



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
August 20, 2008 7:40 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, August 20, 2008 at 7:40 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, and 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 Balius to approve the 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.

**PROCLAMATION:  
Chris Dellago of CWA**

Mayor DuBois explained that a near drowning incident occurred in the Lake Worth Lagoon off Lake Shore Park on July 25, 2008 wherein Mr. Dellago rescued the drowning victim.

Mayor DuBois read the Proclamation to Chris Dellago of CWA.

Mr. Dellago accepted the Proclamation and thanked the Commission.

## Certificates of Recognition

**James Skrandel, Walter Thomas, Don Cragette, and Antonio Tzep**

Mayor DuBois presented certificates to Don Cragette, Walter Thomas, Antonio Tzep, and James Skrandel in recognition of their efforts in the rescue of the drowning victim at Lake Shore Park on July 25, 2008.

## PRESENTATION

### **Review of Comprehensive Annual Financial Report (CAFR)**

Finance Director Anne Costello introduced Terry Mortan of Nowlen, Holt and Miner, P.A. from the firm that performed the external audit for the Town. She stated that he would comment on the audit.

Mr. Mortan read over the Table of Contents (see Exhibit "A") to give an overview of the content of the report.

Commissioner Balius asked if the Town was going to make it. He stated that there had been problems in the past with the Town's Finance Department. He asked Mr. Mortan if he saw any issues.

Mr. Mortan stated that the audit had not revealed any issues with the Town's Finance Department.

Vice-Mayor Daly stated that it was a blow to find out that funds were not paid in the past to the CRA. He expressed his concerns and stated that the Town needed to be sure that it was paying its bills and allocating its funds correctly.

Discussion ensued among the Commissioners regarding mistakes made in the past by the Finance Department and the previous audit firm.

Mayor DuBois thanked Mr. Mortan for his presentation.

Discussion ensued among the Commissioners regarding the Town's former audit firm and the process by which an audit firm was selected.

## PUBLIC and OTHER COMMENT

None

## COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

**Commissioner Carey** stated that he was glad that he received a call from Town Manager Maria Davis informing him of the status of Tropical Storm Fay.

**Commissioner Balius** stated that he had received numerous phone calls from people asking when Town Manager Maria Davis would be selected for the Florida League of Cities "City Manager of the Year" Award. He informed constituents that the selection would be made in October 2008. He voiced his appreciation that Town Manager Maria Davis had staff prepare for Tropical Storm Fay. He noted that there was some flooding and little damage from the storm.

**Vice-Mayor Daly** stated that there was minimal flooding and damage from Tropical Storm Fay.

**Commissioner Balius** stated that he attended the Florida League of Cities Meeting in Tampa. He discussed the impact of Amendment One on towns as large as or smaller than Lake Park.

**Commissioner Osterman** stated that the Town's Marina had received a Clean Marina Award with a score of 520 out of a possible 500. She commended Marina Director Mike Pisano for his efforts and stated that he was doing a fabulous job.

**Commissioner Balius** stated that the Town has a resident who was a prisoner of war during World War II and subsequently wrote a book about his experiences. He announced that the gentleman would be having a book signing on September 6, 2008, 3 p.m. at the VFW.

**Commissioner Osterman** thanked everyone for their calls, e-mails and concerns while she was ill.

**Mayor DuBois** thanked Marina Director Mike Pisano for doing a superior job at the Marina. She stated that she enjoyed the Florida League of Cities Meeting in Tampa and she learned much from the meeting. She thanked Town Manager Maria Davis, Public Works Director Abu Canady, and all of the Public Works employees for their efforts in preparing for Tropical Storm Fay.

**Town Attorney Thomas Baird**

None

**Town Manager Maria Davis** stated that she has been through six natural disasters. She stated that Town staff was very prepared for Tropical Storm Fay and she was very pleased to see the level of preparation by the Public Works Department, Marina, Recreation Department and staff at Town Hall. She congratulated Marina Director Mike Pisano for receiving the Clean Marina designation from the Florida Department of Environmental Protection. She announced that the Marina Breakwater Project Bid would have its opening on August 25, 2008 at 10 a.m. She announced that the ARC School for disabled children located on Park Avenue would be having a 1K walk fundraising event on Saturday, August 23, 2008. The walk will begin at 9 a.m. in Kelsey Park and proceed west to the clock tower on Park Avenue. The Commission and Recreation Director Greg Dowling will be receiving plaques for their assistance to the school. There will be refreshments at the school and anyone wishing to do the walk with the students is welcome. She announced that the Town will be closing on the Foresteria property on August 25, 2008.

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of July 16, 2008
2. Resolution No. 42-08-08 State Aid for Libraries
3. Resolution No. 43-08-08 Loan Agreement and Interlocal Agreement between the Town and the CRA
4. Resolution No. 45-08-08 Palm Beach County Sheriff's Office Fourth Addendum to the Contract
5. Renewal of Audit Services Contract with Nowlen, Holt & Miner, P.A.

