



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
December 17, 2008 7:48 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, December 17, 2008 at 7:48 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**

Presentation by Intergovernmental Consultant Fausto Gomez was removed from the agenda.

**Motion: A motion was made by Commissioner Osterman to approve the Agenda as modified; 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.

**PROCLAMATIONS**

**Jhonathan Zaldivar – Outstanding Local Student Recognition**

Mayor DuBois read the proclamation to Jhonathan Zaldivar.

Jhonathan accepted his proclamation and thanked the Commission.

**Badcock Home Furniture and More**

Mayor DuBois read the proclamation to Badcock Home Furniture and More.

There were no representatives of Badcock Home Furniture and More present to accept the proclamation.

**Thomas Masters, Mayor of Riviera Beach**

Mayor DuBois read the proclamation to Thomas Masters, Mayor of Riviera Beach.

Mr. Masters was not present to accept his proclamation.

*Ann Wark, Principle of Howell L. Watkins Middle School* – thanked the Commission for recognizing Jhonathan Zaldivar and presenting him with a proclamation.

Commissioner Osterman announced that there would be an essay contest in relation to the Martin Luther King Jr. Festival taking place in the Town. She asked Ms. Wark to speak with Grants Writer Virginia Martin regarding the event.

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

**Commissioner Balius** stated that he received a couple of telephone calls regarding where to send donations to the Atilus Family. He stated that donations are to be sent to the Town's Finance Department at 535 Park Avenue and if there were any questions to call 561-881-3300.

**Commissioner Carey** wished everyone a Happy Holiday and stated that he looked forward to another prosperous year for the Town.

**Vice-Mayor Daly** stated that he found another letter on Town Manager letterhead that had been signed by himself and Commissioner Balius as a letter of recommendation to Mariner's Key. He stated that he did not know where the letters were coming from and who was responsible. He recommended that the new letter also be investigated.

**Commissioner Osterman** stated that she did not understand the purpose of investigating the new letter because the issue of Commissioners signing letterhead on their own behalf had been resolved.

**Vice-Mayor Daly** stated that he had been the only one accused of signing letters on official letterhead while acting on his own behalf and he wanted to show that there were other letters out there signed by other Commissioners besides himself.

Discussion ensued among the Commissioners regarding the second letter.

**Commissioner Osterman** wished everyone a Happy Holiday and commended Mayor DuBois and the Town's firefighters for their time and efforts in taking care of the Atilus family.

She asked Attorney Baird if he would clarify the proposed changes to the Town Charter memo.

Attorney Baird stated that he would not discuss the Town Charter changes during his comments but under the item's discussion.

**Commissioner Osterman** asked for the status of working with the Town's Historical Society.

**Town Manager Maria Davis** stated she was unsure of the status.

**Commissioner Osterman** stated that Community Development Director Patrick Sullivan was supposed to be meeting with the President of the Historical Society.

**Town Manager Maria Davis** stated that Mr. Sullivan met with the President of the Historical Society.

**Community Development Director Patrick Sullivan** stated that he met with the President of the Historical Society and that there would not be a Holiday Home Tour this year.

**Commissioner Osterman** stated that she was looking forward to the Historical Society coming to the Commission to give an update. She inquired as to the status of their presentation to the Commission.

**Mayor DuBois** stated that the Historical Society was supposed to bring back a film to show the Commission and place it on Channel 18 for viewing.

**Community Development Director Patrick Sullivan** stated that by the Historical Society's choice, things were moving forward slowly. There have not been any issues and the lines of communication are open.

**Vice-Mayor Daly** stated that at the last Historical Society Meeting, it was decided that they would try to contact the City of Riviera Beach and surrounding cities to meet and bring a presentation back to the Commission. Their attorney Mr. Oyer was scheduled to speak at the meeting but was unable to attend which may have delayed the process.

**Commissioner Osterman** noted that the Town has received the Tree City USA Award and she asked Town Manager Davis if something could be done about the trees in the swale ordinance.

