



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
February 4, 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, February 4, 2009 at 7:30 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Clerk Vivian Mendez Lemley, and Human Resources Director Bambi McKibbon-Turner. Town Manager Maria Davis 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**

Proclamation to Neal Carlin was postponed to the February 18, 2009 Commission Meeting. Item #4 Award of Marina Security Bid was removed from the Consent portion of the Agenda.

**Motion: A motion was made by Commissioner Osterman to approve the Agenda as modified; 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 DuBois	X		

Motion passed 5-0.

**PRESENTATION**

**Intergovernmental Consultant Fausto Gomez to Discuss the State Budget Process and the Economic Stimulus Program for 2009**

Mr. Fausto Gomez stated that his presentation would consist of three parts which would be good news, sobering news and hopeful news. He stated that the good news was that the Town's \$100,000 appropriation was still in the budget despite the fact that Tallahassee has cut three billion dollars from the state budget. The sobering news was that there was a 6 billion dollar reduction between the 2007-2008 fiscal year budget and the 2008-2009 budget and at the special session there was an additional 3 billion dollar cut. As the next fiscal year starts July 1st there is a

projected deficit of 3.4 billion dollars which will make an overall 12 billion dollar reduction in the budget in the past 18 to 24 months. He explained that Tallahassee is looking for revenue enhancements such as raising tax on cigarettes anywhere from \$.50 to \$1.00 which could generate a revenue increase of 700 million to 1 billion. He stated that they are also looking into imposing a cigar tax of \$2.00 to \$4.00 per cigar which would generate 200 million dollars. They are also looking into imposing a tax equivalent to the Master Settlement Agreement fees on cigarette companies that were created after the Master Settlement Agreement was implemented and using those funds to pay back the Lawton Chiles Trust Fund. In addition, they are looking at targeted sales tax exemptions. A list of ten possible exemptions was given to committee members to review. They were asked to determine which of the ten exemptions were justified. He explained that they are trying to patch the budget discrepancies and buffer the free fall in the budget.

He stated that a study was done by the University of Florida Economists who gave a presentation to the Legislature in which they predicted that growth in Florida for the next year would be less than half a percent. He explained that many people are moving out of Florida rather than moving into Florida. He stated that the economists were also predicting that in the years 2011 through 2012 growth in Florida would be 1.5%. The state will not have the same amount of revenue in the state budget until 2011 through 2012 that it had in years 2004 through 2005. He stated that the economic stimulus package was being implemented to bring to Florida a projected 13 to 16 billion dollars over a two year period to address a whole array of services, particularly infrastructure. He stated that he has had discussions with Town Manager Davis to determine which projects in Lake Park were ready to break ground. In addition, the State will receive approximately 50 to 60 million dollars for water projects.

Mr. Gomez explained that there were uncertainties and certainties with regards to the economic stimulus package. He stated there is certainty that the stimulus package will have no earmarks. The money will come down in block grants to the state capitals. He stated that there is a question of who would spend the money for each individual state. He stated that Governor Crist announced that he will be the chairman of a special stimulus package committee that will review all requests from counties, cities, and departments and they will craft a stimulus package to spend the money. He stated that Governor Crist was having an issue with the Legislature as to who would actually spend the money. He recommended sending the Town's economic stimulus requests to all agencies that request them. He stated that he and his partners would be working for the Town monitoring the process and making sure that Lake Park receives its fair share of economic stimulus funds and that Lake Park's needs are addressed and met.

Commissioner Carey stated that the Town has received resolutions from other municipalities regarding where the money is allotted and South Florida contributes more than its fair share to the state. He asked if there were discussions in Tallahassee regarding giving back funds in proportion to those cities that give to the state.

Mr. Gomez stated that there was a resolution stating that Florida tri-county areas were donor communities and they were not getting their fair share back. He stated that the resolutions were good to pass but realistically would not have a chance of being implemented.

Discussion ensued between Mr. Gomez and the Commissioners regarding the economic stimulus program.

The Commission thanked Mr. Gomez for his presentation.

## PUBLIC and OTHER COMMENT

None

### COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

**Commissioner Carey** stated that he was pleased with the progress of the Alleyway Project.

He stated that there was another incident of crime in the Town and he recommended that crime prevention be the Town's priority.

**Commissioner Balius** stated that he spoke with Major Jenkins.

He stated that he was also pleased with the progress of the Alleyway Project.

He stated that a utility truck had destroyed the swale at an FPL substation.

