



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
June 4, 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, June 4, 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.

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 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.

PROCLAMATIONS:

State Representative Priscilla Taylor

Motion: A motion was made by Commissioner Carey to approve the Proclamation to State Representative Priscilla Taylor; 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.

Mayor DuBois read the Proclamation to Ms. Taylor.

State Representative Priscilla Taylor thanked the Commission.

Senator Jeff Atwater

Laura Coburn stated that Senator Atwater was unable to attend the meeting and she would accept the Proclamation on his behalf.

Motion: A motion was made by Commissioner Balius to approve the Proclamation to Senator Jeff Atwater; 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.

Mayor DuBois read the Proclamation.

Ms. Coburn accepted the Proclamation on Senator Jeff Atwater's behalf and thanked the Commission.

PUBLIC and OTHER COMMENT

None

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Carey

None

Commissioner Balius thanked State Representative Priscilla Taylor and Senator Jeff Atwater for their efforts on the Town's behalf.

Vice-Mayor Daly

None

Commissioner Osterman stated that she was contacted by a resident regarding the poor mail service in their neighborhood. She discussed the various issues that she and residents have had with the postal service in the Town.

Mayor DuBois stated that she had issues in the past when her mailperson was on vacation. She asked Town Manager Maria Davis for her recommendation.

Town Manager Maria Davis stated that she could write a letter to the Post Office.

Commissioner Balius discussed the issues that he and his neighbors have had with the postal service.

Commissioner Osterman stated that she was told that areas of Lake Park were undesirable to mail carriers because not all of the Town's mailboxes were along the street.

The Commission came to consensus to write a letter to the Post Office to address the issues with mail service in the Town.

Commissioner Osterman stated she had met with Kay Heisler of Lake Park Elementary and encouraged the Commission to meet with her also. She discussed the good behavior she witnessed in the children due to the Character Education Program. She asked the children how the program has impacted their lives. She discussed the improvements that Lake Park Elementary has made since implementing the Character Education Program. She stated that the principal of Lake Park Elementary has been able to raise \$33,000 to continue the Character Education Program but it is only half of the funds that are needed. She discussed how the program was beneficial to the school and the Town. She stressed the importance of the program and asked that the Commission contact business owners to ask them to consider making a contribution to the program.

Mayor DuBois asked if the program was being cut in other schools.

Commissioner Osterman stated that Lake Park Elementary was the only school that has all of the pieces in place to administer the program.

The Commission came to consensus to do what was necessary to help fund the Character Education Program at Lake Park Elementary.

Mayor DuBois thanked everyone who kept her sister in their thoughts during her illness. She also thanked the Sheriff's Deputy from Lake Park for helping her when her dogs went missing.

Town Attorney Thomas Baird distributed his monthly status report (see Exhibit “A”) to the Commission and stated that nothing had changed. He asked the Commission to call if they had any questions.

Town Manager Maria Davis stated that the Town of Lake Park was the only new city to receive a budget appropriation from the State this year.

CONSENT AGENDA:

1. Special Call Commission Meeting Minutes of an Attorney-Client Session of May 7, 2008
2. Regular Commission Meeting Minutes of May 7, 2008
3. Installation of Automatic Gates for the North Entrance of LSP
4. Marina Dockage Rate Schedule Adjustment Resolution 32-06-08

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.

Planning and Zoning Board Membership

Mary Gambino was appointed as a regular member to the Planning and Zoning Board.

PUBLIC HEARINGS: SECOND READING

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 upon 2nd reading; Vice-Mayor Daly made the second.

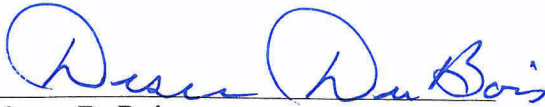
Vote on Motion:

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.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Commissioner Balius, and by unanimous vote, the meeting adjourned at 8:05 p.m.



Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez




FLORIDA

Approved on this 18 of June, 2008.

TOWN OF LAKE PARK
INTER-OFFICE MEMORANDUM

CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGED

To: Honorable Mayor and Members of the Town Commission
From: Thomas J. Baird, Town Attorney 
Date: June 4, 2008
Re: Status Report of Litigation

I. CASES DEFENDED BY LAW FIRMS ASSIGNED BY INSURANCE CARRIER

Mos'Art Center, Inc., a Florida corporation, d/b/a The Kelsey Club and Sue Ellen Mosler v. Town of Lake Park, et al.

The Plaintiffs have filed a Verified Complaint seeking declaratory and injunctive relief. The law firm of Roberts, Reynolds, Bedard & Tuzzio, P.A. has been assigned the defense of the Town by the Town's insurance carrier. The Plaintiff's claims are essentially that the Town discriminated against the Kelsey Club because of the "look" or type of persons who patronized it, and the "alternative rock" music performed at the Kelsey Club. The Plaintiffs are also alleging that the Town's reduction in the capacity of the club from 500 patrons to 200 violated due process rights. Some discovery is proceeding, but it is sporadic.

