



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
December 3, 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, December 3, 2008 at 7:30 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 Balius to approve the 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 and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Balius

None

Vice-Mayor Daly

None

Commissioner Carey

None

Commissioner Osterman clarified that it was National City Bank that was providing a grant for the Town's Martin Luther King Celebration and stated that things were progressing nicely for the event. She stated that CRA Board Member Michelle McKenzie-Suiter was able to get one of the Highwaymen and one of the other Highwaymen's son to participate in the festival and will be having a signing. She stated that Lake Park Elementary will be holding an art competition which has 120 children participating.

Mayor DuBois asked if the art would be exhibited.

Commissioner Osterman stated that she believed the art would be exhibited at the Library the week before the competition.

Mayor DuBois wished everyone a safe and happy holiday.

Attorney Thomas Baird stated that he and Town Manager Maria Davis would be engaging in mediation tomorrow with Mr. Sorota and his son. He stated that it was his belief that the mediation would be successful.

Attorney Baird gave an update on the Marina Security Bid investigation. He gave a brief explanation of his discussion with Mr. Wummer of Advanced National Security. He stated that his conclusion was that he does not have an answer as to how Town letterhead was placed in the bid package and it would not be conducive to staff or himself to pursue the matter any further. He explained the rebidding process that would take place as a result of the Commission's vote to have the Marina Security Service rebid.

Town Manager Maria Davis stated that due to unforeseen circumstances the Friday night Sunset Party at the Marina would be canceled. She announced the Holiday Event at Lake Shore Park would take place on Saturday, December 6, 2008 beginning at 6 p.m. Santa will arrive at 6:15 p.m and the tree lighting would take place at 6:45 p.m.

Mayor DuBois stated that she would be judging at the Holiday Boat Parade on December 6 and would not be able to attend the tree lighting service at Lake Shore Park.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of November 5, 2008
2. Regular Commission Meeting Minutes of November 19, 2008

Commissioner Carey stated that page 7 of the November 19, 2008 Commission Meeting Minutes indicated that he had made a motion and a second on the motion for the ordinance which would include ballot language to adopt for a referendum question that would provide tax incentives to new businesses in the Town. He asked that the minutes be reviewed and corrected to reflect that he had made the motion and another Commissioner had made the second.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve the Consent Agenda with modifications to the November 19, 2008 Commission Meeting Minutes; 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

QUASI-JUDICIAL HEARING: ORDINANCE ON 2nd READING

ORDINANCE NO. 20-2008 – Congress Avenue Properties LLC Rezoning of Parcel D AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE AN APPROXIMATELY 25.769 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED WHICH IS GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF WATERTOWER ROAD AND CONGRESS AVENUE AS DEPICTED ON THE LOCATION MAP FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte communication was declared as follows:

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

Town Clerk Vivian Mendez Lemley swore in all witnesses.

Community Development Director Patrick Sullivan explained the reason for Ordinance No. 20-2008.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 20-2008 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. 20-2008 by caption-only.

ORDINANCE ON 1st READING

ORDINANCE NO. 21-2008 – Tax Incentives Ballot Question

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT TO NEW BUSINESSES OR TO EXEMPT EXISTING BUSINESSES WHICH EXPAND AN EXEMPTION FROM THE PAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Ordinance No. 21-2008 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. 21-2008 by caption-only.

ORDINANCE NO. 22-2008 – New Marina Fishing Pier Hours

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE III, SECTION 76-74, “ENTITLED PERMITTED HOURS OF USE”; TO CHANGE THE HOURS OF PERMITTED USE OF THE LAKE PARK HARBOR MARINA TO PREVENT USE OF, AND VEHICULAR PARKING AT, THE MARINA FROM 11:00 P.M. TO 6:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Carey to approve Ordinance No. 22-2008 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 5-0.

Attorney Thomas Baird read Ordinance No. 22-2008 by caption-only.

RESOLUTION NO. 65-12-08 – Elected Officials Using Town Letterhead or Their Elected Official Title

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 47-2001 DIRECTING THAT ANY WRITTEN COMMUNICATIONS WHEREBY THE MAYOR, VICE-MAYOR OR A COMMISSIONER USES THEIR TITLE OR USES THE OFFICIAL TOWN STATIONERY MUST FIRST BE APPROVED BY A MAJORITY OF THE FULL COMMISSION AT A PUBLIC MEETING; PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Open.

None

Public Comment Closed.

Motion: A motion was made by Commissioner Balius to approve Resolution No. 65-12-08; 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.

DISCUSSION AND POSSIBLE ACTION

Charter Change Discussion

Town Manager Maria Davis explained and reviewed the proposals to change certain articles of the Town Charter. The first of which was to change the requirement for a Town Manager to have a minimum experience in Public Administration two years to five years. The next provision that staff recommended changing was the section of the charter that provides for the appointment of the Mayor or any Commissioner to execute the duties of the Town Manager in the absence of the Town Manager. Staff believes this defeats the premise of the Manager /Commission form of government.

She stated that under Article XVI “Registration and Elections” staff recommended that “run off” elections be eliminated, strictly for economic reasons and that “run off” elections only happen in the event of a tie vote.

Lastly she stated that there was nothing in the Town Charter that required an elected official to reside in the Town through their term in office. She stated that staff recommended adding a residency requirement for elected officials in the Town Charter.

Mayor DuBois stated that most municipalities do not require a supermajority vote to hire or fire a Town Manager. She asked the Commission for their opinion of changing the requirement to hire or fire a Town Manager from supermajority to majority.

The Commission came to consensus to keep the requirement of a supermajority vote to hire or fire a Town Manager.

Discussion ensued among the Commissioners regarding the elimination of “run off” elections.

Attorney Baird stated that he would check with the Florida League of Cities on how other municipalities handle their run off elections. He also stated that he would have to research the Florida Statutes in order to determine which charter change proposals would need to be changed by referendum, or if some could be changed by ordinance.

Discussion ensued among the Commissioners regarding the residency requirements of elected officials.

The Commission came to consensus to require that election qualification requirements be maintained by an elected official for the duration of their term in office.

The Commission came to consensus to remove the section of the charter that provides for the appointment of the Mayor or any Commissioner to execute the duties of the Town Manager in the absence of the Town Manager.

The Commission came to consensus to require a Town Manager have at least five years of Public Administration experience instead of two.

ADJOURNMENT

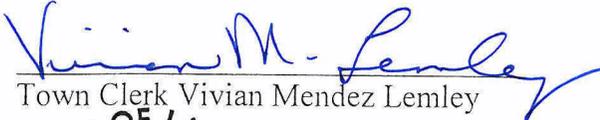
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Osterman, and by unanimous vote, the meeting adjourned at 8:10 p.m.



Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez Lemley



Approved on this 17 of December 2008.