Density Residential.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CHANGING THE LAND FUTURE USE DESIGNATION ZONING OF LOTS 9 THROUGH 32 OF BLOCK 37 OF THE KELSEY CITY PLAT FROM COMMERCIAL TO RESIDENTIAL; PROVIDING FOR THE REPEAL OF ORDINANCES 8-2002 AND 9-2002; AND ALL OTHER LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:**

**Public Hearing Opened.**

**None.**

**Public Hearing Closed.**

**Motion: A motion was made by Commissioner Daly to approve the Ordinance 5-2005; Commissioner Carey made the second.**

**Vote on Motion:**

Commission Member	Yes	No	Other
Commissioner Baluis	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro			Absent

Motion passed 4-0.

**Quasi-Judicial Hearing  
Resolution No 25-07-05 - AA Storage Site Plan**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT FOR AA STORAGE SITUATED ON A 2.31-ACRE PARCEL OF LAND, OWNED BY TUDOS INC., AND LOCATED AT 1375 OLD DIXIE HIGHWAY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Clerk Stephanie Thomas swore in the witnesses. No ex parte communication was declared among the Commission. Community Development Director Larry Szykowski gave a brief summary of the project through current. The Planning and Zoning board approved AA Storage site plan at their meeting and recommended going forward with this project.

**Public Hearing Opened.**

Jack Batricus Architect for the applicant was available to answer any questions from the Commission.

**Public Hearing Closed.**

**Motion:** A motion was made Commissioner Daly by to approve Resolution No. 25-07-05; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro			Absent

Motion passed 4-0.

**RESOLUTION:**

**Resolution No. 26-07-05- Boat Slip Rates**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ESTABLISHING THE ANNUAL AND TRANSIENT RATES FOR USE OF BOAT SLIPS AT THE LAKE PARK HARBOR MARINA TO BE EFFECTIVE OCTOBER 1, 2005; AUTHORIZING THE TOWN MANAGER TO ADJUST THESE RATES ON A CASE-BY-CASE BASIS FOR THE SOLE PURPOSE OF GENERATING**

**INCREASED REVENUES AND TO PROMOTE THE USE OF MARINA FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Paul Carlisle explained staff recommendation to raise the slip rates as was presented during the budget workshop.

Commissioner Balius stated that he has spoken with boat owners who indicated it would not be in the Towns' best interest to raise the rates at this time. The Marina has just opened its door. Commissioner Balius is not in favor of raising the rates. Town Manager Paul Carlisle indicated that staff and the Harbor Marina Advisory Board have presented their recommendations to the Commission.

Commissioner Daly stated his disapproval of raising the rates. Commissioner Daly feels that the time of year has affecting the slip rate rentals and that the security company should monitor outside the area. Commissioner Daly is not satisfied with the fuel sales.

Commissioner Carey understands both sides of the situation. Commissioner Carey feels the maintaining the current rate for a minimum of six (6) months or until the Marina is 80% full.

**Public Comment Opened.**

*James Dubois 516 Sable Palm Drive, Chairperson of the Harbor Marina Advisory Board* - handed a presentation to the Town Clerk Stephanie Thomas on the consensus of the Board.

*James Lloyd 220 Lake Shore Drive*- indicated that he was confused about the intention of the Resolution. At the Lake Park Harbor Marina Advisory Board, the vote was 4/3 not to raise the slip rate. It is costing the Town tens of thousands of dollars by having the Marina stagnant. The Town needs to promote the Marina.

*Jim Knox 414 Lake Shore Drive*- Recommended redrafting the Resolution. Mr. Knox indicated that if the function of the Advisory Board is going to be dismissed, then the Commission should disband the Harbor Marina Advisory Board. Mr. Knox indicated that employees should pay for their own uniforms and dry cleaning.

*Diane Munroe Hawthorne Drive* – Stated that there is no advertisement for Lake Park Harbor Marina. Why? Has there been any consideration toward the traffic situation between Riviera Beach and Lake Park Marina?

Vice-Mayor Garretson indicated that answers are forthcoming. Vice-Mayor Garretson indicated that his main objective in office is to lower the mileage rate. Vice-Mayor Garretson feels the Marina is overstaffed; marketing the Marina is important. Vice-Mayor Garretson stated that rates should remain the same for six (6) months and reevaluate at that time.

**Public Hearing Closed**

**Motion: A motion was made by Commissioner Balius to table Resolution No. 26-07-05 until the next Regular Commission Meeting on August 24, 2005; Commissioner Daly made the second.**

Vote on Motion:



Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		
Mayor Castro			Absent

Motion passed 4-0.

### **DISCUSSION AND POSSIBLE ACTION**

#### **Discussion about Sea spill Contract**

Town Manager Paul Carlisle explained that Sea Tow International offers a standard contract. The Town Attorney made amendments to the contract, which Sea Tow will not accept. Another contract submitted by SWS is a subsidiary with another company that is involved with a law suite with the Town. Aside from this fact, the contract with SWS is very similar to the Sea Tow International. Insurance and Indemnification clauses are the items that the Town Attorney is trying to address for the Town. Consensus from the Commission was to move forward with Sea spill. Commissioner Balius asked the Town Attorney to make comments on the contract. Town Attorney Tom Baird explained that the provision that Sea Tow International is the Indemnification clause. The Indemnification clause makes them responsible for any negligence. Town Attorney Tom Baird recommended removing the Indemnification clause from the contract and moving forward with selling fuel at the Harbor Marina.

