



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
January 16, 2008 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 16, 2008 at 7:30 p.m. Present were Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Karen Roselli, and Town Clerk Vivian Mendez. Mayor Castro was absent.

Vivian Mendez led the Invocation.
Commissioner Osterman led the Pledge of Allegiance.
Town Clerk Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

None

Motion: A motion was made by Commissioner Osterman 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	X		
Mayor Castro	Absent		

Motion passed 4-0.

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Mayor Castro

Absent

Commissioner Carey stated that he liked the new furniture at the Marina and he looked forward to the Marina's first Sunset Party.

Commissioner Balius stated that he, Vice-Mayor Daly and Town Manager Maria Davis attended the Palm Beach County Legislative Meeting. He stated that Town Manager Maria Davis gave a presentation at the meeting and the outcome of the presentation may save the Town approximately 2.8 million dollars toward repairs for Lake Shore Dr.

He stated that the Marina looked great.

He thanked Town Manager Maria Davis for giving her presentation at the Palm Beach County Legislative Meeting.

Commissioner Osterman stated that she was impressed with the improvements at the Marina and with other improvements around the Town.

Vice-Mayor Daly stated that Gary Nikolitis, Palm Beach County Property Appraiser would be at Someplace Restaurant on January 17, 2008 at 12 p.m. to discuss the property tax issues in the County. The event is sponsored by Kiwanis and there would be a charge for the meal. He thanked everyone who visited and sent cards to him while he was in the hospital.

Town Attorney Karen Roselli stated that there were four liens on a commercial property owned by Mr. Sherona totaling approximately \$150,000. The property is still not in compliance and staff is recommending foreclosure proceedings. She stated that they would need authorization from the Commission to begin the foreclosure proceedings.

Community Development Director Patrick Sullivan explained that the property has had constant problems over the years and has had fines running. The case has come before the Special Magistrate several times and there has not been any satisfactory response. He recommended moving forward with foreclosure proceedings.

Motion: A motion was made by Commissioner Balius to begin foreclosure proceedings on the commercial property owned by Mr. Sherona; 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	X		
Mayor Castro	Absent		

Motion passed 4-0.

Town Manager Maria Davis stated that Marina Director Michael Pisano has offered to donate his time to teach recreational boating classes at night at the Marina. The piling construction at

the Marina would commence by the end of next week. An Arts and Crafts Festival is scheduled at the Marina for Saturday, March 1st and Saturday April 12th from 10 a.m. to 5 p.m. She stated that the Artist Showcase of the Palm Beaches and Friends of the Lake Park Public Library were inviting the Commission and Town residents to a Contemporary Art Perspective which would be a gathering of local talent. She stated that it was a second annual collaborative art exhibition and reception featuring Jonathan Knight, Lupe Lawrence, Peter Marshall, Mark Manning, Joseph Pierre, Diane Rose, Gladys Beltran, and Antonia Gary and featuring Florida Highway Men Art and others. The event will take place on January 17, 2008 from 5:30 p.m. to 7:30 p.m.

CONSENT AGENDA:

1. Future Land Use Map Density Workshop Meeting Minutes of December 12, 2007
2. Award Electrical Services Contract to Global Electric, Inc.
3. Resolution No. 01-01-08 Establishing a General Election
4. Resolution No. 02-01-08 Florida Hometown Democracy Initiative
5. Resolution No. 03-01-08 Silver Beach Road Lighting Contract
6. Resolution No. 05-01-08 Land Development Application Fee Schedule
7. Resolution No. 07-01-08 Acceptance of FIND Grant for Lake Shore Park Seawall
8. Town Contribution to the Retired Police Officer's Pension Fund
9. Set Date for the Lake Park Fireworks Festival

Vice-Mayor Daly pulled items #8 and #9 for discussion.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve the Consent Agenda with the exception of item #'s 8 and 9; 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	X		
Mayor Castro	Absent		

Motion passed 4-0.

Town Manager Maria Davis stated that the Town has not contributed to the Retired Police Officer's Pension Fund for the past two years.

Finance Director Anne Costello explained that the Town's contributions to the Retired Police Officer's Pension Fund should have been \$7959 for fiscal year 2006 and \$17,768 for 2007. The administrator of the Retired Police Officer's Pension Fund was directed to write a letter to the Town advising them of the payments that needed to be made. She stated that when she came to the Town in the fall she was made aware that the payments had not yet been made. She was requesting authorization to make the payment of approximately \$26,000. She recommended funding the payments out of the Town's Contingency Account.

Vice-Mayor Daly asked why the payments had been overlooked.

