



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**May 7, 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, May 7, 2008 at 7:40 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.

Mayor DuBois led the Invocation.  
Mayor DuBois led the Pledge of Allegiance.  
Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

**Motion: A motion was made by Commissioner Osterman 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.

**PUBLIC and OTHER COMMENT**

*Katherine Lampkin, 618 Date Palm Dr.* – stated that she was in shock to find out that the Commission had discussed a grant to purchase property around the ball field. She expressed her concerns and complaints regarding the proposed recreational facility at the ball field.

Vice-Mayor Daly explained to Ms. Lampkin that she would not have to sell her property. He stated that it was approved to move forward with a grant that would offer money to purchase the properties. He stated that there would not be eminent domain and that residents do not have to sell their property if they do not want to.

Town Manager Maria Davis explained the process and requirements for the grant.

Discussion ensued between the Commission and Ms. Lampkin regarding the grant to acquire land for a new recreational facility at the 6<sup>th</sup> St ball field.

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

**Commissioner Balius** stated that the Town of Lake Park had a good Arbor Day Celebration.

**Commissioner Carey** stated that he spoke to one business owner regarding sign issues in the Park Avenue Downtown District. The business owner explained to him that he is expanding his menu to include more than pizza and subs. The signage requirements do not allow for him to do this. Commissioner Carey recommended that the sign issue be brought back for discussion at a future Commission Meeting.

**Mayor DuBois** explained that the Park Avenue Downtown District signage was a discussion item on the agenda for the current meeting.

**Vice-Mayor Daly**

None

**Commissioner Osterman** recommended discussion regarding foreclosures in the Town be brought back to a future Commission Meeting. She discussed the issues related to foreclosures and recommended actions that the Town could take to resolve the issues. She stated that she was concerned about the conditions of foreclosures and their effects on public safety.

**Mayor DuBois** agreed with Commissioner Osterman's concerns and directed Community Development Director Patrick Sullivan to create a discussion item regarding foreclosures for a future Commission Meeting.

**Commissioner Osterman** stated that she was concerned about the dispatch time between incoming calls and police officer responding. She expressed the issues and concerns she has experienced and observed with dispatch services at the Sheriff's office.

**Mayor Dubois** thanked Commissioner Balius for attending the Arbor Day Celebration in her place. She stated that she attended the Florida Public Officials Design Institute which was held at the Florida Atlantic University Campus in Jupiter, FL. There were four municipalities in attendance which included the City of Lauderdale Lakes, City of Margate, City of Miami, and the Town of Lake Park. There were planners and designers who came to each city to assess specific areas of concern. The designers focused on the clock tower area from 7<sup>th</sup> St. to the stop light at 10<sup>th</sup> St. and Old Dixie Highway in the Lake Park. She stated that she brought back a CD and materials from the institute. She stated that she learned a lot and believed the information will be very helpful to the Town in the future.

**Attorney Thomas Baird** stated that he had a list of foreclosures in which Code Enforcement has recorded a lien that the Commission could review and utilize in their discussion regarding foreclosures.

**Town Manager Maria Davis** stated that the prospective dates for the bus tour in the Town were June 7<sup>th</sup> or June 14<sup>th</sup>. She stated that the Commission could review their calendars and decide on a date at the next Commission Meeting of May 21, 2008.

**Commissioner Balius** explained how past bus tours in the Town were conducted.

**Town Manager Maria Davis** announced that Watertower Rd. would be closed from May 12<sup>th</sup> through May 19<sup>th</sup> for water and sewer infrastructure work for the new Kohls Department Store. On May 12<sup>th</sup> milling and resurfacing will begin on 10<sup>th</sup> St and will last approximately two weeks. The resurfacing will take place on 10<sup>th</sup> St from Northlake Blvd. to Park Ave and west up to the railroad tracks and east approximately 30 feet.

**Commissioner Balius** recommended that the construction work be done at night.

**Town Manager Maria Davis** stated that the recommendation could be discussed at the scheduled pre-construction conference on Friday, May 9, 2008. She stated that she would have to review the construction company's nightly rates. She stated that Lake Shore Park renovations would commence next week. She announced to the 501 and 801 Lake Shore Drive Condominium Buildings that there would be some construction noise.

