



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**September 17, 2008 7:38 p.m.**  
**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 17, 2008 at 7:38 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.

**PUBLIC and OTHER COMMENT**

*Reverend Evelyn Turnquist, 711 Park Ave.* – stated she was concerned about an exposed valve that is connected to the irrigation on the west side of her driveway on Park Avenue. She asked what the valve was used for and if would be left as is.

Town Manager Maria Davis stated that she would find out and get back to her with that information.

*Joseph Sorota, 940 Park Ave.* – stated that he operates a liquor bar at 940 Park Avenue. He stated that he has struggled and spent much time, effort, and money to bring his property into

compliance with the Town's code. He stated that he received a Certificate of Compliance which he presented to the Commission. He stated that the Town has filed a foreclosure lawsuit against him. He stated that the liquor bar is his main source of income and pride. He stated that he is ill with a heart condition and his wife is in hospice with terminal cancer. He pledged going forward that the building would be a source of pride for the Town. He asked the Commission for help and requested that the Town Attorney work out a settlement agreement with him and allow him to keep his building and allow the Town to recoup some of the expenses.

Town Attorney Tom Baird stated that he would discuss the foreclosure suit with the Commission privately. He gave a brief history of the code violations on the property. He stated that he would need to discuss the matter with the Commission to receive their recommendations.

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Mayor DuBois** announced a Tropical Bash that will be held by the Lake Park Kiwanis Club on Friday, September 19 at the Lake Park Marina. There will be a donation of \$15 for the event as well as food and door prizes.

**Commissioner Carey** stated that landscaping on Park Avenue was progressing well.

**Commissioner Balius** stated that the downtown area looked good and looked more spacious due to the new landscaping. He asked if anyone was attending the Regional Transportation Event. He stated that it was being held on September 26, 2008 and requested that someone attend with him.

**Mayor DuBois** announced that she will be out of town the weekend of September 26<sup>th</sup> through the 28<sup>th</sup> for a family event.

**Vice-Mayor Daly**

None

**Commissioner Osterman**

None

**Town Attorney Thomas Baird** distributed a letter he received from the owners of Venetian Isles to the Commission. He stated that the attorneys for Venetian Isles have responded and are addressing the security issues at the complex. They will be installing security gates with timers; contracting with the Palm Beach County Sheriff's Office for 15 hours of Deputy service on site; and retaining a security company to supplement the Deputy service. He stated that the principals of Shelter Corporation would be flying down from Minnesota to meet with him and the Town Manager to discuss the security issues at Venetian Isles.

**Commissioner Osterman** stated that given the severity and frequency of the incidents that have taken place in the Venetian Isles Community, 15 hours of security was inadequate.

**Town Attorney Thomas Baird** agreed and stated that he would address the issue with the principals of the Corporation at their meeting.

Town Manager Maria Davis

None

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of August 20, 2008
2. Special Call Commission Meeting Minutes of August 27, 2008
3. Regular Commission Meeting Minutes of September 3, 2008
4. Special Call Commission Meeting Minutes of September 10, 2008
5. Purchase Sterling Model L. Tandem Axle Vac-Con Storm Water Utility Vehicle
6. Proclamation Declaring Constitution Week
7. Resolution No. 58-09-08 Urging Solid Waste Authority to Locate the Proposed New Landfill at its Current Western Site Rather than any Alternative Sites

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve 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 5-0.

**PUBLIC HEARING: ORDINANCE ON 1st READING**

**ORDINANCE NO. 10-2008 – Business Tax**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING ORDINANCE 22-2007 AS RECENTLY CODIFIED IN CHAPTER 28 AT SECTION 28-51 OF THE TOWN CODE WHICH INCREASED THE ANNUAL BUSINESS TAX BY 25% FOR THE BUSINESSES LISTED IN ORDINANCE 22-2007; PROVIDING FOR THE REPEAL OF SECTION 28-43 ENTITLED “SELF-CLASSIFICATION OF BUSINESS MERCHANT”; PROVIDING FOR THE AMENDMENT OF SECTION 28-45, ENTITLED “ADDITIONAL TAX BASED ON MERCHANDISE STOCK;” PROVIDING FOR THE AMENDMENT SECTION 28-51 ENTITLED “SCHEDULE OF TAXES AND REGULATIONS” TO INCREASE THE ANNUAL BUSINESS TAX CHARGED BY THE TOWN FOR THOSE CLASSIFICATIONS OF BUSINESSES, OCCUPATIONS, AND PROFESSIONS AS**