Ms. Costello stated that she could not speak for other's actions and explained that it should have been picked up in the audit.

Motion: A motion was made by Commissioner Balius to approve payment of the Town's 2006 and 2007 contribution to the Retired Police Officer's Pension Fund and to fund the payment from the Town's Contingency Account; 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	X		
Mayor Castro	Absent		

Motion passed 4-0.

Vice-Mayor Daly asked if July 5th was considered as a date for the Fireworks Festival.

Town Manager Maria Davis stated that it was difficult to obtain a Firework Company to give a firework display on July 4th due to the fact that the Town was a smaller municipality.

Discussion ensued between the Commissioners regarding the date to hold the Town's Firework Festival.

Motion: A motion was made by Commissioner Carey to approve the Town's Fireworks Festival date as June 28, 2008; 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	X		
Mayor Castro	Absent		

Motion passed 4-0.

PUBLIC HEARING(S)

ORDINANCE ON 2ND READING

ORDINANCE NO. 31-2007 – Twiggs Learning Tree Child Care Property

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE FUTURE LAND USE MAP (“FLUM”) OF THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE PARK, FLORIDA TO CHANGE THE FUTURE LAND USE DESIGNATION OF A 1.384 ACRE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 10TH STREET AND SILVER BEACH ROAD WITHIN THE TOWN OF LAKE PARK FROM “RESIDENTIAL MEDIUM DENSITY” TO “COMMERCIAL”; PROVIDING DIRECTIONS TO THE TOWN CLERK FOR THE TRANSMITTAL OF THE AMENDMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER PARTIES PURSUANT TO SECTION 163.3184(3), FLA. STAT. (2007); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY

Community Development Director Patrick Sullivan explained that it was necessary to change the underlying land use for the Twiggs Learning Tree Child Care Property in order for Mr. Twiggs to expand his property.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve the Ordinance No. 31-2007 upon 2nd reading; 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	X		

Mayor Castro	Absent		
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Motion passed 4-0.

Attorney Karen Roselli read Ordinance No. 31-2007 by caption only.

ORDINANCE NO. 32-2007 – Text Change in the C1 District for Instructional Studios

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 ENTITLED “DEFINITIONS” TO ADD THE DEFINITION OF “INSTRUCTIONAL STUDIO”; AMENDING ARTICLE III, SECTION 78-71 ENTITLED “C-1 BUSINESS DISTRICTS” TO ALLOW INSTRUCTIONAL STUDIOS AS A PERMITTED LAND USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve the Ordinance No. 32-2007 upon 2nd reading; Commissioner Osterman made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	Absent		

Motion passed 4-0.

Attorney Karen Roselli read Ordinance No. 31-2007 by caption only.

ORDINANCES ON 1ST READING

ORDINANCE NO. 01-2008 – Permitting a Referendum Question on the March 11 Ballot Relating to Financing the Downtown Alleyway Improvement Project

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE COMMUNITY REDEVELOPMENT AGENCY MAY PLEDGE OR OTHERWISE ENCUMBER TAX

INCREMENT FUNDS TO FINANCE THE DOWNTOWN ALLEYWAY IMPROVEMENT PROJECT; ESTABLISHING THE DATE OF MARCH 11, 2008 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Maria Davis stated that she had requested authorization for a referendum question on the March 11, 2008 ballot relating to the financing of the Downtown Alleyway Improvement Project. She explained that the requirement was a legislative decision that is still under review.

Commissioner Osterman stated that she was concerned that the wording on the ballot summary does not indicate that funding for the projects would not be assessed to residents.

Town Manager Maria Davis stated that marketing would be needed to get the word out. She recommended educating the public.

Commissioner Balius stated that block parties were held in the past where residents could stop in and receive information.

Town Manager Maria Davis stated that she will be campaigning, visit neighborhood groups and hold public workshops. She stated that she had a PR firm review the question and it was revised accordingly. She stated that if the Commission wanted to add wording about the funding it would need to be reviewed by the Town Attorney since there was a 75 word limit.

Town Attorney Karen Roselli stated that she could look at the question and try to make the wording as concise as possible.

Commissioner Osterman stated that the wording on the ballot refers to TIF money. She asked if there would need to be wording regarding obtaining a loan to fund the projects.

Town Manager Maria Davis explained that approval was needed to utilize TIF dollars for debt service.

Commissioner Osterman asked for clarification whether the project would be funded by TIF dollars or a loan.

Attorney Karen Roselli explained that the project was already funded and the ballot was a procedural issue.