**Town Manager Maria Davis** stated that something would be done in that regard.

**Mayor DuBois** expressed her thanks to everyone in the community, staff, and the Fire Department for their efforts to help the Atilus family. She reminded the community that the Atilus' family would need their ongoing support after the holidays. She wished everyone a safe and Happy Holiday.

**Public Comment Open.**

*Lionel Joseph, 454 Greenbriar Dr.* - discussed the issues of not being able to park his taxi at his home. He stated that he has to park on Park Avenue and walk home sometimes in adverse conditions. He asked the Commission to consider allowing residents to park commercial vehicles and work vehicles in their driveways.

**Vice-Mayor Daly** stated that there had been discussions regarding the ordinance in the past and it was decided to leave the ordinance as is.

**Commissioner Osterman** stated that Mr. Joseph could park his vehicle at his home if it was

behind an enclosed area. She stated that he could receive direction from the Community Development Department.

**Commissioner Balius** stated that if the Town allowed taxi cabs to be parked at residents homes, then the next step would be to allow step vans.

Mr. Joseph expressed his concerns about safety for people who drive taxi cabs and have to walk home late at night.

**Mayor DuBois** expressed her understanding and empathized with Mr. Joseph's situation.

*Janice Alfred* - also expressed his concerns regarding the parking of taxis and commercial vehicles.

**Mayor DuBois** stated that Community Development Director Patrick Sullivan could help him and give him guidance for his concerns.

**Public Comment Closed.**

**Attorney Thomas Baird** stated that Mr. Joseph Fleming was willing to donate legal services for the Atilus family.

He wished everyone a Merry Christmas.

He stated that he would be happy to address any questions Commissioner Osterman might have regarding the Town Charter.

**Commissioner Osterman** stated that she was confused regarding what was required for referendum. She asked him if he had researched language from other municipalities regarding run-off elections.

**Attorney Thomas Baird** stated that of the communities he sampled he did not find any language. He would research additional communities, but it appears that they either have a run-off election or do not have a run-off election.

**Commissioner Osterman** asked Attorney Baird if he had contacted the Florida League of Cities.

**Attorney Thomas Baird** stated that he had contacted the Florida League of Cities but they had not returned his phone call. He stated that the only charter change that would require a referendum is the elimination of a run-off election.

**Commissioner Osterman** stated that many towns have moved their elections from March to November for greater turnout. She recommended that the Commission consider the change.

**Attorney Thomas Baird** stated that there was a special legislation enacted to have the elections of Palm Beach County municipalities on the second Tuesday of March. He said that the City of Belle Glade was the only city that he was aware of that held their election in November and he was unsure of how they were able to circumvent the special act.

**Town Manager Maria Davis** congratulated Kim Alexander and the Public Works employees for their work in bringing to fruition the Tree City USA Award. She stated that she received a request from the Palm Beach County League of Cities to host their annual luncheon at Town Hall. She stated that the Town had hosted the luncheon two years ago. The luncheon was not budgeted for this year and the total cost was approximately \$2,500 to \$3,000.

**Commissioner Osterman** stated that she would rather pay for the Town's Volunteer Appreciation Dinner.

**Commissioner Carey** stated that he also would rather pay for the Town's Volunteer Appreciation Dinner or a dinner for the Town's employees.

**Commissioner Osterman** stated that the Palm Beach County League of Cities was welcome to use Town facilities for their luncheon.

Discussion ensued among the Commissioners regarding whether or not to host and/or pay for a luncheon for the Palm Beach County League of Cities.

**Mayor DuBois, Vice-Mayor Daly and Commissioners Carey, and Osterman came to consensus to not host the Palm Beach County League of Cities annual luncheon. Commissioner Balius was not against hosting the Palm Beach County League of Cities annual luncheon.**

**Town Manager Maria Davis** stated that she wanted to acknowledge Mayor DuBois' efforts in helping the Atilus family.

#### **CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of December 3, 2008
2. November 5, 2008 Special Call Attorney-Client Session Announcement Minutes
3. Town of Lake Park v. Joseph Sorota (Foreclosure Action)
4. Professional Engineering Services for Drainage and Streetscape Improvements for Lake Shore Dr.
5. Marina South Breakwater Project Change Order #1
6. Award of Removal and Replacement of Concrete Sidewalk in Various Locations to American Concrete Enterprise
7. Award of Bid to Lanzo Lining Services, Inc. for RFQ #0813 9<sup>th</sup> St. Storm Drain Cured-In-Place Pipe Lining, Hawthorne Drive to W. Ilex Drive
8. Resolution No. 66-12-08 Pension Plan Amendment

Commissioner Osterman requested that item #1 Regular Commission Meeting Minutes of December 3, 2008 be pulled from the Consent Agenda.