**THEY EXISTED PRIOR TO THE ADOPTION OF ORDINANCE 22-2007 BY 5% PURSUANT TO SECTION 205.0535, FLA. STAT. (2007); PROVIDING FOR THE AMENDMENT OF THAT PORTION OF SECTION 28-51 REQUIRING ALL BUSINESSES CLASSIFIED AS MERCHANTS TO PAY AN INVENTORY TAX ON ALL STOCK OF MERCHANDISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor DuBois gave a brief history of the Ordinance and stated that she requested that the Ordinance be pulled from the agenda in May 2008. She stated that she had deep and abiding problems with it.

Commissioner Osterman asked if there would be a presentation from staff.

Mayor DuBois stated that there would not be a presentation from staff.

Commissioner Osterman stated that she did not have a comparison for inventory taxes for neighboring municipalities.

Community Development Director Patrick Sullivan stated that a comparison on inventory taxes was not available. He stated that he did a study of the different communities and many of them use the same style as the Town where a minimum amount is levied and goes by a fee per thousand. He stated that a significant number of communities levy an inventory tax. He apologized for not providing a comparison. He stated that municipalities such as Palm Beach Gardens and North Palm Beach have an inventory tax.

Commissioner Osterman asked if North Palm Beach or Palm Beach Gardens have an automobile dealership.

Community Development Director Patrick Sullivan stated that a dealership was currently being built in North Palm Beach.

Attorney Thomas Baird stated that Palm Beach Gardens does not allow automobile dealerships and North Palm Beach has Ed Morse Chevrolet which is currently being redeveloped. He stated that the Town has had the Business Tax Ordinance for a number of years and the Ordinance was about increasing the base taxes by 5%. He stated that statutorily the Town is allowed to increase the tax rate by 5% once every two years. The Town has not increased its tax since the year 2000. He stated that the new Ordinance would clean up the language from the old Ordinance. He explained that when the Ordinance was adopted last year it cut out some of the classifications and when the attorneys for the auto dealerships reviewed the Ordinance they suggested that the reclassification was not appropriate and illegal. To address those concerns the Ordinance reverted back to an alphabetical listing which was the form prior to 2007.

Commissioner Osterman asked why the inventory tax was placed on every other business that held an inventory other than auto dealerships.

Attorney Thomas Baird stated that he had no knowledge of it, but discovered that there were other merchants that were not being charged for inventory tax despite the code requirement that all merchants be taxed equally. He stated that this issue has been corrected as well.

Commissioner Osterman stated that her concern was that taxation be applied equitably. She asked if they were on solid ground with capping one business and not others.

Attorney Thomas Baird stated that the Town had the discretion to treat classifications differently as long as they don't treat those within a classification differently. He stated that he and staff were recommending capping the auto dealer classification because of the nature of the business. He stated that if the classification was not capped, auto dealerships would be paying a significantly higher tax than other merchants. He stated that there is no cap on inventory tax for auto dealerships in the City of West Palm Beach, and gave several examples.

Mayor DuBois stated that the Town is working to get as much business in the Town as possible. She stated that autos sitting on a car lot are owned by the bank and she did not agree with the auto dealerships having to pay taxes on those cars. She stated that she agreed with the 5% increase. She did not agree with levying the inventory tax.

Commissioner Balius stated that the auto dealerships could have paid inventory tax over the past years but did not.

Vice-Mayor Daly stated that Earl Stewart of Earl Stewart Toyota did not own all of the vehicles on his lot. He asked how the Town would determine how to tax him on what he actually owns.

Town Manager Maria Davis stated that the taxation would be on what Mr. Stewart reports to the IRS.

Vice-Mayor Daly stated that Mr. Stewart could transfer a vehicle without paying the tax on it.

Attorney Thomas Baird explained the process that a merchant went through to pay inventory tax.

Commissioner Osterman stated that she wanted the changes to the Ordinance to be equitable. She stated that changes did bring more of a balance to the business taxes.

Commissioner Carey stated that nothing could be done about the past and all they could do now was to balance things out and be as fair as possible.

Vice-Mayor Daly stated that Ed Morse Chevrolet moved because of the changes to the inventory tax.

Town Manager Maria Davis stated that Ed Morse Chevrolet was already paying inventory tax.