Town of Lake Park adv. Women of Dignity, Inc. and Randi Aberns

The Plaintiffs filed a Complaint in state court seeking declaratory and injunctive relief, and alleging damages for discrimination in zoning on the basis of handicap or disability. The law firm of Johnson, Anselmo, et al. has been assigned the defense of the Town by the Town's insurance carrier. The Plaintiffs claim that the Town has discriminated against them by refusing to provide a reasonable accommodation and has arbitrarily enforced its zoning laws such that recovering alcoholics cannot live together in a two story house in the Town's single family residential zoning district. The Complaint was removed to the Federal District Court. Pursuant to the Commission's direction Attorney Michael Burke, who took over for Mr. McDuff is pursuing the settlement of this case. The Plaintiff has either applied for or obtained all permits which the Town requires for the previously unauthorized work done on the premises. Additionally, a Reasonable Accommodation Hearing was held on March 24, 2008 and the Town Manager issued an Order approving the Request.

II. CASES FOR WHICH BAIRD & ROSELLI ARE RESPONSIBLE

A. FORECLOSURES INITIATED BY LENDERS

Deutsche Bank v. Timothy Peacock

The Town was named a Defendant in The Town was named as a Defendant in a foreclosure action brought against Timothy Peacock as a result of a Code Enforcement Lien the Town has against the subject property. An Answer to the Plaintiff's Complaint was filed on March 4, 2008 to secure the Town's Lien rights.

HSBC Bank USA v. Ryan D. Brown

The Town was named as a Defendant in a foreclosure action brought against Ryan D. Brown a result of a Code Enforcement Lien the Town has against the subject property. An Answer to the Plaintiff's Complaint was filed on February 1, 2008 to secure the Town's Lien rights.

HSBC Bank USA v. Roberto Rucci

The Town was named as a Defendant in a foreclosure action brought against Roberto Rucci a result of a Code Enforcement Lien the Town has against the subject property. An Answer to the Plaintiff's Complaint was filed on April 22, 2008 to secure the Town's Lien rights.

John W. Smith, Trustee v. Roger A. Burrow, Deceased

The Town was named as a Defendant in a foreclosure action brought against the Estate of Roger A. Burrow as a result of a Code Enforcement Lien the Town has against the subject property. An Answer to the Plaintiff's Complaint was filed on May 23, 2008 to secure the Town's Lien rights.

Midfirst Bank v. Robert Juska

The Town was named as a Defendant in a foreclosure action brought against Robert Juska as a result of a Code Enforcement Lien the Town has against the subject property. An Answer to the Plaintiff's Complaint was filed on October 2, 2007 to secure the Town's Lien rights.

Regions Bank v. James Todd Eckley

The Town was named a Defendant in The Town was named as a Defendant in a foreclosure action brought against James & Sarah Eckley as a result of a Code Enforcement Lien the Town has against the subject property. An Answer to the Plaintiff's Complaint was filed on Jan. 23, 2008 to secure the Town's Lien rights.

U.S. Bank National Association v. Joseph Slay

The Town was named as a Defendant in a foreclosure action brought against Joseph B. Slay as a result of a Code Enforcement Lien the Town has against the subject

property. An Answer to the Plaintiff's Complaint was filed on July 5, 2007 to secure the Town's Lien rights.

Wells Fargo Bank v. Capital Options Group et al.

The Town was named as a Defendant in a foreclosure action brought against Capital Options Group as a result of a Code Enforcement Lien the Town has against the subject property. An Answer to the Plaintiff's Complaint was filed on May 22, 2007 to secure the Town's Lien rights.

Wells Fargo Bank v. Rene Antione Margras, Jr. et. al

The Town was named a Defendant in The Town was named as a Defendant in a foreclosure action brought against Rene Antione Margras as a result of a Code Enforcement Lien the Town has against the subject property. An Answer to the Plaintiff's Complaint was filed on May 22, 2007 to secure the Town's Lien rights.

B. FORECLOSURES INITIATED BY THE TOWN

Town of Lake Park v. Julian A. Ocampo

The Town filed a foreclosure action against Julian Ocampo, as a result of outstanding Code Enforcement Liens the Town has against the subject property. The Defendant has failed to file a responsive pleading in a timely fashion and a Motion for Default is being filed with the Court.

Town of Lake Park v. Joseph Sorota

The Town filed a foreclosure action against Joseph Sorota, as a result of outstanding Code Enforcement Liens the Town has against the subject property. Mr. Sorota's attorney has met with the Town's Code Enforcement Officer with the intention of correcting the violations. We will provide Mr. Sorota with a reasonable period of time to correct the violations and if not corrected proceed with the foreclosure.