

Minutes
Town of Lake Park, Florida
Town Commission Meeting
April 21, 2004 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Town Commission Meeting on Wednesday, April 21, 2004 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Balius, Commissioners Carey, Daly, Town Manager Doug Drymon, Town Attorney Thomas Baird and Town Clerk Carol Simpkins.

Mayor Castro called the Meeting to order at 7:30 p.m.
 Mayor Castro gave the Invocation.
 Vice Mayor led the Pledge of Allegiance.
 Town Clerk Carol Simpkins performed the Roll Call.

The Town Commission took a recess from the Regular Commission meeting at 7:31 p.m. to attend an Attorney-Client session regarding the Firefighters Pension case which was held in the conference room on the second floor of Town Hall.

The following persons attended the Attorney-Client session:
 Mayor Castro, Vice Mayor Balius, Commissioner Garretson, Commissioner Daly, Commissioner Carey, Town Manager J. Douglas Drymon and Town Attorney Thomas J. Baird. The Attorney-Client session was terminated at 8:20 p.m. and the Regular Commission meeting reconvened.

ADDITIONS/DELETIONS

Item K-10, Resolution No. 24-04-04 was deferred until the May 5, 2004 Regular Commission Meeting.

MOTION: A motion was made to defer Resolution 24-04-04 until the May 5, 2004 Regular Commission meeting by Commissioner Ed Daly; Vice Mayor Balius made the second.

Vote on Motion:

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

Commissioner Garretson			Absent
Mayor Castro	X		

Motion passed 4-0.

PRESENTATIONS:

Captain John Carroll; Report on shift commanders and cell phones

Palm County Sheriffs Office District 10 (PBSO) Captain John Carroll indicated that plans for better communication for the deputies are in the works. Captain Carroll indicated that Captain Michael Antonopoulos will be in charge whenever Captain Carroll is unavailable for an extended amount of time. Town Manager Drymon requested that Assistant to the Town Manager Hoa Hoang investigate the projected costs and plans for PBSO District 10 to have the cell phones.

Sea Coast Utility Authority

Rim Bishop, Executive Director of Sea Coast Utility Authority thanked the Town Commission for their support. He indicated that Sea Coast Utility is in the process of working out a compromise with Palm Beach County for Sea Coast Utility to provide water and sanitary sewage service to the Scripps property.

The pleasure of the Town Commission was to draft a Resolution in support of Sea Coast Utility Authority in their endeavors to provide water and sewage service to the Scripps land.

MOTION: A motion was made by Vice Mayor Balius to direct staff to draft a Resolution in support of Sea Coast Utility Authority to provide water and sewage service to the Scripps land. Commissioner Daly made the second.

Vote on Motion:

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

Motion passed 4-0.

Venetian Isles

The Town Commission inquired about the consistency of the architecture and landscaping at the Venetian Isles site. Jamie Gentile, Calvin, Giordano and Associates, indicated that the architecture and landscaping plans are consistent with the plans that were approved by the Planning and Zoning Board and the Town Commission.

Dodi Glass, Urban Design Studio agreed that there are issues at the Venetian Isles site that are not complaint as it pertains to the Code. She stated that in the next two weeks the landscaping is expected to be brought up to Code. She indicated that there are wildlife issues that have been addressed. The applicant will post signage and coordinate with the tenants to prevent any reoccurrences.

Ron Collins, representative of the applicant indicated that the Developer has his own vested interests in bringing and keeping the property into compliance with Code and will work hard over the next two weeks to see that this is done. He requested that the Commission does not withhold the Certificate of Occupancies (CO's) in that there are several tenants expected to move into the units over the next few weeks. He requested that the applicant be allowed to provide a presentation to the Commission at the May 5, 2004 Commission Meeting.

The pleasure of the Commission as advised by the Town Attorney was to seek a cash bond for the cost off 125% of the landscaping materials and the clubhouse, playgrounds, sidewalks, roadwork and all other concerns be placed under the same conditions.

