

Minutes
Town of Lake Park, Florida
Special Call Regular Commission Meeting
August 24, 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 24, 2005 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Garretson, Commissioners Carey, Daly and Balius, Town Manager Paul Carlisle, Town Attorney Thomas Baird and Town Clerk Stephanie Thomas.

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

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

Ordinance 06-2005 was added to the agenda; as well as discussion about the Ball Fields under Discussion and Possible Action.

Motion: A motion was made by Commissioner Balius to approve the August 24, 2005 Special Call Regular Commission Meeting Agenda as amended; 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	X		

Motion passed 5-0.

PUBLIC and OTHER COMMENT

The following person(s) addressed the Commission:

Rick Goodsell, 410 9th Street - Each time he e-mails the Commission, it comes back undeliverable.

Mr. Goodsell expressed concern that Stewart Toyota is advertising that it is located in North Palm Beach. Mayor Castro stated that his concern is mainly with the loud speaker used at the Stewart Toyota facility rather than the advertisement. Mayor Castro stated that he has spoken with management regarding this issue.

Property owner of 924, 928 and 934 Park Avenue is not holding up to their original plan to make the property look like the rest of Park Avenue.

Mr. Goodsell expressed his concerns regarding businesses with banners for signs. His main concern involved Code Compliance allowing the violation to occur for so long. Commissioner Balius wanted to know if the business owner, of these business have contracts to installed permanent sign. Town Manager Paul Carlisle stated Code Compliance issued citations to these businesses. A Sign Ordinance for the Park Avenue area approved by the Commission needs followed up. Town Manager Paul Carlisle requested from Calvin Giordiano an updated on the Sign Ordinance, which will be forthcoming to the Commission.

Jim Knox, 414 Lake Shore Drive – Asked the Town Commission several months ago to pass a sex offender Ordinance like other municipalities have done, but has not seen any action taken.

The Town Code does not require occupational licenses holders to advertise that they are Lake Park business.

The Code Compliance department is not making rounds after 5 p.m. or on weekends. Mr. Knox indicated that the Town should not tolerate Stewart Toyota's denial of being located in Lake Park.

CONSENT AGENDA:

Commission Meeting Minutes of August 3, 2005.

Budget Workshop Minutes from July 27, 2005.

Vice-Mayor Garretson asked that the Commission meeting minutes of August 3, 2005 be pulled from the Consent Agenda. The minutes indicate that Vice-Mayor Garretson made the second to adjourn the meeting. Vice-Mayor Garretson was Chair of this meeting and was allowed to make motions during this meeting.

Motion: A motion was made by Commissioner Balius to approve the Consent Agenda as amended; 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	X		

Motion passed 5-0.

PUBLIC HEARING(S)

ORDINANCE(S) ON SECOND/ADOPTION:

ORDINANCE NO. 04-2005- 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 ORDINANCE 8-2002 AND 9-2002, AND ALL OTHER LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing Opened.

Diane Munroe Hawthorne Drive – Ms. Munroe wanted a clarification on the location listed on Ordinance 04-2005. Town Manager Paul Carlisle stated the location is the north-west corner of US1 and Silver Beach Road.

Public Hearing Closed.

Motion: A motion was made Vice-Mayor Garretson by to approve Ordinance 04-2005; 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	X		

Motion passed 5-0.

ORDINANCES:

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 Balius to approve the Ordinance 5-2005; 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	X		

Motion passed 5-0.

ORDINANCE NO. 06-08-05

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA DECLARING A LOCAL STATE OF EMERGENCY IN THE TOWN OF LAKE PARK, FLORIDA, IN ACCORDANCE WITH CHAPTER 252.38 OF THE FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Paul Carlisle stated Tropical Storm Katrina had taken a slight turn to the north and predicted to hit in the Boca Raton area. Town Manager Paul Carlisle asked residents not to place the vegetation garbage out for tomorrow's (8/25/05) pick-up, instead just place regular garbage out. The Public Works department will be working to prepare the town for the storm. Mayor Castro urged residents to get the necessity to ride out the storm.

Public Hearing Opened.

Diane Munroe, Hawthorne Drive – Can she use the boat ramp to remove her boat before the Tropical Storm hits the area? Town Manager Paul Carlisle stated that boats can be removed from the Marina. Town Manager Paul Carlisle indicated that the procedure for Marina have been worked out with the Marina Manager Patience Cohn. The procedure is to pull the vessels during a hurricane watch at no charge. If a user wants to re-launch their boat, they are required to pay the fee to re-launch. The Marina will remain open until the winds speeds become too strong and safety becomes an issue. Town Manager Paul Carlisle indicated that the exact time could not be determined at this time. Ms. Munroe asked if notification would be posted. Town Manager Paul Carlisle stated that no notices will be posted.

Public Hearing Closed.

