

MINUTES
TOWN OF LAKE PARK, FLORIDA
TOWN COMMISSION MEETING
 January 15, 2003
 Town Commission Chambers, 535 Park Avenue

The Town Commission for the Town of Lake Park, Florida met in regular session on Wednesday January 15, 2003 at 7:30 PM. Present were Vice Mayor Balius, Commissioners Longtin, Otterson and Garretson, Town Manager Jason Nunemaker, Town Attorney Thomas Baird and Town Clerk Carol Simpkins..

Commissioner Garretson gave the invocation and Commissioner Otterson led the Pledge of Allegiance.

ADDITIONS/DELETIONS

Town Manager Jason Nunemaker requested that the following item be moved to the front of the agenda under Presentations.

MOTION: A motion to approve the as amended was made by Commissioner Jeanine Longtin and seconded by Commissioner Paul Garretson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson		X	
Commissioner Longtin	X		
Vice Mayor Balius	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed.

PRESENTATIONS

The Solid Waste Authority of Palm Beach County and the Trinity United Methodist Church were presented with Proclamations thanking them for their help in the completion of repairs to Ms. Sherrod's house located in Lake Park, Florida.

Mike Arciola, Finance Director gave a presentation on the Quarterly Financial Review. Please see Exhibit “A”. The Town, in the first quarter of the current year, is at a 26% point in expenditures of the budget and a 26% point in (over budget) collections.

Vice Mayor Chuck Balias stated that the Finance Department has done what was asked of them and the current property values in the Town of Lake Park are going up. Mike Arciola was thanked by the Commission.

FIREMEN’S PENSION FUND

Vice Mayor Chuck Balias explained that the Commission has three options concerning the Firemen’s Pension Fund. One would be to approve the payout over a three year period, two would be to deny the payout, three would be to request a declaratory judgment and approve a \$60,000 increase to the legal fund on the next budget amendment.

Keith Dubin, attorney for the Firemen’s Pension Fund, reviewed a letter that he had given to the Town Attorney for consideration by the Town Commission. See Exhibit “B”. Mr. Dubin explained he felt that the Town of Lake Park has the ultimate responsibility and duty for making up any shortfall in the firefighters’ pension fund.

Town Attorney, Thomas J. Baird, Esq. stated that the firefighters had attorneys that were hired to look after their interest and should have done so in reviewing the inter-local agreement and it should not be thrown back onto the Town.

The Commission explained that they owe it to the taxpayers and the Town employees to look at every avenue to meet the Town’s obligations.

MOTION: A motion to seek a Declaratory Judgment was made by Commissioner Bill Otterson and seconded by Commissioner Jeanine Longtin .

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson		X	
Commissioner Longtin	X		
Vice Mayor Balias	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed

PUBLIC COMMENTS

The following persons addressed the Commission: Bertha Bostrom, 1451 Flagler Blvd., gave an update on the Lake Park Recreation Association, she stated that the Recreation Group is playing soccer on Saturdays. Dorothy Taylor, 2361 Cypress Drive requested clarification on the donation by the Town for the Martin Luther King Celebration. The Commission agreed to pay for the food for the Sunday celebration as well as the Monday celebration and the banners.

CONSENT AGENDA

Commissioner Bill Otterson pulled items 4 (Beverage Contract) and 7 (APWA) request to serve alcoholic beverages.

MOTION: A motion to approve items 3, 5, 6, and 8 (Commission Meeting Minutes from December 18, 2002, Recreation Association request for use of ballroom, American Public Works Association request to use Lake Shore Park Pavilion and Drainage Improvements in the Neighborhood Target Area (NTA) Phase II C. Seconded by Commissioner Paul Garretson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin	X		
Vice Mayor Balius	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed.

BEVERAGE CONTRACT

Commissioner Bill Otterson explained that he was concerned over the nutritional aspect of the soda and the security and liability of the machines. Town Manager Jason Nunemaker stated that the machine will probably offer water also and the contract will be modified to include liability coverage.

MOTION: A motion to approve the beverage contract with the condition that the attorney modifies it to include the liability coverage. Seconded by Commissioner Paul Garretson .

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin	X		
Vice Mayor Balias	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed.

APWA request to serve alcoholic beverages on Town property.

Commissioner Bill Otterson stated that he was against the Town sponsoring any function that serves alcoholic drinks. Paul Carlisle, Public Works Director, explained that the Town was not sponsoring the event.

Commissioner Jeanine Longtin expressed concern over insurance.

Motion: Commissioner Jeanine Longtin made a motion to approve the request with the stipulation that the Town Attorney reviews the insurance coverage and a hold harmless agreement is signed. Seconded by Commissioner Paul Garretson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson		X	
Commissioner Longtin	X		
Vice Mayor Balias	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed.