## **BOARD APPOINTMENTS**

### **Board Membership Applicants: Planning and Zoning Board Regular Membership**

Mason Brown – introduced himself as a current alternate member of the Planning & Zoning Board. He gave a description of his qualifications for the Planning and Zoning Board.

Mary Gambino – introduced herself and gave a brief description of her background and qualifications.

Robin Maibach – Absent

Kendall Rumsey – introduced himself and gave a brief description of his background. He stated that after reading the other two candidates' qualifications he determined that they were better qualified than he for the Planning and Zoning Board. He withdrew his application.

Judith Thomas – introduced herself and gave a brief description of her background and qualifications.

### **Library Board Membership**

Antony Lewis - Absent

## **CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of April 2, 2008
2. Regular Commission Meeting Minutes of April 16, 2008
3. Award Contract for Concrete Flat Work at Lake Shore Park
4. Expansion of Irrigation System for Lake Shore Park Renovation Project
5. Excavation Contract for Lake Shore Park Renovation Project

6. Award Contract for Sod at Lake Shore Park
7. Assignment of Computer Data Agreement
8. Letter of Support for Tri-Rail
9. Resolution No. 26-05-08 Submit a Grant Application to the Florida Department of Agriculture for the Urban and Community Forestry

**Public Comment Open.**

*None*

**Public Comment Closed.**

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

**PUBLIC HEARINGS**

**ORDINANCE NO. 05-2008 – Mid-Year Budget Adjustment**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2007-2008 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 24-2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 05-2008; 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.

Attorney Thomas Baird read Ordinance No. 05-2008 by caption-only.

**ORDINANCE NO. 06-2008 - Signage in the Park Avenue Downtown District**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78 ENTITLED "ZONING," ARTICLE III, SECTION 78-70, ENTITLED "PARK AVENUE DOWNTOWN DISTRICT" ("PADD"), TO AMEND SECTION 78-70(p) TO PROVIDE FOR ADDITIONAL REGULATIONS PERTAINING TO TEMPORARY SIGNS FOR REAL ESTATE SALES AND LEASING PERMITTED IN THE PADD AND TO REQUIRE A TOWN SIGN PERMIT BE OBTAINED PRIOR TO ERECTING OR DISPLAYING ANY PERMITTED SIGN WITHIN THE PADD; AMENDING TABLE 78-70-1 ENTITLED "PERMITTED SIGNS" TO CLARIFY CERTAIN RESTRICTIONS ON SIGN SIZE, NUMBER, COPY, AND OTHER RESTRICTIONS PERTAINING TO PERMITTED SIGNS IN THE PADD; 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 No. 06-2008. He gave a history of the signage issues in the Park Avenue Downtown District. He explained that temporary real estate signs were exempt under the code. He did not agree with the exemption of the real estate signs and the Ordinance was changed to include real estate signs. A permit would now be required for a real estate sign. He reduced the allowable size of a sign to 9 square feet.

Commissioner Osterman asked for clarification on the pictures of real estate signs that Mr. Sullivan provided. She stated that the signs were larger than 3 x 3.

Mr. Sullivan explained that the signs in the pictures were larger than 3 x 3.

Commissioner Osterman stated that nine square feet for a real estate sign seemed too small.

Mr. Sullivan stated that nine square feet was larger than the signs posted on businesses.

Mayor DuBois asked for the time limit of a temporary permit.

Mr. Sullivan explained that a temporary sign permit would be for six months. The permit can be renewed at the end of six months if the building did not rent or sell.

Discussion ensued between the Commission regarding signage size requirements in the Park

Avenue Downtown District.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Daly to approve the size requirement for a sign in the Park Avenue Downtown District to be 2 ft. x 3 ft. or 6 square feet; 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.

Community Development Director Patrick Sullivan explained the issue of wording on signage in the Park Avenue Downtown District. He stated that the Ordinance had only allowed a business owner to include a business name, address, and telephone number on their sign. He stated that he changed the Ordinance to allow more wording on business signs to include other items such as menu items for a restaurant.

Commissioner Carey asked for clarification on the allowable space for wording on a business sign.

Mr. Sullivan clarified the changes made to Ordinance No. 06-2008.

Discussion ensued between the Commission regarding signage requirements and changes to Ordinance No. 06-2008.

Commissioner Osterman recommended removing the wording in the Ordinance which states "Shall not occupy more than 50% of the building" and to set the maximum size of a business sign at six square feet.