Vice-Mayor Daly stated that he did not want the Town to lose business over the inventory tax issue.

Commissioner Osterman stated that the average increase in the business taxes was \$4.62 from the year 2000. She stated that the increase was not an unfair increase.

Attorney Thomas Baird stated that there would need to be a four to one vote to pass the Business Tax Ordinance. He stated that if the Ordinance is passed on first reading, the Mayor's and Vice-Mayor's concerns can be addressed and changes could be made before the 2<sup>nd</sup> reading. If the

Commission is still not in support of the Ordinance, they could leave the 5% increase to the base tax. If the Commission is also opposed to the 5% increase, they would need to adopt the old tax rate.

Town Manager Maria Davis stated that should the Commission adopt the old tax rate they would have to amend the budget. She explained that what the Town was basing their revenues on the 5% increase. Money would have to be drawn from reserves because the budget would not balance.

Commissioner Osterman expressed her concerns with the Business Tax Ordinance.

Discussion ensued among the Commissioners regarding the Business Tax Ordinance.

Town Attorney Thomas Baird explained the options that the Commission had with the Business Tax Ordinance.

### **Public Comment Open.**

*Attorney Richard Sarafan, 100 S.E. 2<sup>nd</sup> St., Miami, FL* – stated that he represented Earl Stewart Toyota. He stated that he agreed with the repealing of Ordinance No. 22-2007 because it was improper by increasing the business tax rates 25% and stated that he agreed that it would now be a 5% increase across the board. He stated that the new Ordinance would impose and require a merchant tax on inventory at auto dealerships for the first time. He stated that auto dealerships normally pay a flat rate based on their sales. He stated that Mr. Stewart opposed the merchant inventory tax. He proposed that this part of the Ordinance would be illegal because the Town cannot impose a new tax format without an equity study commission. He stated that Florida Statute Section 2050535 titled “Reclassification and Rate Structure Revisions” provides a method of making the Ordinance fair and equitable. The statute was enacted in 1993. He gave a history of equity studies done by the Town since 1995. He stated that the Town has not done an equity study since 1999. He stated that the Town could not lawfully make revisions or impose a new tax beyond the 5% without an equity study. He stated that FL Statute 2050535 section 3A caps increases on any taxpayer at \$5000. He stated that another reason that they oppose the merchant tax is because it is unfair to tax the automobile dealerships twice since the auto dealers already pay a flat rate tax based on the number of new and used cars they sell each year. The third reason they oppose the merchant tax is because the purpose of the tax is not supplied to raise revenues for the Town. He stated that in the Town’s code 28-32A it states that the fees are intended to cover the costs associated with the processing of applications and renewals by the Town staff. He stated that \$20,000 was a lot of money to pay for the processing of those applications and renewals. He stated that the Town’s Attorney rendered a legal opinion in which he stated that “This disparity could be of concern.” He stated that it would be in everyone’s best interest to avoid an unnecessary dispute. He stated that it was the Town’s position that auto dealerships were always required since the 2000 Ordinance to pay inventory taxes. He stated that the Ordinance 28-51 Subsection 139 defines a merchant as a seller of merchandise “not otherwise provided for in this chapter”. A business not mentioned would be lumped together as merchants. Motor Vehicles were provided for in the ordinance under Chapter 28-51 Subsection 144 and clearly were not subject to the inventory tax. He stated that that was the reason Town staff did not bill auto dealerships for inventory tax because they read the code and reached the same conclusion. He stated that the same year they enacted the merchant tax they did not bill the auto dealerships until the 2007 Ordinance. On August 21, 2007 the Town’s attorney rendered a

written opinion on whether or not it would be legal to charge dealerships the inventory tax. The conclusion of the Town Attorney was "Assuming the Town Commission adopts the inventory tax you propose for vehicle dealerships, it is not a given that the Town would prevail." The 2007 Ordinance passed on first reading the very next day and was approved on final reading at the very next meeting. He pointed out to the Town Attorney in their discussions that the Town's suggestion that all retail operations must have been intended to be taxed as merchants is also inconsistent with the Town code. He stated that the code made it clear that not everybody who could qualify as a merchant falls into the definition of merchant. He stated that he did not have an unnecessary dispute but the proposal is not right or legal. He stated that the Florida Automobile Dealers Association and the Florida Auto and Truck Dealers Association were very concerned about the proposal. He recommended that the Town not impose an inventory tax on auto dealerships.