**Community Development Director Patrick Sullivan** explained that Riviera Beach was working to increase the electrical power and the area is used as a staging area and until the work is done there will be some damages to the swale.

**Vice-Mayor Daly** asked if there was anyone at the Marina that had an outstanding balance and the amount of that balance.

**Marina Director Mike Pisano** stated that the Marina had a client that was \$47,000 in arrears and the Town was working with them. Their account has been past due for five months and the Town was actively pursuing the client for payment.

**Vice-Mayor Daly** stated that he had heard that there were boats being pulled from the Marina.

**Marina Director Mike Pisano** stated that there were boats being liquidated on the owners' property. There are currently two boats in the basin that will be removed and he is working with the company to have them pay before removing the boats.

**Mayor DuBois** stated that Town Manager Davis has spoken to the client in arrears and the client is on notice that the Town would pursue all necessary action to collect the monies owed.

**Commissioner Osterman** asked Town Attorney Tom Baird if the Town had done all that is necessary in the collection matter.

**Town Attorney Thomas Baird** stated that Town Manager Davis asked him to draft an agreement for the client to execute. The yacht broker has agreed to repay the amount of rent that is back due and to execute a personal guarantee. The agreement is in Town Manager Maria Davis' possession.

**Marina Director Mike Pisano** stated that there was a meeting scheduled with the client on Tuesday, February 10, 2009.

**Vice-Mayor Daly** expressed his concerns regarding boat tenants at the Marina struggling to pay rent and the Town possibly getting stuck with bad debts.

He stated that visitors were beginning to park more frequently on the landscaping and grass at the Marina. He expressed his concerns with the damages and stated that the area should not be a parking lot.

**Marina Director Mike Pisano** stated that visitors that ride a dive charter park there on the weekends until they return from the charter. He stated that there was a lot of parking there during the Christmas holidays because they were very busy at the Marina.

**Vice-Mayor Daly** stated that there needed to be more enforcement for keeping visitors off of the grass at the Marina.

**Commissioner Osterman** thanked Mayor DuBois, and Commissioners Carey and Balius for coming out to the “Day of Dreams” Celebration. She thanked National City for sponsoring the event. She announced that the event was being aired on Channel 18 and encouraged residents to watch. She requested permission to send out thank you letters to the Black Student Union of Palm Beach Community College and the Phi Beta Kappa Honor Society of Palm Beach Community College who both helped with judging of the children’s events as well as set up, organization and performance. She also requested permission to send out an additional letter to the speaker at the celebration, Dr. Catherine Lowe. She asked if the Commission would all like to sign the letter or just herself and Mayor DuBois.

**The Commission came to consensus to allow Commissioner Osterman to send out thank you letters to participants and contributors of the “Day of Dreams” Celebration and for her to sign the letters on behalf of the entire Commission.**

**Commissioner Osterman** expressed her concerns regarding the recent increase of crime in the Town. She spoke about and explained different things that the community could do to heighten awareness. She stated that crime prevention needed to be the Town’s number one priority. She stated that Captain Reece was researching different options such as street closures.

**Vice-Mayor Daly** stated that the best thing the Town could do is raise awareness among residents and teach them how to use the resources available to them for safety.

**Commissioner Osterman** asked Captain Reece what suggestions he had to increase involvement in Community Watch and Citizen on Patrol programs.

**Captain Douglas Reece** stated that he attends every Community Watch and Citizen on Patrol meeting and they have tried a lot of different initiatives to spark community involvement within Lake Park. He explained the different advertisements and avenue of advertisements they have utilized to get information out to the community. He explained that the community was unique in that it is more of a working class community versus a retirement community where there are more Citizen on Patrol units.

**Mayor DuBois** stated that she drove over the area where a recent crime took place and she noticed that the parking lot was extremely dark. She stated that the owners of the building have met with Captain Reece to discuss the lighting issues.

**Captain Reece** stated he met with the owners of the building and they are going to work on the trespass program for their property as well as other recommendations that were given to them by the Sheriff's Department.

**Commissioner Osterman** stated that Major Jenkins was in favor of street closures, limiting access, and cameras at important intersections within the Town. She stated that the Town needed to stop discussing the problem and take action despite a tight budget.

**Commissioner Balius** discussed different actions the Town had taken in the past to decrease crime.

Discussion ensued among the Commissioners and Captain Reece regarding what actions needed to be taken to raise awareness and decrease crime in the Town.

