

**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
January 7, 2009 7:30 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 7, 2009 at 7:30 p.m. Present were Mayor DuBois, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Mendez Lemley. Vice-Mayor Daly was absent

Mayor DuBois led the Invocation.

Mayor DuBois led the Pledge of Allegiance.

Town Clerk Vivian Mendez Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

None

Motion: A motion was made by Commissioner Carey to approve the Agenda; 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	Absent		
Mayor DuBois	X		

Motion passed 4-0.

PROCLAMATIONS

Badcock Home Furniture and More

There were no representatives of Badcock Home Furniture and More present to accept the proclamation.

Thomas Masters, Mayor of Riviera Beach

Mayor DuBois read the proclamation to Thomas Masters, Mayor of Riviera Beach.

Mr. Masters accepted his proclamation and thanked the Commission.

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Balius

None

Commissioner Carey

None

Commissioner Osterman wished everyone a Happy New Year.

Vice-Mayor Daly

Absent

Mayor DuBois wished everyone a Happy New Year.

Town Attorney Tom Baird handed a report to the Commission and wished everyone a Happy New Year.

Town Manager Maria Davis wished everyone a Happy New Year. She announced that the Town has the ability to send out flash e-mails regarding issues in the Town and if anyone wishes to be added to the e-mail list to go to the Town's website and click on E-Newsletter to sign up.

She stated that Captain Douglas Reece was present to give a report on the surveillance cameras for Lake Shore Park and to give the Commission an update.

Captain Douglas Reece stated that he provided the surveillance camera information and comparisons of different municipalities to Town Manager Davis.

He reviewed and discussed a detailed report of proactive measures that PBSO is implementing to safeguard the Town (see Exhibit "A")

Commissioner Balius asked if the Palm Beach County Sheriff's Office had a Deputy of the Year award.

Captain Reece stated that there was a Town Deputy of the Year Award and a Town Deputy of the Quarter Award that is posted in their lobby. He stated that Deputy DeMassi is currently Deputy of the Year and Deputy Grey is currently Deputy of the Quarter.

Town Manager Maria Davis recommended giving the deputies certificates of appreciation.

Commissioner Osterman asked Captain Reece what he thought was the most cost effective things the Town could do to address safety concerns. She requested that he bring back a detailed list in order of cost effectiveness.

Commissioner Balius stated that the Town had done a street survey in the past and that he may have a copy of it at home.

Captain Reece stated that he would have one of his deputies do research on ideas to address safety concerns in the Town.

Commissioner Osterman asked Commissioner Balius to bring his copy of the street survey for the Commission's review.

CONSENT AGENDA:

1. Resolution No. 02-01-09 Establishing the General Election
2. Resolution No. 03-01-09 Submitting the 2009-2010 Community Development Block Grant for the Lake Shore Drive Stormwater Improvements Project

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve 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	Absent		
Mayor DuBois	X		

Motion passed 4-0.

PUBLIC HEARINGS

ORDINANCES ON 1st READING

ORDINANCE NO. 01-2009 – Mariner's Key Text Change Amendment

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE, CHAPTER 76, ARTICLE IV, SECTION 76-122 ENTITLED "CONSTRUCTION IN LAKE WORTH" TO ELIMINATE CERTAIN OUTDATED REGULATORY PROVISIONS, AND TO PROVIDE UPDATED REGULATIONS IN AN ATTEMPT TO FACILITATE FUTURE ORDERLY DEVELOPMENT WITHIN THE TOWN ALONG THE LAKE WORTH WATERWAY WHICH IS CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE TOWN'S

COMPREHENSIVE PLAN AND IS ALSO IN COMPLIANCE WITH STATE AND FEDERAL REGULATIONS GOVERNING CONSTRUCTION IN NAVIGABLE WATERWAYS, INCLUDING THE LAKE WORTH WATERWAY; 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 reason for Ordinance 01-2009. He stated that the ordinance needed to be changed to come into compliance with State and Federal requirements.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 01-2009 upon 1st reading; 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	Absent		
Mayor DuBois	X		

Motion passed 4-0.

Attorney Thomas Baird read Ordinance No. 1-2009 by caption-only.

ORDINANCE NO. 02-2009 – Submitting a Referendum Charter Amendment Relating to Run-Off Elections

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE XVI, SECTION 17, OF THE TOWN CHARTER ENTITLED “RUN-OFF” TO ELIMINATE RUN-OFF ELECTIONS IN INSTANCES WHERE ANY ONE CANDIDATE FOR A PARTICULAR OFFICE FAILS TO RECEIVE A MAJORITY OF THE VOTES CAST AT A TOWN ELECTION; ESTABLISHING THE DATE OF MARCH 10, 2009 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Osterman stated that the Commission had come to consensus at a previous meeting to not eliminate run-off elections, but that if a candidate had greater than 10% of the vote then a run-off would not be necessary.

Discussion ensued among the Commissioners regarding the requirements for a run-off election.

Public Comment Open.

None

Public Comment Closed.

No action was taken by the Commission on Ordinance No. 02-2009.

QUASI-JUDICIAL HEARING:

RESOLUTION NO. 01-01-09 – Ahrens Amendment to Site Plan

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 54-12-04 WHICH APPROVED A SITE PLAN FOR A MIXED-USE DEVELOPMENT KNOWN AS ONE PARK PLACE, TO ALLOW FOR THE CONSTRUCTION OF THE PROJECT IN TWO PHASES; PROVIDING FOR A PHASING SCHEDULE WITH REVISED SQUARE FOOTAGE ALLOCATIONS BY USE FOR EACH PHASE; AND APPROVING A REVISED LANDSCAPE PLAN FOR THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte communication was declared as follows:

Mayor DuBois – none

Vice-Mayor Daly –absent

Commissioner Balius – none

Commissioner Osterman – none

Commissioner Carey – none

Town Clerk Vivian Mendez Lemley swore in all witnesses.

Community Development Director Patrick Sullivan explained that the purpose of Resolution No. 01-01-09 was to break the project into two phases and to minimize the landscaping on the project.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to continue Resolution No. 01-01-09 and bring it back to the next Commission Meeting of January 21, 2009; Commissioner Balius made the second.

Vote on Motion:

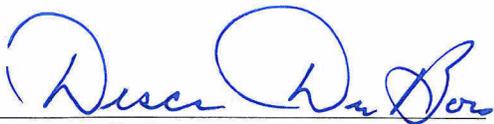
Commission Member	Aye	Nay	Other
Commissioner Balius	X		

Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	Absent		
Mayor DuBois	X		

Motion passed 4-0.

ADJOURNMENT

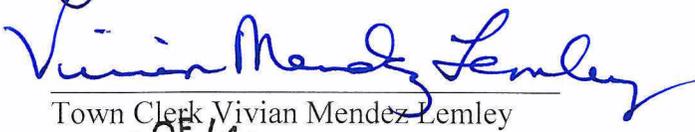
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 8:20 p.m.



Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez Lemley



Approved on this 21 of January 2009.