**Public Comment Closed.**

Attorney Thomas Baird stated with regard to his written legal opinion, which stated it is not a given that the Town would prevail, he stated that it is not a good idea to tell a client that they would prevail in any litigation. He stated that with respect to the so called double taxation issue, the code specifically says that if a business is subject to taxation and more than one classification, they are required to pay for both classifications. He stated that on the issue of whether it was a tax or occupational fee is that it used to be an occupational licensing fee and under law it was required to cover only the administrative cost, but the Florida Legislature in its wisdom decided to change the Occupational Licensing Fee to a tax which is a revenue raising device, and is not limited to merely recovering administrative costs. When the legislature changed the requirements in 2005 the Town and all other municipalities responded by changing everything that stated "Occupational Licensing Fee" to "Business Tax".

Vice-Mayor Daly asked Town Attorney Baird if the Town was on solid ground.

Town Attorney Thomas Baird recommended that the Town's taxes be applied equally across the board.

Town Manager Maria Davis noted in response to Mr. Sarafan's comment that the Town's former Finance Director and former managers researched the Town code and did not feel it necessary to tax the auto dealerships, she stated that they also did not recognize that there was a TIF fund payable to the CRA.

Commissioner Balius recommended moving the Ordinance forward and to give staff a chance to provide the requested information.

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 10-2008 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	X		
Mayor DuBois		X	

Motion passed 4-1.

Town Attorney Thomas Baird read Ordinance No. 10-2008 by caption-only.

**ORDINANCE NO. 16-2008 – Abandonment of Public Rights-of-Ways**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 72, ARTICLE I, PERTAINING TO STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; CREATING SECTION 72-2 ENTITLED “CRITERIA FOR ABANDONING RIGHTS-OF-WAY;” CREATING SECTION 72-3 ENTITLED “APPLICATION FOR ABANDONMENT;” CREATING SECTION 72-4 ENTITLED “PROCEDURES FOR ABANDONMENT APPLICATIONS;” CREATING SECTION 72-4 ENTITLED “COMMISSION HEARING AND REPORT;” CREATING SECTION 72-6 ENTITLED “RECORDING;” 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. 16-2008. He stated that the Ordinance would give the Town a process to abandon a right-of-way should they receive an application requesting to do so.

Vice-Mayor Daly asked for clarification of the process of selling a right-of-way.

Community Development Director Patrick Sullivan stated that there was no provision currently in the code for the sale of a right-of-way.

Discussion ensued among the Commissioners regarding Ordinance 16-2008 and the provisions and restrictions regarding rights-of-ways.

Attorney Thomas Baird explained the purpose of Ordinance 16-2008.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 16-2008 upon 1st reading; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission	Aye	Nay	Other
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Member			
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. 16-2008 by caption-only.

**RESOLUTIONS**

**RESOLUTION NO. 48-09-08 - Millage**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2008/2009; PROVIDING FOR AN EFFECTIVE DATE.**

Finance Director Anne Costello gave a Power Point presentation titled “Town of Lake Park Brief Overview of Tentative Budgets” (see Exhibit “A”). She explained that the millage rate would be 8.5163 which would be an increase of .8813 mills from the current millage rate of 7.6350. She stated that the rolled-back rate would be 8.2699 mills and the tentative millage is 2.98% over the rolled-back rate. She stated that the Debt Service Millage Rate would be 1.1500.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 48-09-08; 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.

Attorney Thomas Baird read Resolution No. 48-09-08 by caption-only.

**RESOLUTION NO. 49-09-08 – FY 2008-2009 Budget**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 49-09-08; 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.

Attorney Thomas Baird read Resolution No. 48-09-08 by caption-only.

**DISCUSSION AND POSSIBLE ACTION**

**2008 Semi-Annual Crime Statistics**

Town Manager Maria Davis explained that Commissioner Balius has requested that the item of the Town's crime statistics be placed for discussion and Captain Douglas Reece attend the meeting to give a presentation.