6. Resolution No. 42-08-08 Authorize Submission of Grant Application for the Park Avenue 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	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC HEARING(S): ORDINANCES ON 2<sup>ND</sup> READING**

**ORDINANCE NO. 14-2008 – PADD Signage**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-70 OF CHAPTER 78, ARTICLE III, ENTITLED “PARK AVENUE DOWNTOWN DISTRICT” PERTAINING TO PERMITTED SIGNS; 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 stated that there were no changes made to Ordinance No. 14-2008 since the first reading.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 14-2008 upon 2<sup>nd</sup> 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.

Town Attorney Thomas Baird read Ordinance No. 14-2008 by caption-only.

**ORDINANCE ON 1<sup>ST</sup> READING**

**ORDINANCE NO. 15-2008 – Text Change to Chapter 78 Walls, Fences, and Hedges  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE  
PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE IV OF THE TOWN  
CODE ENTITLED “WALLS, FENCES AND HEDGES”; 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 that Ordinance No. 15-2008 would change the wall, fences, and hedges section of the zoning ordinance. He stated that the Town planned to put fencing in the alleyways but the ordinance only allowed for masonry walls. He explained that he made other changes to the ordinance such as allowances for barbed wire. He stated that the ordinance would allow certain businesses to place barbed wire fences on their property. He explained and discussed the other changes made regarding fencing allowances and permitting for fencing. He stated that changes were also made concerning allowances for corner lots.

Mayor DuBois asked if a property with three foot high chain link fencing and landscaping would be out of compliance.

Community Development Director Patrick Sullivan explained that if a property’s fencing is non-conforming it does not have to be changed until the resident decides to make changes or install new fencing.

Commissioner Balius asked if the allowance for barbed wire was for barbed wire only and not razor wire.

Community Development Director Patrick Sullivan stated that both barbed wire and razor wire would be permitted.

Commissioner Balius expressed his concerns regarding non-conforming fences on residential corner lots.

Mr. Sullivan explained that the Building Department had permitted fences in the past that should not have been permitted and that he had permitted one by mistake. He apologized for his oversight. He recommended an amortization schedule for non-conformed fences.

Town Manager Maria Davis stated that clear direction was needed regarding fencing allowances and permitting.

Discussion ensued among the Commissioners regarding fencing issues in the Town.

Community Development Director Patrick Sullivan stated that the Town's main issue with fencing was fencing on corner lots.

Commissioner Osterman recommended allowing an existing fence until a new permit is obtained unless it is a safety issue.

Commissioner Carey asked if there would be any liability to the Town should someone get injured on a fence that was non-compliant.

Attorney Thomas Baird explained that liability would not be based on the compliance of the fence.

Discussion ensued between the Commission regarding fencing safety issues in the Town.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve Ordinance 15-2008 with the modifications of existing fences to remain and newly permitted fences to be in compliance upon installation; 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 4-1.

Attorney Thomas Baird read Ordinance No. 15-2008 by caption-only.

**QUASI-JUDICIAL HEARING**

**RESOLUTION NO. 46-08-08 – Office Depot Site Plan**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION**

**OF A 75,425 SQUARE FOOT GENERAL RETAIL SHOPPING CENTER WITH MIXED RETAIL AND GENERAL COMMERCIAL SPACE LOCATED ON A 20.76 ACRE PARCEL ON THE SOUTHWEST CORNER OF NORTHLAKE BOULEVARD AND US HIGHWAY 1 WITHIN THE TOWN C-3 PUD ZONING DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Vivian Mendez swore in all witnesses.

Ex-parte communication was declared as follows:

- Mayor DuBois – none
- Vice-Mayor Daly –none
- Commissioner Balius – none
- Commissioner Osterman – none
- Commissioner Carey – none

Community Development Director Patrick Sullivan explained the purpose of Resolution No. 46-08-08. He stated that it was a site plan review for a piece of land next to the west side of the Publix Shopping Center in Lake Park. The applicant is proposing a 75,000 square foot retail shopping center which would include an Office Depot. The application and site plan was reviewed by the Planning and Zoning Board and the board recommended approval. He discussed and explained the conditions that the Planning and Zoning Board set forth for the site plan approval. He introduced the applicant.

Mr. John Schmitt, Agent for the applicant gave a brief overview of the proposed project and its site plan.

Commissioner Carey asked where the trucks would load and unload on the property.

Mr. Schmitt showed on the site plan where the trucks would load and unload.

Discussion ensued among the Commissioners and Mr. Schmitt regarding the Office Depot Site Plan.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 46-08-08; 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.

**RESOLUTION NO. 44-08-08 – Kohl’s Platt**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FINAL PLAT PLAN FOR CONGRESS AVENUE ASSOCIATES DEFINING THE KOHL’S PROPERTY BOUNDARIES AND PROVIDING AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan explained the purpose of Resolution No. 44-08-08.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 44-08-08; 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.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Carey and seconded by Commissioner Balias, and by unanimous vote, the meeting adjourned at 8:57 p.m.



Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez Lemley



FLORIDA

Approved on this 17 of Sept., 2008.

**THE TOWN OF LAKE PARK, FLORIDA**

FINANCIAL STATEMENTS

SEPTEMBER 30, 2007

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# THE TOWN OF LAKE PARK, FLORIDA

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SEPTEMBER 30, 2007

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