**Motion: A motion was made by Commissioner Osterman to remove the wording "Shall not occupy more than 50% of the building" and to set the maximum size of a business sign at six square feet and "open" to the possible wording; 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.

Community Development Director Patrick Sullivan stated that there has been an issue with window signs in the Park Avenue Downtown District. He stated that the Ordinance would now clarify that a permit is needed for any sign and only 25% of the window is the maximum allowable to be covered by a sign.

Discussion ensued between the Commission regarding window signage requirements in the Park Avenue Downtown District.

**Motion: A motion was made by Vice-Mayor Daly to approve Ordinance No. 06-2008; 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. 06-2008 by caption-only.

**ORDINANCE NO. 07-2008 - Reasonable Accommodations Procedures**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, SECTION 78-6, ENTITLED "REASONABLE ACCOMMODATIONS PROCEDURES" TO CHANGE THE DESIGNATION OF THE HEARING OFFICER FOR PUBLIC HEARINGS ON REQUESTS SUBMITTED TO THE TOWN FOR REASONABLE ACCOMMODATIONS, FROM THE**

**TOWN MANAGER TO A SPECIAL MAGISTRATE APPOINTED BY THE TOWN COMMISSION; TO PROVIDE SPECIFIC PROVISIONS FOR MAIL AND NEWSPAPER NOTICE OF THE PUBLIC HEARING ON ANY REQUEST FOR A REASONABLE ACCOMMODATION; TO PROVIDE FOR AN OPPORTUNITY BY MEMBERS OF THE PUBLIC TO BE HEARD ON THE REQUEST FOR A REASONABLE ACCOMMODATION AT THE PUBLIC HEARING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*Tim Kasher, 315 Foresteria Dr.* – stated that an unlicensed sober living facility called “Women of Dignity” was operating out of 306 Foresteria Dr. He expressed his concerns and issues with the facility. He stated that there was another unlicensed facility operating out of a building on Park Ave. He stated that Town code does not allow this type of facility within 1000 square feet of a similar facility. He expressed his concerns regarding the unlicensed facility.

Mayor DuBois stated that she lived in an R-1 District and had the same situation in her neighborhood for a period of six years and she understood his concerns. She asked Attorney Thomas Baird to explain the difference between a licensed recovery facility versus a sober living facility.

Attorney Thomas Baird explained that the difference between a licensed recovery facility and a sober living facility as a licensed recovery facility can provide medical treatment and counseling; a sober living facility is legally treated as a residential home where a group of recovering drug addicts and alcoholics can reside as a family unit. The court does not allow anyone to prohibit a sober living facility because of constitutional provisions that have been enacted to protect those individuals.

Commissioner Osterman asked if there were any licensing requirements for sober living houses.

Attorney Thomas Baird stated that there was licensing only through Business Tax.

Discussion ensued between the Commission regarding the sober living facility issue and how it relates to Ordinance No. 07-2008.

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 07-2008; Commissioner Balias 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. 07-2008 by caption-only.

**Re-appointments to the Library Board**

The following person was re-appointed to the Library Board:

Antony Lewis – Regular Member

**Appointments to the Planning and Zoning Board**

The following persons were appointed to the Planning & Zoning Board:

Mason Brown – Regular Member

Judith Thomas – Regular Member

**ORDINANCE NO. 08-2008 - General Regulations and Restrictions Pertaining to Animals**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF LAKE PARK, FLORIDA BY CREATING NEW CHAPTER 11 TO BE ENTITLED “ANIMALS”; PROVIDING FOR THE CREATION OF NEW ARTICLE 1, TO BE ENTITLED “GENERAL REGULATIONS”; PROVIDING FOR THE CREATION OF NEW SECTION 11-1 TO BE ENTITLED “DEFINITIONS”; PROVIDING FOR THE CREATION OF NEW SECTION 11-2 TO BE ENTITLED “BIRD SANCTUARY DECLARED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-3 TO BE ENTITLED “CRUEL AND INHUMANE TREATMENT OF ANIMALS PROHIBITED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-4 TO BE ENTITLED “PROVISION OF FOOD AND WATER TO CONFINED ANIMALS REQUIRED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-5 TO BE ENTITLED “MINIMUM REQUIREMENTS FOR THE POSSESSION AND SHELTERING OF CERTAIN ANIMALS”; PROVIDING FOR THE CREATION OF NEW SECTION 11-6 TO BE ENTITLED “MAXIMUM NUMBER OF HOUSEHOLD PETS”; PROVIDING FOR THE CREATION OF NEW SECTION 11-7 TO BE ENTITLED “REMOVAL OF PET EXCREMENT REQUIRED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-8 TO BE ENTITLED “NEGLECT AND/OR ABANDONMENT OF ANIMALS PROHIBITED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-9 TO BE ENTITLED “NUISANCES CREATED BY ANIMALS PROHIBITED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-10 TO BE ENTITLED “ANIMALS WITH CONTAGIOUS