MOTION: A motion was made by Vice Mayor Balias for Venetian Isles to place a bond in the amount of 125 percent of the amount of the improvements that it will take to complete the landscaping, the clubhouse, playgrounds, sidewalks, roadwork and all other amenities which will afford the applicant to be issued three CO's. Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Vice Mayor Balias	X		
Commissioner Carey	X		
Commissioner Daly		X	
Commissioner Garretson			Absent

Mayor Castro	X		
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Motion passed 3-1.

Commissioner Daly indicated that he does want to allow CO's to be issued until all concerns have been satisfied.

0PUBLIC COMMENT:

The following person(s) addressed the Commission;

Richard Ahrens, 1451 Kinetic Road inquired about the plans for the funds from the Water Tower Road refund.

CONSENT AGENDA

Commissioner Meeting Minutes of April 7, 2004
Signature card for the Finance Department

MOTION: A motion was made by Vice Mayor Balius to approve the Consent Agenda. Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

PUBLIC HEARING/S:

ORDINANCES ON SECOND READING/ADOPTION:

ORDINANCE NO. 10-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 32, ARTICLE I, SECTION 32-2 ENTITLED "DEFINITIONS" TO ADD DEFINITIONS; REPEALING SECTION 32-30 ENTITLED "COMMUNITY RESIDENTIAL HOMES RESTRICTED TO

SPECIFIC DISTRICTS"; AMENDING CHAPTER 32, ARTICLE III, SECTION 32-46 ENTITLED "R-2 RESIDENCE DISTRICTS" TO PROVIDE FOR COMMUNITY RESIDENTIAL HOMES OF 7-14 RESIDENTS, WITH SEPARATION REQUIREMENTS; AMENDING SECTION 32-47 ENTITLED "R-3 RESIDENCE DISTRICTS" TO PROVIDE FOR COMMUNITY RESIDENTIAL HOMES OF 7-14 RESIDENTS, WITH SEPARATION REQUIREMENTS; AMENDING SECTION 32-48 ENTITLED "C-1-A BUSINESS DISTRICTS" TO PROVIDE FOR COMMUNITY RESIDENTIAL HOMES OF 7-14 RESIDENTS, WITH SEPARATION REQUIREMENTS; AMENDING SECTION 32-49 ENTITLED "C-1-B BUSINESS DISTRICTS" TO PROVIDE FOR COMMUNITY RESIDENTIAL HOMES OF 7-14 RESIDENTS, WITH SEPARATION REQUIREMENTS; AMENDING SECTION 32-51 ENTITLED "C-1 BUSINESS DISTRICTS" TO PROVIDE FOR SUBSTANCE ABUSE TREATMENT FACILITIES WITH SEPARATION REQUIREMENTS; AMENDING SECTION 32-55 ENTITLED "GENERAL PROVISIONS AND EXCEPTIONS"; CREATING NEW SECTION 32-59 ENTITLED "STATUS OF SUBSTANCE ABUSE TREATMENT FACILITIES AND COMMUNITY RESIDENTIAL HOMES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Commission requested clarification of the Ordinance. Town Attorney Thomas Baird indicated that the Ordinance applies to group homes that facilitate persons who require onsite or offsite treatment and/or rehabilitation of substance abuse.

Public Hearing opened.
 No speakers.
 Public Hearing closed.

MOTION: A motion was made by Vice Mayor Balius to approve Ordinance No. 10-2004. Commissioner Carey made the second.

Vote on Motion:

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

Mayor Castro	X		
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Motion passed 4-0.

ORDINANCES ON FIRST READING

ORDINANCE NO. 11-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 2, ARTICLE II, DIVISION 1, CREATING SECTION 2-18 ENTITLED "FILLING VACANCIES - IN CANDIDACY;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Commission directed the Town Attorney to modify Sections (1) If the withdrawal, death or removal from the ballot of a qualified candidate following the end of the qualifying period results in only one candidate remaining for that office. And Section two (2) If the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period results in there being no candidates for an office, and more than 21 days remain prior to the date of the election, qualifying shall be reopened to allow candidates to qualify for that office in accordance with the Town Charter and this Code. Any candidate wishing to qualify shall do so no later than 12:00 noon of the 21st day prior to the date of the election.