Commissioner Osterman recommended wording in the ballot that would state that the project was already funded.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 01-2008; 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	X		
Mayor Castro		Absent	

Motion passed 4-0.

Attorney Karen Roselli read Ordinance No. 01-2008 by caption only.

ORDINANCE NO. 02-2008 – Abolish the Merit System

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE VI, SECTION 1, OF THE TOWN OF LAKE PARK, FLORIDA MUNICIPAL CHARTER ENTITLED “CREATION OF MERIT SYSTEM; MERIT SYSTEM COMMISSION” TO ELIMINATE THE MERIT SYSTEM OF EMPLOYMENT FOR TOWN EMPLOYEES, INCLUDING THE MERIT SYSTEM BOARD; ESTABLISHING THE DATE OF MARCH 11, 2008 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.

Town Manager Maria Davis explained that Ordinance No. 02-2008 was to abolish the merit system which is now an outdated practice. She stated that there are unions and laws that were now in place to govern employment practices, pay and classification plans. She stated that the Merit System was also in conflict with the Town’s Manager and Commission form of government.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 02-2008; Commissioner Carey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro		Absent	

Motion passed 4-0.

Attorney Karen Roselli read Ordinance 02-2008 by caption only.

QUASI-JUDICIAL HEARINGS

RESOLUTION NO. 04-01-08 – Villa Liana Roof Change to Site Plan

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN AMENDMENT TO THE SITE PLAN FOR THE RESIDENTIAL CONDOMINIUM DEVELOPMENT KNOWN AS “VILLA LIANA” TO CHANGE THE ROOF DESIGN FOR THE BUILDING(S) FROM A FLAT ROOF TO A PITCHED ROOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte communication was declared as follows:

- Mayor Castro – absent
- Vice-Mayor Daly –none
- Commissioner Balias – none
- Commissioner Osterman – none
- Commissioner Carey – none

Town Clerk Vivian Mendez swore in all witnesses.

Community Development Director Patrick Sullivan stated that the Villa Liana Project’s name was changed to Lorelle Estates. He stated that they wanted to make revisions in the roof design (see Exhibit “A”). He stated that they were moving forward and they have made all of their deadlines. Staff recommended an approval on the roof revision.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve Resolution No. 04-01-08; Commissioner Balias made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro		Absent	

Motion passed 4-0.

RESOLUTION NO. 06-01-08 - LPJ Properties, Inc. Extension Request

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN APPLICATION BY T & M DESIGN, INC., AS THE APPLICANT AND THE AGENT FOR THE PROPERTY OWNER, LPJ PROPERTIES, INC., TO EXTEND THE EXPIRATION DATE OF THE SITE PLAN FOR A 10,293 SQUARE FOOT OFFICE/WAREHOUSE BUILDING TO BE LOCATED ON LOT 8 OF THE GATEWAY INDUSTRIAL PARK IN THE TOWN OF LAKE PARK, FLORIDA, FROM FEBRUARY 2, 2008 UNTIL FEBRUARY 2, 2009; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte communication was declared as follows:

- Mayor Castro – absent
- Vice-Mayor Daly –none
- Commissioner Balias – none
- Commissioner Osterman – none
- Commissioner Carey – none

Town Clerk Vivian Mendez swore in all witnesses.

Community Development Director Patrick Sullivan explained that LPJ Properties, Inc. was requesting an extension of time for the Gateway Project (see Exhibit “B”). He recommended a one year extension.

Jack Patragis, Architect for LPJ Properties, Inc. explained that ever since the August 2nd approval 18 months ago everything in the way of due diligence has been exercised by the developer.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Osterman to approve Resolution No. 06-01-08; Commissioner Balias made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro		Absent	

Motion passed 4-0.

PROCLAMATION
PBSO Safety Fair

Vice-Mayor read the Proclamation and presented it to Captain Douglas Reece and Colonel Mike Dogger on behalf of Sheriff Rick Bradshaw.

Captain Douglas Reece and Colonel Mike Dogger thanked the Commission on behalf of Sheriff Rick Bradshaw.

ADJOURNMENT

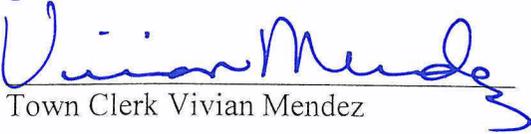
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Carey and seconded by Commissioner Osterman, and by unanimous vote, the meeting adjourned at 8:15 p.m.



Mayor Castro



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez

Town Seal



Approved on this 6 of February, 2008.