ORDINANCES SECOND READING

ORDINANCE NO. 33-2002

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLES II AND III ENTITLED "DISTRICTS GENERALLY" AND DISTRICT REGULATIONS OF CHAPTER 32 OF THE TOWN CODE, ENTITLED "ZONING" BY CREATING A NEW ZONING DISTRICT TO BE KNOWN AS THE NORTHLAKE BOULEVARD OVERLAY ZONING DISTRICT; PROVIDING FOR THE AMENDMENT OF ARTICLE II AMENDING THE TOWN'S ZONING MAP TO REFLECT THE NEW DISTRICT; PROVIDING FOR THE AMENDMENT OF ARTICLE III TO PROVIDE REGULATIONS FOR THE NEW DISTRICT; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Sara Lockhart, Inter Director of Community Development, presented the ordinance.

Public Hearing opened.

No speakers.

Public Hearing closed.

MOTION: A motion to adopt Ordinance No. 33-2002 on second reading was made by Commissioner Paul Garretson and seconded by Commissioner Bill Otterson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin		X	
Vice Mayor Balius	X		
Mayor Castro			Absent

Vote 3 to 1 motion passed.

ORDINANCES FIRST READING

ORDINANCE NO. 01-2003

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) UPON THOSE CERTAIN LANDS LOCATED AT THE CORNER OF NORTHLAKE BOULEVARD AND U.S. HIGHWAY ONE (FORMERLY KNOWN AS THE TWIN CITY MALL); PROVIDING FOR SAID LANDS TO BE DEVELOPED IN ACCORDANCE WITH THE PLANS ON FILE WITH THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

Exparte Communications

The following Commissioners had no exparte communications to declare: Vice Mayor Chuck Balius, Commissioner Jeanine Longtin, Commissioner Bill Otterson, and Commissioner Paul Garretson.

The witnesses were sworn in by the clerk.

Sara Lockhart, Inter Director of Community Development, presented the ordinance.

The applicant, Michael Sabattelo was present to answer any questions.

Public Hearing opened.

No speakers.

Public Hearing closed.

Motion: Commissioner Paul Garretson made a motion to approve Ordinance No. 01-2003 on first reading. Seconded by Commissioner Bill Otterson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin	X		
Vice Mayor Balius	X		
Mayor			Absent

Castro			
--------	--	--	--

Vote 4 to 0

ORDINANCE NO. 19-2002

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, REZONING APPROXIMATELY 14.73 ACRES OF LAND OWNED BY TBH LAND TRUST WHICH IS GENERALLY LOCATED AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF CONGRESS AVENUE AND WATER TOWER ROAD FROM THE TND ZONING DISTRICT TO THE C-4 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exparte Communications

The following Commissioners had no exparte communications to declare: Vice Mayor Chuck Balius, Commissioner Jeanine Longtin, and Commissioner Paul Garretson. Commissioner Bill Otterson talked to the applicant.

The witnesses were sworn in by the clerk.

Sara Lockhart, Inter Director of Community Development, presented the ordinance.

Dodie Glas representing the applicant was present to answer any questions.

Public Hearing opened.

No speakers.

Public Hearing closed.

Motion: Commissioner Paul Garretson made a motion to adopt Ordinance No. 19-2002 on second reading. Seconded by Commissioner Jeanine Longtin.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin	X		
Vice Mayor Balius	X		
Mayor Castro			Absent

Vote 4 to 0

ORDINANCE NO. 20-2002

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, REZONING APPROXIMATELY 49.81 ACRES OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LTD. WHICH IS GENERALLY LOCATED ON THE EAST SIDE OF CONGRESS AVENUE BETWEEN WATER TOWER ROAD AND SILVER BEACH ROAD FROM THE TND ZONING DISTRICT TO THE C-4 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Exparte Communications

The following Commissioners had no exparte communications to declare: Vice Mayor Chuck Balias, Commissioner Jeanine Longtin, and Commissioner Paul Garretson. Commissioner Bill Otterson talked to the applicant.

The witnesses were sworn in by the clerk.

Sara Lockhart, Inter Director of Community Development, presented the ordinance.

Dodie Glas representing the applicant was present to answer any questions.

Public Hearing opened.

Jerry Krape, 700 US 1, Lake Park, FL stated that he thought all of Congress Avenue should be made commercial.

Public Hearing closed.

MOTION: A motion to adopt Ordinance No. 20-2002 on second reading was made by Commissioner Bill Otterson and seconded by Commissioner Jeanine Longtin.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin	X		
Vice Mayor Balias	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed.

RESOLUTIONS (QUSI-JUDICIAL)

RESOLUTION NO. 46-2002

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING AN APPLICATION BY CONGRESS AVENUE PROPERTIES, LTD. FOR CONCEPTUAL PLAN FOR AN OFFICE/WAREHOUSE COMPLEX; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 48-2002

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING AN APPLICATION BY TBH LAND TRUST FOR CONCEPTUAL PLAN FOR AN OFFICE/WAREHOUSE COMPLEX; AND PROVIDING AN EFFECTIVE DATE.

Sara Lockhart explained that the applicant requested a continuation for Resolutions 46-2002 and 48-2002 until February 19, 2003.