**Motion: A motion was made by Commissioner Daly to approve the contract as written; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Balius	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice-Mayor Garretson	X		

Mayor Castro			Absent
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Motion passed 4-0.

**Discussion about condition of the Lake Park Harbor Marina.**

Town Manager Paul Carlisle explained the current condition at the Harbor Marina and provided status on the projects. The current landscaping bid does not include the lighting as it had previously. The landscaping bid is due on August 9, 2005 by 10 a.m. The Town has a flexible contract with the City of West Palm Beach to install the lights that the Town will purchase for the Marina. Once the bid is awarded, the winning bidder will have 120 days to complete the project. Town Manager Paul Carlisle explained that Murphy Construction has finished their repairs and the brick pavers will come to complete their repairs the following week. Town Manager Paul Carlisle indicated that the ship store is open serving snacks, soda, ice, sandwiches and bait. As other items are requested, more will be added to the stock. Town Manager Paul Carlisle is asking the Marina Manager Patience Cohn to advertise the slip rate at \$14 a foot, which is the current rate, and move forward with this project.

**Public Comment Opened.**

*Robert Werimer 110 Shore Drive in Riviera Beach, owner of 220 Lake Shore Drive-* The entrance to the Lake Park Marina is not appealing. The grass is very high and the dumpster is continuously being moved. The conditions are inviting bums to hang out at the Marina. Town Manager Paul Carlisle stated that the Town would move forward with the clean up efforts. Vice-Mayor Garretson would like to see the Marina budget at the next meeting to see where cutbacks can be made.

**Public Comment Closed.**

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

**Commissioner Balius:**

Commissioner Balius stated that he is still receiving complaints about speakers at the podium. Residents at home cannot hear what is being said from the podium.

Commissioner Balius stated that he is still not satisfied with the Code Compliance performance, especially in the commercial and industrial areas. Dumpsters should not be in swales.

Commissioner Balius suggested conducting a workshop to discuss Code Compliance issues.

Commissioner Balius stated that he received four (4) calls regarding the ball field.

He was pleased to see that the field was being used, but is concerned that the ball field cannot support this type of use four or five times a week by 50-100 people.

Other Towns do not allow anyone on their fields to play at there will. They must seek permission to play on those fields. The field is already in bad condition.

Commissioner Balius asked if the organization using the ball fields were insured?

Town Manger Paul Carlisle indicated that the organization is Pop-Warner and it is



insured. They will provide the Town with a copy of this information as well as indicate that the Town is also named insured.

**Commissioner Daly:**

Commissioner Daly stated that the Commission should take into consideration the next time Stewart Toyota needs a favor that he change his adverting to reflect that he is indeed in Lake Park and not in another municipality.

Commissioner Daly asked the Town Manager if the Journey's Inn accepts Section 8. Commissioner Daly stated that the Journey's Inn has a management company sign indicating that the management company is doing business at Journey's Inn. Town Manager Paul Carlisle indicated that he is not aware of any Section 8 going in there, but they do have FEMA working at Journey's Inn. Vice-Mayor Garretson suggested mailing a letter to remind Stewart Toyota of their agreement with the Town as it pertains to Journey's Inn.

**Commissioner Carey:**

Commissioner Carey checked with the Commission regarding receipt of a letter from Mr. Dean Lavelly. Commissioner Carey wanted to know what the status is with the Park Avenue Grille. Mr. Lavelly had originally agreed to operate the business with five parking spaces. Commissioner Carey indicated that his understanding of the letter was that Mr. Lavelly would open once the Town did as they had indicated they would. Commissioner Carey wanted to know what it meant. Town Manager Paul Carlisle indicated that the Town had agreed to discuss with the Commission options of either leasing or closing off 8<sup>th</sup> Street to create more parking room or for a larger restaurant. The Commission asked staff to bring some of these options back regarding right-of-way many years ago, but staff, at the time, did not follow through.

**Vice-Mayor Garretson**

Vice-Mayor Garretson wanted to know if neon purple was part of the paint pallet in Lake Park. Town Manager Paul Carlisle stated that the Town does not have a paint pallet. Vice-Mayor Garretson suggested developing a rough sketch of paint pallets for the Town and bringing it to the next Commission meeting.

**Town Attorney**

No comments.

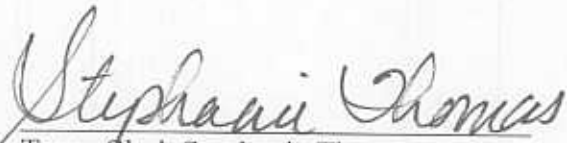
**Town Manager**

Town Manager stated that Mr. Isaac Johnson, a former employee of Public Works from 1972-2002 passed away. The Town will send flowers to express condolences.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Daly and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 9:50 p.m.

  
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Mayor Paul Castro

  
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Town Clerk Stephanie Thomas



Approved on this 24TH day of AUGUST 2005.