Motion: A motion was made by Vice-Mayor Garretson to approve the Ordinance 06-08-2005; 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	X		

Motion passed 5-0.

DISCUSSION AND POSSIBLE ACTION

Award Marina Landscaping Bid.

Motion: A motion was made by Commissioner Daly to accept with discussion the Award of the Marina Landscaping Bid to Landform Essentials of Central Florida; Vice-Mayor Garretson 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	X		

Motion passed 5-0.

Commissioner Daly asked if the landscaping blue prints are the same as previously shown. Town Manager Paul Carlisle indicated that the only change was the size of some of the plants.

Public Hearing Opened.

Dustin Dennery, 110 S. Wettaw North Palm Beach – Representative of Landscape Distinction expressed his concern with the company being awarded the Landscaping bid.

Kelleen Allen, 302 Lake Shore Drive, Representative for Landform Essential of Central Florida – Ms. Allen wanted to let the Commission know that she is not an employee of Landform but does consulting work for the company, which her relatives own. Ms. Allen answered the questions that had been address by Mr. Dennery as follows: Landform does not have a local office; Landform will be present during the project across the street from the Marina at 302 Lake Shore Drive. Landform will house their employee locally while conducting the project; Landform does understand that they will need to acquire an Occupational License in Lake Park and in Palm Beach County. Mayor Castro asked about the guarantee on the plant material. Ms. Allen stated that the standard guarantee applies.

Public Hearing Closed.

After some discussion by the Commission, a motion was made and vote was placed.

Motion: A motion was made by Commissioner Daly to Award the Marina Landscaping Bid to Landform Essentials of Central Florida; Vice-Mayor Garretson 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	X		
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Motion passed 3-2.

Award of Lake Park Seawall Replacement Bid.

Town Manager Paul Carlisle indicated that the Town received one bid from Palm Wood Corporation for the replacement of the Seawall at Lake Shore Park, which includes the seating area. Town Manager Paul Carlisle indicated that funding for this project is \$187,500.00 from Florida Inland Navigation District (FIND) and bond money will cover the remaining of the project.

Public Hearing Opened.

None.

Public Hearing Closed.

Motion: A motion was made by Commissioner Balius to approve Award of the Lake Park Seawall Replacement bid to Palm Wood Corp.; 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	X		

Motion passed 5-0.

Request for Appointment to the Library Advisory Board.

Motion: A motion was made by Commissioner Daly to appoint Dominique Edwards to the Library Board; 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	X		

Motion passed 5-0.

Public Hearing Opened.

Captain Bud Smith, 1200 Marine Way #503B, North Palm Beach – Commended the Commission on the building and use of the Marina, including the possibility of opening a restaurant.

Public Hearing Closed.

Discussion of the Ball fields and Pop-Warner Football.

Gary Jackson of Gary's Automotive, 1210 Gateway Road – Mr. Jackson express his concern regarding the ball field use from another town (Riviera Beach). Mr. Jackson has received many complaints about the use of the park. Mr. Jackson is urging the Commission to address this issue.

Diane Munroe, Hawthorne Drive – Ms. Munroe stated that on Saturday many of the children were afraid to play on the field because of the amount of football players that were on the field. Mayor Castro stated that he was informed that no football players were on the field on Saturday. Ms. Munroe reiterated the point that Saturday morning is designated for the soccer players. Mayor Castro and Ms. Munroe discussed some of the issues including who's tax dollars pay for the park. Vice-Mayor Garretson indicated that Palm Beach County has contributed to the park. Commissioner Balius expressed his concerns regarding the football program. Ms. Munroe asked the Commission to please look into this issue.

Bertha "Bert" Bostrum, 1451 Flagler Blvd. - A memo was given to the Town Clerk to distribute to the Commission regarding issue with the AYSO and the Pop-Warner Football Program. Ms. Bostrum read the memo as written, which is entered as Exhibit "A" to these minutes.

Glenn Hood, 920 W. Jasmine Drive – Mr. Hood answered several of the concerns raised by the residents regarding the Pop-Warner Football program. Mr. Hood stated that the coach's back ground checks will be made available if necessary. Mr. Hood stated that the program was run-out of Riviera Beach for political reasons. Mr. Hood indicated that Pop-Warner is dedicated to the children. Mr. Hood commended the Commission for starting each meeting with an innovation.

Julie Julmice, 220 Evergreen Drive – Ms. Julmice wanted to know why the Town of Lake Park now has a football team from Riviera Beach. Mayor Castro indicated that the Town was given a great opportunity to create a league that would not cost Lake Park any money. The league includes the children of Lake Park.