Captain Douglas Reece gave a Power Point presentation titled "District 10- Lake Park Law Enforcement Presentation" (see Exhibit "B"). He gave a brief overview of the organization of administrative staff and Deputies in the Sheriff's Department and the Deputies' sector assignments. He stated that he discussed random patrols versus directed patrol assignments with Town Manager Maria Davis. He stated that directed patrols were the most effective. He gave a breakdown of the Deputies' assignments (see Exhibit "B" page titled "Directed Patrol Assignments"). He gave an overview of patrol activity from August 1-31, 2008. He reviewed the page titled "Semi-Annual UCR 200-2008" (see Exhibit "B"). He stated that burglaries and larceny were up for the first six months of the year compared to last year but the Town was still below its average of 80. He stated that the Sheriff's Department has been proactive in addressing this issue by using directed patrols and bicycle patrols and using other units such as patrolling by horseback and aviation patrol over business areas over the weekend as well as canine and tactical units. He stated that theft has risen 225% over the last two years mainly because of theft at the big box retail stores such as Target, Wal-Mart, and K-Mart. He stated that he has met with management prior to store openings with recommendations for different types of security. He stated that the Sheriff's Department has always been proactive with new businesses and has had a meeting with Kohl's management recently. He stated that Wal-Mart has been their biggest challenge with theft. He stated that Wal-Mart has had a permanent Deputy assigned since their store opening and have recently expanded their permit to have Deputy there every day from 10 a.m. to midnight. He stated that there has still been a shoplifting issue since the Deputy has been there and there have been two to three arrests per day. He reviewed the page titled "Reports and Arrests" (see Exhibit "B"). He reviewed and explained the page titled "Annual UCR 1996-2007" (see Exhibit "B")

Town Manager Maria Davis stated that she saw information from Captain Reece that she does not see on a regular basis. She stated that Captain Reece has generated the reports and statistics himself and she stated that she and Captain Reece can keep the Commission more informed of those reports and statistics in the future on a monthly basis.

Captain Reece stated that if any of the Commissioners would like to come for a ride along with one of the Deputies they were more than free to do so, so that they can observe what a Deputy does throughout their work day.

Commissioner Balius stated that most of the complaints he receives from residents is that there are not enough patrols. He stated that it would be good if those residents were watching the meeting to see that there is adequate patrolling of the Town.

Commissioner Osterman asked if she could pull up statistics for neighboring municipalities from the FDLE website. She asked Captain Reece if he has seen an increase in crime for those municipalities.

Captain Reece stated that the statistics were not ready on the FDLE website. He stated that the statistics should be ready and available by October. He stated that he lives in the Village of Royal Palm Beach and has been informed that there has been a 40% crime rate increase in that municipality.

Commissioner Osterman asked if there was a comparison of theft for big box retail stores in other municipalities.

Captain Reece stated that Lake Park's Wal-Mart is the only Wal-Mart in the county that he is aware of that has an on site Deputy. He stated that crime rate increase in Royal Palm Beach was due mostly to larceny as well but he did not know what portion of those crimes took place at Wal-Mart.

Commissioner Osterman stated that she has been unable to open up attachments that she has received from the Town Manager regarding information sent from the Sheriff's office. She asked if the information could be sent to her directly.

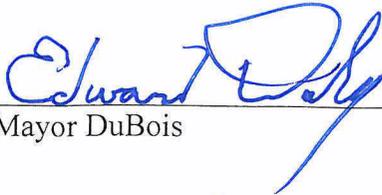
Captain Reece stated that he would have to find out if he can do that legally because there is certain information that he can only send to the Town Manager.

Attorney Thomas Baird stated that he spoke with Town Manager Maria Davis and they agreed that it would be more efficient to have an Attorney Client Session regarding Mr. Sorota's foreclosure case which could be scheduled for an hour before the next Commission Meeting.

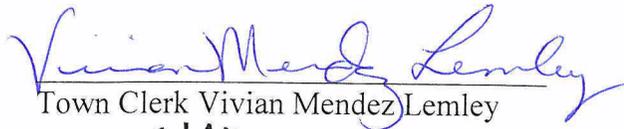
**The Commission came to consensus to have an Attorney Client Session to discuss the Sorota foreclosure case on October 1, 2008 at 6:15 p.m.**

## **ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Vice-Mayor Daly, and by unanimous vote, the meeting adjourned at 9:20 p.m.

  
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Mayor DuBois

  
\_\_\_\_\_  
Deputy Clerk Jessica Shepherd

  
\_\_\_\_\_  
Town Clerk Vivian Mendez Lemley

TOWN OF LAKE PARK  
Town Seal  
SEAL

FLORIDA

Approved on this 1 of October, 2008.