In reference to Section two, the Commission requested to have the Town Attorney modify the section so that it will reflect, that the qualified candidate cannot seek the seat that they temporarily held. Town Attorney Baird indicated that he will look into the legalities of the modification.

MOTION: A motion was made by Vice Mayor Balius to approve Ordinance No. 11-2004 with the understanding that the Town Attorney will make modifications to Sections one and two. Commissioner Daly made the second.

Vote on Motion:

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

Commissioner Garretson			Absent
Mayor Castro	X		

Motion passed 4-0.

ORDINANCE NO. 12-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 2, ARTICLE IV, DIVISIONS 3 AND 4, AMENDING SECTION 2-80 ENTITLED "DEFINITIONS;" AMENDING SECTION 2-81 ENTITLED "QUALIFICATIONS, TERMS OF OFFICE OF BOARD;" AMENDING SECTION 2-82 ENTITLED "COMPLIANCE PROCEDURES;" AMENDING SECTION 2-85 ENTITLED "FINES, COST OF REPAIR AND LIENS;" AMENDING SECTION 2-88 ENTITLED "NOTICES;" MOVING SECTION 2-88.01 ENTITLED "ALTERNATE CODE ENFORCEMENT PROCEDURES" TO DIVISION 4; MOVING SECTION 2-88.02 ENTITLED "NOTICE TO APPEAR" TO DIVISION 4; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: A motion was made by Vice Mayor Balius to approve Ordinance No. 12-2004. Commissioner Daly made the second.

Vote on Motion:

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

Motion passed 4-0.

ORDINANCE NO. 13-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 28, ARTICLE III, PERTAINING TO PUBLIC SERVICE TAX, AMENDING SECTION 28-18 ENTITLED "LEVIED; RATE;" AMENDING SECTION 28-19 ENTITLED "COLLECTION BY SELLER REQUIRED;" AMENDING SECTION 28-20 ENTITLED "COMPUTATION;" REPEALING SECTION 28-21 ENTITLED "RECORDS OF SELLERS;" AMENDING SECTION 28-22 ENTITLED DISPOSITION OF REVENUES;" AMENDING SECTION 28-23 ENTITLED "EXEMPTIONS;" REPEALING SECTION 28-24 ENTITLED "SELLER COMPENSATION;" CREATING NEW SECTION 28-24 ENTITLED "DEFINITIONS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: A motion was made by Vice Mayor Balius to approve Ordinance No. 13-2004. Commissioner Carey made the second.

Vote on Motion:

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

Motion passed 4-0.

RESOLUTIONS

RESOLUTION NO. 25-04-04

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH BESSENT ENTERPRISES, INC. FOR THE REPLACEMENT OF WATER MAIN AT THE LAKE PARK HARBOR MARINA

AND PROVIDING AN EFFECTIVE DATE.

MOTION: A motion was made by Vice Mayor Balius to approve Resolution No. 25-2004. Commissioner Daly made the second.

Vote on Motion:

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

Motion passed 4-1

DISCUSSION AND POSSIBLE ACTION:

Appointment to Library Board, Merit Board Planning and Zoning Board

Jeanine Longtin was appointed to serve as a regular member of the Merit and an alternate member of the Planning and Zoning Board. Antony Lewis and Lisa Colgan were appointed to serve as regular members of the Library Board. Alice-Louise Fullerton was appointed to serve on the Library Advisory Board.

Proclamation of Commissioners

The Town Commission directed staff to draft a Proclamation for former Commissioner Bill Otterson for his service to the Town of Lake Park. The Commission decided not to support the presenting of a proclamation to former Commissioner Jeanine Longtin as a result of her wishes that one not be presented in her honor. The Commission feels that Ms. Longtin deserves recognition for her great service and contributions to the Town of Lake Park. There was general consensus among the Town Commission to present a proclamation to former Commissioner Bill Otterson.