Commission Balius

Commission Balius stated that he has received negative comments from residents regarding the Pop-Warner Football program. Commissioner Balius indicated that the ball fields are always in use. Commissioner Balius wanted to know who signed the permit or contract to have this group use the Lake Park fields. Town Manager Paul Carlisle indicated that the Town does not have a contract with either organization to use the ball fields. Mayor Castro stated that the Town allow AYSO and Pop-Warner to use the fields. Town Manager Paul Carlisle stated that at the request of the Commission Pop-Warner was required to submit all their documentation and a scheduled was set for the league to practice. The Pop-Warner league practices three (3) times a week until November, when their program finishes for the season. Commissioner Balius indicated that he does not have a problem with the leagues using the ball fields, but the Town invested a lot of money in the fields and it is being destroyed. The irrigation lines are being ripped off. Commissioner Balius indicated that the Town pays a high salary for a recreation program. Commissioner Balius stated that the Recreation Director has never set-up a baseball team, football team, or soccer team in all the years he has been on the Commission.

Commissioner Daly

Commissioner Daly stated that the Town Manager is the person that should take control of this situation and have Palm Beach County Sheriff's Office (PBSO) to assist with traffic and vendors. Commissioner Daly indicated that the children should not have to suffer because the adults are having issues with this situation.

Vice-Mayor Garretson

Vice-Mayor Garretson indicated that he supports the program, however strict guidelines and rules need to be put in place to be followed by all. Vice-Mayor Garretson stated that the PBSO needs to be more visible at the fields, Dale (Recreation Director) needs to pop in and make sure things are running smoothly, Code Compliance should make sure that vendors are not selling food. Vice-Mayor Garretson stated that he spoke with Community leaders who believe that this is the best publicity (PR) the Town has received. The Town has rescued a program and has made it its own. The Town received funding from the County for the improvement of the park, and therefore it is not just for use by Lake Park, but by all in the community area. Vice-Mayor Garretson indicated that we hope to have a softball leagues and other adult programs for everyone to enjoy.

Commissioner Carey

Commissioner Carey stated that he saw lots of cars parked around the park, which is a good sign, it shows parents are out with their children. Commissioner Carey stated that he also saw cars parked where they should not be and this is a concern. Commissioner Carey stated that he saw a vendor selling food, which again is a concern. Commissioner Carey indicated that he agrees with the program, but things need to be cleaned up and the parameters need to be set.

Mayor Castro

Mayor Castro stated that both of these programs are great for our community. Mayor Castro pointed out that the Pop-Warner team is a traveling team and on Saturday they meet at the ball fields and are then caravanned to the location they will be playing. The children and adults need to get along. Mayor Castro stated that the best thing this program is teaching our children is responsibility for their equipment, respect for the adults, and the children must keep good grades. Mayor Castro indicated that he attends all schedule practices to watch his son. The practice schedule for Pop-Warner Football is Monday, Wednesday and Thursday from 6:00 p.m. – 8:00 p.m. The area need to be better policed by Pop-Warner because of so many children and parents that are on those fields.

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

None.

Vice-Mayor Garretson

Vice-Mayor Garretson would like to have a paint pallet for the houses in Lake Park. The Town should have a standard set of colors for homes when they pull a permit to paint their house.

Mayor Castro

Mayor Castro indicated that the League of Cities conference was a great conference. The conference allowed the Commission to get to know one another on a personal level, which they don't get the opportunity to do. Mayor Castro would like to receive from the Palm Beach Fire Rescue the response times for 911 calls and also non-emergency calls.

Commissioner Daly

Commissioner Daly wanted status on the Palm Beach Sheriff's Office assisting with Code Compliance parking issues. Town Manager Paul Carlisle indicated that he is in the process of creating an Ordinance to allow PBSO to assist with Code Compliance. Commissioner Daly asked for consensus from the Commission on directing the Town Manager to start a redevelopment project on 10th Street. Town Manager indicated that this was discussed at the Priorities Workshop as well as at the last CRA meeting, which is an agenda item for the September 7th Commission Meeting.

Commissioner Balius

Commissioner Balius indicated that the best part of the League of Cities conference for him was visiting a little Town called Winter Gardens. Winter Gardens participated in a Main Street USA program which redeveloped their downtown area. They are still under construction, and the street is being done in cobble stone. It gives off great atmosphere.

Commissioner Balius thanked the tax payers for allowing the Commission to attend the Conference.

Commissioner Balius stated that the Code Compliance department summary worksheet should contain more details information rather than just a subtotals of violations and resolutions. Commissioner Balius would like to receive a report from the PBSO.

Commissioner Balius stated he agreed with the new Sex Offenders law that Boca Raton has instated. Commissioner Balius requested consensus from the Commission to direct the Town Manager to propose the same.

Commissioner Balius would like to know how many parking tickets have been given in Lake Park. Patrol is not conducted as often as it should.

Commissioner Balius stated that the Town should have a Code Compliance workshop He has received calls about a violation given for a dumpster, and yet Town Hall has one in the back which is not covered.