MOTION: A motion to continue Resolutions 46-2002 and 48-2002 until February 19, 2003 was made by Commissioner Jeanine Longtin and seconded by Commissioner Bill Otterson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin	X		
Vice Mayor Balius	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed.

RESOLUTIONS

RESOLUTION 01-01-03

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SETTING FORTH THE TIME AND PLACE OF A GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 11, 2003 FOR THE PURPOSE OF ELECTING TWO (2) COMMISSIONERS TO

THE TOWN OF LAKE PARK, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

MOTION: A motion to adopt Resolutions 01-01-03 was made by Commissioner Jeanine Longtin and seconded by Commissioner Bill Otterson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin	X		
Vice Mayor Balius	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed.

DISCUSSION AND POSSIBLE ACTION

WESTLAKE ROOF SHINGLES

Sara Lockhart, Inter Director of Community Development, explained the request for the change in roof color. The previous grey color did not come with the wind load requirements that were required under the new State Building Code. The tan color will be used on all of the roofs.

Commissioner Jeanine Longtin stated that she does not like asphalt tiles.

MOTION: A motion to accept the color change was made by Commissioner Bill Otterson and seconded by Commissioner Paul Garretson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin		X	
Vice Mayor Balius	X		
Mayor Castro			Absent

Vote 3 to 1 motion passed.

BEAUTIFICATION FUND

Greg Durgin, Code Compliance Officer, presented the application for \$4,640 for rotting wood replacement on behalf of Catherine Catalano.

Vice Mayor Chuck Balius stated that the work done with the fund helps the whole neighborhood.

MOTION: A motion to approve Ms. Catalano’s application was made by Commissioner Jeanine Longtin and seconded by Commissioner Bill Otterson.

Vote on motion

Commission Member	YES	NO	OTHER
Commissioner Garretson	X		
Commissioner Otterson	X		
Commissioner Longtin	X		
Vice Mayor Balius	X		
Mayor Castro			Absent

Vote 4 to 0 motion passed.

ANNEXATION

Town Manager Jason Nunemaker has spoken with Lisa Lowe from Palm Beach County and she stated that the application had been reviewed last week. Mr. Nunemaker should be receiving the review and then sending it along to the County Commission. He met with Mr. Johansson who will be organizing a meeting with the property owner and himself to address their concerns.

SCHOOL SWALES

Vice Mayor Chuck Balius stated that there is a flooding problem around the school. He has a problem with the School Board putting parking spaces on Town property.

Paul Carlisle explained that the flooding problem is at its worst on 3rd and Evergreen.

Town Manager Jason Nunemaker stated that the draft inter-local agreement that had been supplied to the Commissioners would allow improvements to be made and asked for consensus from the Commission to see if the School Board would adopt Mr. Carlisle’s request for corrections.

The Commission directed Mr. Nunemaker to send out a letter to the property owners to see how they felt about the situation.

WORKSHOP ON 6TH STREET BALLPARK

The Commission set February 26, 2003 at 7:30 pm for a workshop on the park.

WORKSHOP WITH PBSO SHERIFF

The Commission set March 12, 2003 at 7:30 pm for a workshop with the Sheriff.

COMMISSION COMMENTS

Commissioner Garretson

Stated that he would be seeking reelection to the Commission.

Commissioner Longtin

Web Site. Should be a priority.

Suggested that the Town reads contract before they are signed

The ordinance for trees in the swales be sent to the Tree Board for review before it is given to the Commission.

Library. Needs volunteers to read.

Blood Bank. Needs donations.

Commissioner Longtin thanked everyone that came to the meeting and watched at home.

Vice Mayor Balius

Announced that he would run for the Town Commission again.

Paved Swales at School.

Utility Permits. Work was being done on Date Palm without a permit for the Town

Swales. There has been an increase in the placing of blocks and boulders in the swales and if it is allowed it should be controlled.

Would the Town recoup the money that was paid for Officer Applebaum's schooling before he quit the Town.

Commissioner Otterson

Would like to see the Town permit trees in the swales.

Would like the daily police roster in the Info Pak

Would like the contractors liability on the Town Clerks ceiling looked into

Feels that there are hazards at the Park Avenue BBQ site

Town Attorney Thomas Baird

Stated that in June of 2002 there were eight legal cases pending with the Town four have been settled.

Town Manager Jason Nunemaker

Listed the following event dates: February 14 a dance, February 21 the Volunteer Dinner, March 1 a Flea Market, March 22 the Irish Festival.

Thanked the Super Seniors at the Lake Park Baptist Church

The 849 building will be in closing in April and part of the building in being leased until then and Richard Ahrens will be moving into the other part of the building in February and will be placing a rendering of what he is planning on building.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Jeanine Longtin and seconded by Commissioner Paul Garretson , and by unanimous vote, the meeting adjourned at 10:53 PM.

Mayor Paul Castro

Town Clerk Carol Simpkins

Approved on _____