



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
January 21, 2009 7:42 p.m.**

Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 21, 2009 at 7:42 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Mendez Lemley.

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 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 DuBois	X		

Motion passed 5-0.

PROCLAMATIONS

Neal Carlin

This proclamation was postponed to the next Commission Meeting of February 4, 2009.

Deputy William Hess

Mayor DuBois read the proclamation to Deputy William Hess.

Deputy Hess accepted his proclamation and thanked the Commission.

PRESENTATION

Marina Boat Ramps Emergency Repair Requirements by Cutcher & Associates, Inc.

Town Manager Maria Davis introduced Robert Cutcher of Cutcher & Associates, Inc.

Mr. Cutcher showed a video of the Marina boat ramps which are in need of emergency repair. He explained the condition of the ramps and what would be needed to make the repairs.

Commissioner Balius asked if the ramps were built to specifications.

Mr. Cutcher stated that he does not have in his possession nor could he find any specifications for the Marina boat ramps.

Vice-Mayor Daly stated that the ramp repairs would be the third time in five years..

Mayor DuBois asked the Commission for suggestions.

Town Manager Davis stated that she would need to continue researching the marina's records to see if she can find the original specifications for the boat ramps. She stated there is a deficiency in the ramps and it would need to be fixed now or the ramp could end up fracturing or breaking. She recommended repairing the ramp on an emergency basis.

Vice-Mayor Daly recommended contacting former Town Manager Paul Carlisle since he was dealt with the second repair of the marina boat ramps.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve the emergency repair of the Marina boat ramps; 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 DuBois	X		

Motion passed 5-0.

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Balius

None

Commissioner Carey

None

Mayor DuBois

None

Vice-Mayor Daly stated that he was still awaiting the completion of the Town Employee Handbook.

Town Manager Maria Davis stated that she was still negotiating with the Union and she was uncomfortable bringing the handbook to the Commission for approval until it is approved by the Union. She stated that she could provide the Commission a copy of the document. She stated that she was meeting with the Union next week to finalize the handbook.

Vice-Mayor Daly asked if the Union was non-cooperative.

Town Manager Maria Davis stated that there were many changes that needed to be made throughout the year because of separate circumstances. There were a lot of problems with Resolutions that staff kept finding that needed to be addressed while writing the handbook. There were also several situations which arose with employees that needed to be dealt with in the handbook and lastly there were Union negotiations which have lasted approximately three to four months.

Commissioner Osterman invited everyone to come out to Kelsey Park on January 24, 2009 from 10 a.m. to 3 p.m. for the Martin Luther King "Day of Dreams" Celebration. She stated that there will be many events taking place at the celebration and elementary and middle school winners of the art contests will have their works on display and the poetry winners will be reciting their poems. She gave a brief description of all the different events which would be taking place.

Town Attorney Tom Baird

None

Town Manager Maria Davis recommended having a Public Workshop to discuss possible design of Lake Shore Dr. She stated that she would like to have the workshop on the second or last week of February which would be the week of the 9th or the 23rd.

Commissioner Osterman stated that she was only available on Wednesday nights.

Town Manager Davis recommended February 11th or 25th. She stated that there would need to be two workshops.

The Commission came to consensus to have the first Public Workshop to discuss the design of Lake Shore Drive on Wednesday, February 25, 2009 at 6:30 p.m.

Town Manager Davis stated that she will not be able to attend the Commission Meeting of February 4, 2009 because she will be attending an ICMA meeting. She stated that Human Resources Director Bambi McKibbon-Turner would attend the Commission Meeting in her place.

She stated that there will be several members of the Commission going to Tallahassee to lobby for economic stimulus funds the week of March 4, 2009. She stated that the Commission Meeting of March 4, 2009 would need to be rescheduled or just have one Commission Meeting in March.