### **Public Comment Open.**

*Denise Gritlow, 501 Foresteria Dr.* – expressed her concerns over the increase of crime and traffic in the Town over the last four years. She stated that she was willing to do her part in increasing awareness and decreasing crime.

**Commissioner Osterman** discussed issues with crime in the Town and the option of street closures.

Discussion ensued between the Commissioners regarding crime in the Town.

**Commissioner Carey** asked Ms. Turner to report back to Town Manager Maria Davis and make her aware of what the Commission discussed regarding crime in the Town and to begin the process to put together a workshop with residents to discuss the Town's crime issues.

*Robert Wummer, 110 Shore Dr., Riviera Beach, FL* - stated that he owned two properties in Lake Park. He gave a description of his background in police and security work. He stated that he worked with canines and they were a good psychological crime deterrent. He recommended that the Commission speak with the Sheriff's Department about implementing canines as a crime deterrent.

*Bert Bostrom, 1451 Flagler Dr.* – stated that she has had many discussions with residents of the Town regarding crime. Many of the residents she has spoken with have been immigrants from other countries who have expressed to her their fears of the police departments in their native country and people of their own race. She recommended contacting churches in the community and asking them to join in an effort to educate the residents of the community on the importance of crime awareness and going to the Town's Sheriff's office to report crimes. She discussed the crime issues in the Town.

### **Public Comment Closed.**

**Mayor DuBois** stated that she and Captain Reece are in communication with a Pastor of a church in Town. She stated that she was in the process of working with churches to raise awareness.

**Human Resources Director Bambi McKibbon-Turner on behalf of Town Manager Maria Davis** asked if the Commission had come to consensus for her to ask Town Manager Maria Davis to create a workshop to discuss crime prevention in the Town.

**The Commission came to consensus to direct Town Manager Maria Davis to create a workshop to discuss crime prevention in the Town.**

**Mayor DuBois** thanked staff for their efforts in putting together the “Day of Dreams” Martin Luther King Celebration.

**Commissioner Osterman** expressed her gratitude to staff for their efforts putting together the “Day of Dreams” Martin Luther King Celebration.

**Mayor DuBois** spoke about the isolated crime incident that took place the night before. She expressed her concerns and was glad to know that the Commission and Town wanted to address the crime issues in the Town.

She explained the reasons she pulled the awarding of the Marina Security Bid from the Agenda.

She stated that she was very impressed with the police officers she met with at the scene of last night’s crime.

**Town Attorney Thomas Baird**

None

**Town Manager Davis**

Absent

**Human Resources Director Bambi McKibbon-Turner on behalf of Town Manager Maria Davis** announced that the Public Workshop regarding the Lake Shore Drive improvements would take place on Wednesday, February 25, 2009 at 6:30 p.m. in the Town Hall Commission Chamber. The discussion will include public closure of Lake Shore Drive between Greenbriar Drive and Foresteria Drive in order to tie Kelsey Park and Lake Shore Park together as well as streetscape design and drainage improvements. She reminded everyone to sign up for the Town’s e-newsletter on the Town’s website. She announced that the Lake Park Harbor Marina will be hosting the 18<sup>th</sup> Annual Jupiter Inlet Offshore Fishing Club and Riviera Beach Maritime Academy Dolphin Challenge Fishing Tournament on Saturday, June 20, 2009. Tournament proceeds will benefit students of the Riviera Beach Maritime Academy. There will be food, entertainment, a bounce house, and face painting for the children. Anyone interested can contact Marina Director Michael Pisano at 881-3353.

**Commissioner Osterman** stated that she double checked the time for the Lake Shore Public Workshop and it was not yet posted on the calendar.

#### **CONSENT AGENDA:**

1. Notice of Emergency Expenditure for Marina Boat Ramp Remediation
2. Resolution No. 05-02-09 General Election Poll Workers

3. Resolution No. 06-02-09 Projects Ready for Construction in Accordance with the President's Economic Stimulus Program
4. Award and Execute the Marina Security Services Contract to CSS USA, Inc.
5. Purchase of Recreation Trailer

Vice-Mayor Daly requested that item #5 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 3 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.

Vice-Mayor Daly stated that he was considering alternatives to purchasing the recreation trailer. He asked if the Town could use the home that the Town just closed on as a temporary facility until the economy improves. He discussed the different alternatives to purchasing the recreation facility.

Discussion ensued among the Commissioners regarding the purchase of the recreation trailer and possible alternatives.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve item 5 of the Consent 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 3-2.