Commissioner Balius stated that calls to the Commission and Town staff are not being returned. Many residents have complained that they are not receiving calls back.

Commissioner Balius stated that magazine racks look terrible out on Evergreen Drive.

Commissioner Balius indicated that on Killian Drive there are mail boxes in the swales and that is against the Code.

Commissioner Balius indicated that he has seen new fences being installed in the wrong direction.

Commissioner Balius asked for clarification of the term sector enforcement. Town Manager Paul Carlisle explained that it means the Town is divided into sections for each Code Compliance Officers to cover their designated area.

Mayor Castro apologized to the audience for the sound system not working correctly this evening. Unfortunately one of the cables had been unplugged. Town Manager Paul Carlisle was able to re-plug the cable.

Town Attorney

None.

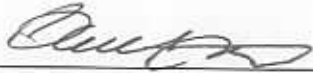
Town Manager

Town Manager Paul Carlisle indicated that everyone needs to prepare for the Tropical storm which may turn into a hurricane. Mayor Castro indicated to please prepare your homes, stock up on bottled water, and any other supplies just in case. Town Manager Paul Carlisle explained that Palm Beach County declared a State of Emergency, which will allow the Town to prepare for the storm. The Town has also declared a State of Emergency in anticipation of the storm.

Town Manager Paul Carlisle stated that the Special Magistrate Paul Nicolletti has resigned to take a full time Attorney position in Stuart. The Commission requested a list of attorney to take the position of Special Magistrate.

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 Garretson, and by unanimous vote, the meeting adjourned at 9:35 p.m.



Mayor Paul Castro



Town Clerk Stephanie Thomas



Deputy Town Clerk Vivian Mendez

FLORIDA

Approved on this 7th day of September 2005.

Seasonal Monthly Rate – Oct 1- May 1	30'	40'	45'	50'	60'
Loggerhead (Soverel)		21.12	21.84	21.16	23.32
New Port Cove	21.00	21.15	21.49		21.70
Riviera Beach Marina		17.70	17.70	17.70	17.70
Sailfish Marina	50.00	76.50	76.50	76.50	76.50
Old Port Cove * rate increase due in Aug		31.75		30.90	34.67
Palm Harbor Marina	40.50	40.50	40.50	40.50	40.50
AVERAGE RATE	37.16	34.79	35.61	37.35	35.73
LAKE PARK Recommended rate	25.00	27.00	28.00	32.50	31.00 fixed 34.00 floating

Annual Rate	30'	40'	45'	50'	60'
Loggerhead (Soverel)	12.00	14.20	15.42	15.38	17.12
New Port Cove	14.37	14.45	14.60		14.80
Riviera Beach Marina		17.70	17.70	17.70	17.70
Sailfish Marina	21.90	18.75	19.40	23.22	26.13
Old Port Cove * rate increase due in Aug		18.38		16.90	19.33
Palm Harbor Marina	21.00	21.00	21.00	21.00	21.00
AVERAGE RATE	17.32	17.41	17.62	18.84	19.34
LAKE PARK Recommended RATE	15.00	16.00	16.50	20.00	18.00 fixed 21.00 floating

To maintain original budget recommendations with a single annual rate = \$17.62

100% occupancy @ \$18.00 per ft per month = \$946,080.00

80% occupancy @ \$18.00 per ft per month = \$756,864.00

Seasonal monthly rate \$31.00

Off Seasonal monthly rate \$15.50 May 1st – Sept. 30th

Transient rate \$1.75 per ft per day plus

Electric charge of \$6.00 per 30 amp cord & \$8.00 per 50 amp cord

Marina Board Budget recommendations

1. Increase utility fee from \$10.00 to \$15.00 – *This will represent an increase to revenue of \$6,120.00 assuming 100% occupancy annually.*
2. Increase KWH electric charge from .11 to .18 cents - *Requires legal opinion- Public Service Commission Chapter 25-6 (b) Any fees or charges collected by a customer of record for electricity billed to the customer's account by the utility, whether based on the use of sub-metering or any other allocation method, shall be determined in a manner which reimburses the customer of record for no more than the customer's actual cost of electricity.*
3. Eliminate marina provided uniforms and require employees to purchase their own at cost. *This will represent a decrease to expenses of \$6,000.00. Staffs opinion is that uniforms provide a professional image to the marina and provides employees with necessary equipment to perform jobs safely. This item includes foul weather gear, non-slip safety shoes, etc.*
4. Add clause to marina contract to provide for 10% rate increase April 1st. *This would represent an increase to revenue of \$38,577.50 provided all slips remained occupied. April is the end of the winter season and the other area marina will begin to offer summer discount rates at this same time.*
5. Reduce budgeted amount of contractual services for landscaping and fertilization- *a reduction of 40% would represent \$18,000.00 savings. While true these services have yet to be bid so costs are only estimate.*