The Commission came to consensus to have one Commission Meeting in the month of March to take place on March 18, 2009.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of December 17, 2008
2. Regular Commission Meeting Minutes of January 7, 2009
3. Set Date for the 2009 Lake Park Fireworks Festival
4. Renewal of Intergovernmental Consultant Agreement (Lobbyist)
5. Marina South Breakwater Project Change Order #2
6. Marina South Breakwater Project Change Order #3

Commissioner Balius requested that items #5 and #6 be pulled from the Consent Agenda.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve items 1 through 4 of the Consent Agenda; Vice-Mayor Daly 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 DuBois	X		

Motion passed 5-0.

Commissioner Balius stated that Marina South Breakwater Project Change Order #2 showed that there was \$999 worth of taxes being paid on the materials.

Town Manager Davis explained that the \$999 in material taxes was on an independent bid they received and the Town was not awarding the bid to that contractor because their bid came in significantly higher.

Motion: A motion was made by Commissioner Carey to approve items 5 and 6 of the Consent 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 DuBois	X		

Motion passed 5-0.

PUBLIC HEARINGS

ORDINANCES ON 2nd 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.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 01-2009 upon 2nd 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	X		
Mayor DuBois	X		

Motion passed 5-0.

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

ORDINANCES ON 1st READING

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 discussed Ordinance 02-2009 and asked that for clarification on the changes and whether or not the Ordinance made any changes to qualification requirements.

Attorney Thomas Baird explained the changes made to Ordinance 02-2009 did not affect the qualification requirements.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 02-2009 upon 1st 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 DuBois	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 02-2009 by caption-only.

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.

Greg Selentano from Ahrens Companies explained the changes that would be made to the landscaping. He stated that he would do what was necessary to address the Commission’s concerns with the landscaping.

Commissioner Balius asked whose responsibility it was to maintain the landscaping and trash on the property.

Richard Ahrens stated that it was their responsibility to maintain the landscaping. He stated that the trash blows onto the property from west to east and they do their best to keep it cleaned up in an ongoing basis. He stated that the landscaping would be maintained by a landscaping maintenance company which he has not obtained yet since the landscaping is not yet complete.

Commissioner Balius expressed his concerns with the railing, landscape and palm trees.

Commissioner Osterman expressed her concerns with the changes to the site plan.

Commissioner Balius asked when phase two of the project would be completed.

Mr. Ahrens stated that he was unsure of how long it would take to complete phase 2 of the project.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 01-01-09; Vice-Mayor Daly 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 DuBois	X		

Motion passed 5-0.

RESOLUTION NO. 04-01-09 – Chick-Fil-A Site Plan Amendment

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN AMENDMENT TO AN EXISTING SITE PLAN FOR A FAST FOOD RESTAURANT KNOW AS CHICK-FIL-A WHICH WAS PREVIOUSLY APPROVED PURSUANT TO RESOLUTION NO. 44-08-06, TO ALLOW FOR THE CONSTRUCTION OF A 68.4 SQUARE FOOT (10'-3" X 6'-8") ENCLOSED INDOOR STORAGE ROOM AS AN ADDITION TO THE EAST SIDE OF THE EXISTING BUILDING, TOGETHER WITH GATED SCREENED FENCING ADJACENT TO THE EXISTING DUMPSTER ENCLOSURE, ON A 0.555± ACRE PARCEL OF REAL PROPERTY OWNED BY SC LAKE PARK ASSOCIATES, LLLP, AND LOCATED AT 1220 NORTHLAKE BOULEVARD IN THE C-1/NBOZ ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Patrick Sullivan explained the purpose of Resolution No. 04-01-09.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Vice-Mayor Daly to approve Resolution No. 04-01-09; 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 DuBois	X		

Motion passed 5-0.

ADJOURNMENT

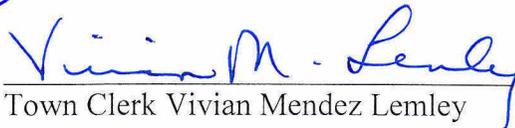
There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Daly and seconded by Commissioner Balias, and by unanimous vote, the meeting adjourned at 8:32 p.m.



Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez Lemley

Town Seal

Approved on this 18 of Feb., 2009.