**PUBLIC HEARINGS**

**ORDINANCES ON 2nd 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.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 02-2009 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. 02-2009 by caption-only.

**ORDINANCES ON 1st READING**

**ORDINANCE NO. 03-2009 – Sight Visibility Triangles**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTERS 70 AND 78 OF THE TOWN CODE TO RELOCATE THE REGULATIONS GOVERNING “SIGHT VISIBILITY TRIANGLES” FROM SECTION 70-61 TO SECTION 78-253; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan explained the purpose of Ordinance No. 03-2009.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 03-2009 upon 1st reading; Commissioner Osterman 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.

Attorney Thomas Baird read Ordinance No. 03-2009 by caption-only.

**ORDINANCE NO.: 04-2009 – Swales and Trees**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, DELETING SECTION 2-187 THROUGH SECTION 2-190 PERTAINING TO STREET TREE SPECIFICATIONS; AMENDING CHAPTER 34 ENTITLED “VEGETATION”, ARTICLE I; AMENDING SECTIONS 3-1 PREVIOUSLY ENTITLED “PUBLIC TREE CARE” NOW ENTITLED “INTENT”; AMENDING SECTION 34-2 PREVIOUSLY ENTITLED “REMOVAL OF TREES ON TOWN PROPERTY—REPLACEMENT BY ANOTHER” NOW ENTITLED “DEFINITIONS”; AMENDING SECTION 34-3 PREVIOUSLY ENTITLED “SAME—PLANTING” NOW ENTITLED**

“PUBLIC TREE CARE”; AMENDING 34-4 PREVIOUSLY ENTITLED “PLANTING ON CERTAIN DRAINAGE EASEMENTS” NOW ENTITLED “REMOVAL OF TREES ON TOWN PROPERTY – REPLACEMENT BY ANOTHER TREE OR BUSH”; AMENDING SECTION 35-5 PREVIOUSLY ENTITLED “PLANTS PROHIBITED ON TOWN PROPERTY” NOW ENTITLED “PLANTING ON CERTAIN DRAINAGE EASEMENTS”; AMENDING SECTION 34-6 ENTITLED TREE TOPPING”; AMENDING SECTION 34-7 ENTITLED “PRUNING, CORNER CLEARANCE”; AMENDING SECTION 34-8 ENTITLED “DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY”; AMENDING SECTION 34-9 PREVIOUSLY ENTITLED “ARBORISTS LICENSE AND BOND” NOW ENTITLED “TREE REMOVAL STANDARDS”; AMENDING SECTION 34-10 PREVIOUSLY ENTITLED “REGULATIONS FOR TREE PLANTINGS AND IMPROVEMENTS IN SWALES” NOW ENTITLED “ARBORISTS LICENSE AND BOND”; AMENDING SECTION 34-11 PREVIOUSLY ENTITLED “MAINTENANCE OF TOWN SWALE AREAS” NOW ENTITLED REGULATIONS FOR TREE PLANTINGS AND IMPROVEMENTS IN SWALES AND OTHER TOWN OWNED OR CONTROLLED PROPERTY OR RIGHTS OF WAY”; CREATING SECTION 34-12 ENTITLED “MAINTENANCE OF TOWN SWALE AREAS”; CREATING SECTION 34-13 ENTITLED “TREE ABUSE PROHIBITED”; CREATING SECTION 34-14 ENTITLED “PUBLIC PROPERTY PLANTING AND MAINTENANCE STANDARDS”; CREATING SECTION 34-15 ENTITLED “EMERGENCY PROVISIONS”; 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 purpose of Ordinance No. 03-2009.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 04-2009 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. 04-2009 by caption-only.

**ADJOURNMENT**

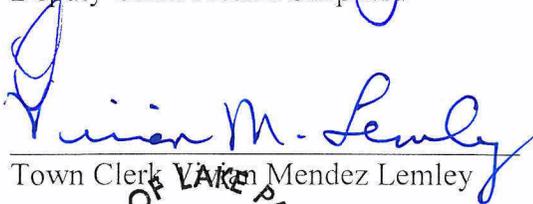
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Carey and seconded by Commissioner Osterman, and by unanimous vote, the meeting adjourned at 9:16 p.m.



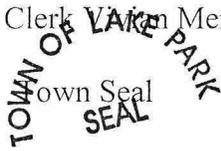
Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Victor Mendez Lemley



FLORIDA

Approved on this 18 of Feb., 2009.