DISEASES PROHIBITED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-11 TO BE ENTITLED “AID TO INJURED ANIMALS REQUIRED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-12 TO BE ENTITLED “RESTRICTIONS ON THE TRANSPORT OF ANIMALS IN AN OPEN BED OF VEHICLES”; PROVIDING FOR THE CREATION OF NEW ARTICLE II OF CHAPTER 11 TO BE ENTITLED “SUPPLEMENTAL REGULATIONS PERTAINING PRIMARILY TO DOGS AND CATS”; PROVIDING FOR THE CREATION OF NEW SECTION 11-13 TO BE ENTITLED “REGISTRATION TAGS AND LICENSES FOR DOGS AND CATS REQUIRED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-14 TO BE ENTITLED “DOGS RUNNING AT-LARGE PROHIBITED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-15 TO BE ENTITLED “ANIMALS INJURING OR KILLING OTHER ANIMALS PROHIBITED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-16 TO BE ENTITLED “DOGS DAMAGING PROPERTY OF OTHERS PROHIBITED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-17 TO BE ENTITLED “INJURY TO AND/OR INTERFERENCE WITH POLICE DOGS PROHIBITED”; PROVIDING FOR THE CREATION OF NEW SECTION 11-18 TO BE ENTITLED “REGULATIONS PERTAINING TO VICIOUS ANIMALS AND DANGEROUS DOGS”; PROVIDING FOR THE CREATION OF NEW SECTION 11-19 TO BE ENTITLED “IMPOUNDMENT”; PROVIDING FOR THE CREATION OF NEW SECTION 11-20 TO BE ENTITLED “PENALTIES; PRIMA FACIE EVIDENCE OF VIOLATIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Public Comment Open.**

*Judith Thomas, 204 Jasmine Dr.* - stated that she lived in front of a park and enjoys taking a walk around the park in the mornings. She stated that she was concerned that there were no baggies in place at the park for the pick up of pet excrement.

Town Manager Maria Davis stated that pets were allowed at the Marina but not at the parks. She asked the Commission for direction in possibly changing the ordinance to allow pets in the park but have rules for disposing of pet excrement in baggies that may be placed in the park.

Discussion ensued between the Commission regarding Ordinance No. 08-2008.

Ms. Thomas gave her recommendations and suggestions for implementing rules and accommodations for pets in parks and pickup of pet excrement.

*Michelle McKenzie-Suiter, 931 W. Ilex Dr.* - she stated that there was no specific language referring to pets on commercial properties. She stated that she was aware of a car wash business in Town that breeds and sells dogs on their property without a license.

Discussion ensued between the Commission and Ms. Suiter regarding issues at a car wash facility in the Town.

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 08-2008; 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		

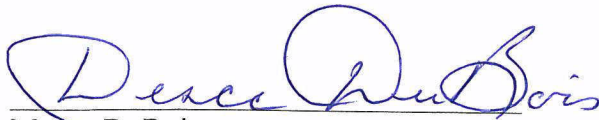
Motion passed 5-0.

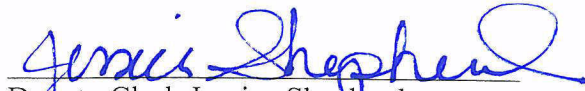
Attorney Thomas Baird read Ordinance No. 08-2008 by caption-only.

Town Manager Maria Davis thanked Community Development Director Patrick Sullivan for his input and work on Ordinance No. 08-2008.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balias and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 9:12 p.m.

  
\_\_\_\_\_  
Mayor DuBois

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

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

Town Seal



Approved on this 4th of June, 2008.