Street Light updates by Florida Power and Lights

Paul Carlisle, Public Works Director provided a brief update to Town Commission regarding replacing street lights that they had requested at a previous meeting. Mr. Carlisle indicated that mid-block lighting would not be in the best interest of the Town in that staff would have to seek easements from each owner. There was general consensus among the Commission to allow Paul Carlisle, Public Works Director to proceed with the project.

Decorative Street light bid for Park Avenue

Paul Carlisle, Public Works Director indicated that Commissioner Karen Marcus offered the use of County funds to contribute the Park Avenue Decorative Street Light project, however the Commission requested that Mr. Carlisle inquire of Commissioner Marcus that the funds be utilized for other uses. The Commission also directed Mr. Carlisle to seek funding from Commissioners Karen Marcus and Addie Greene for upgrades in the Town.

Designation of voting delegate to Palm Beach County League of Cities

The consensus of the Commission was to designate Mayor Castro as the voting delegate to the Palm Beach County League of Cities. Vice Mayor Balius was appointed to serve as the alternate.

Advertising in the Conference Issue of the Quality Cities

The Town Commission did not reach consensus on approving the advertisement in the Conference Issue of the Quality Cities Magazine.

COMMENTS BY COMMISSION, TOWN MANAGER AND TOWN ATTORNEY

Mayor Castro

Mayor Castro feels that Code Enforcement has been too lenient and flexible. He indicated that Lowe's and Publix have outside storage issues that need to be sited. Mayor Castro expressed concern with there being only a few cases that come before that Code Compliance Board. He indicated that he would agree to take the Town Manager on a tour around Town to show him the areas of that require the most concentration. He requested a status on the Park Avenue Grille project in which he expressed his disliking of the doors. He stated that he attended the Easter Egg Hunt in which the outcome was great and expressed his hopes of the July 3rd, Independence Day celebration results in the same.

Vice Mayor Balius

Vice Mayor Balius stated that he received a report indicating that the Florida, Power and Light Plant located in Riviera Beach is in compliance as it pertains to the dropping of the sud. He made comments pertaining to evaluation form of Town Manager Doug Drymon stating that if a Commission rates at a three, they do not have to make comments. He requested that if a higher rate is given, to please provide comments and accreditation and future goals. Vice Mayor Balius stated that Teresa Lepore, Supervisor of Elections made a proposal to the Town to hold the March election in November. Vice Mayor Balius expressed that the Commission is happy with the way that the elections are held and does not want to see change. He concluded by stating that Code Compliance needs to adopt a more efficient process to resolve cases. Vice Mayor Balius stated that he would like to see an Evaluation and Appraisal Report (EAR) Workshop held to discuss the priorities that resulted from the previous EAR Workshop. He concluded by thanking County Commissioner Addie Greene for her showing of support to renaming of the Ball field.

Commissioner Daly

Commissioner Daly thanked Town Manager Drymon for the Town tour. He stated that the Town will be losing deputies and will be recruiting deputies that desire to be stationed in a small town. He expressed concern with the appearance of the Substation room located at the recreation station. Commissioner Daly feels that the Town needs to make an investment in the room. He publicly commended Paul Carlisle, Director of Public Works for the great work that was done on the Park on Highway U.S. 1.

Commissioner Jeff Carey

No Comments.

Town Manager Drymon

Town Manager Drymon reminded the Commission of the May 12, 2004 workshop and the Annexation meetings that are to be held on April 27th and 29th. He also noted that the 2003 Lake Park Volunteer Appreciation Dinner will be held on April 24, 2004 at 11:00 a.m.

Town Attorney Baird

Town Attorney Thomas Baird indicated that the Town has been served with three (3) lawsuits from Town residents. He stated that he will keep the Town posted.

ADJOURNMENT:

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



Mayor Paul Castro



Deputy Town Clerk, Stephanie Thomas

Approved on this 5th day of May 2004.