#### **Public Comment Open.**

*None*

#### **Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve items 2 through 8 of 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.

Commissioner Osterman stated that on page 7 of the December 3, 2008 Regular Commission Meeting Minutes, the consensus needed to state that 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.

**Motion: A motion was made by Commissioner Carey to approve the December 3, 2008 Commission Meeting Minutes as amended; 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**

**ORDINANCES ON 2<sup>nd</sup> 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 Carey to approve Ordinance No. 21-2008 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. 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 Balius to approve Ordinance No. 22-2008 upon 2nd 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. 22-2008 by caption-only.

**DISCUSSION AND POSSIBLE ACTION**

**Video Cameras for Lake Shore Park**

Town Manager Maria Davis explained that as a result of vandalism, the Commission had asked staff to look into installing video cameras on the condominium buildings on the north and south sides of Lake Shore Park. She stated that she received a quote of \$54,130 for wireless cameras and one time installation fees of \$7,000 for a total of \$61,130 plus recurring annual fees for licensing in the amount of \$16,440. The trenching installation would be \$29,000 with a \$1,440 annual charge for internet. Both companies that provided the quotes stated that if the cameras were placed on the buildings activity in the park could be seen but would not be able to identify anyone.

Commissioner Carey asked if the cameras could be placed on the lamp posts at the park.

Information Technology Director Hoa Hoang stated that the companies which gave the quotes stated that there would not need to be cameras on every lamppost but on most of them. There are a total of approximately 22 lamp posts, which would make it expensive to install a camera on each one.

Mayor DuBois stated that she was uncomfortable with the idea of possibly trenching the ground at Lake Shore Park after all the work that has gone into the park.

Commissioner Osterman stated that vandalism and drug dealing has been an issue at Lake Shore Park and the Town needs to take a proactive step in addressing the issues. She recommended pointing a few of the cameras toward the road and Kelsey Park.

Commissioner Balius stated that there were issues with the electronic gates at the park.

Town Manager Maria Davis stated that there were problems with the gate and has had the company who installed the gate come out to fix it, but they still have not addressed all of the issues. The contractor claimed that the gate was malfunctioning due to user errors. She stated that staff and the contractor were still trying to work out all of the issues.

Discussion ensued among the Commissioners regarding the issues with the electronic gates at Lake Shore Park and issues regarding safety and crime in the Town.

Mayor DuBois asked if someone would be monitoring the cameras at the park.

Town Manager Davis stated that the cameras would be tied into the Sheriff's Department.

Information Technology Director Hoa Hoang explained how the camera system would operate.

Commissioner Osterman asked Captain Douglas Reece if he's had experience with the same type of camera system and what the rate of vandalism is for such an area that is monitored by cameras.

Captain Reece explained that the Sheriff's Department could access the cameras from the web but someone would not be able to monitor the system 24 hours a day. If there was a situation or trend occurring the Sheriff's Department could set up a special surveillance. He stated that there is information available to show statistically how much crime cameras systems deter.

Commissioner Balius asked if the cameras were digital.

Information Technology Director Hoa Hoang stated that the cameras would be digital, day and night cameras.

Commissioner Osterman asked if the cameras would be enclosed or housed.

Information Technology Director Hoa Hoang explained that the cameras would be housed in an aluminum case and mounted up high.

Vice-Mayor Daly stated that he was in favor of the camera system.

Captain Reece stated that he was aware of another camera system that is used in the City of West Palm Beach that detects sound and automatically links to the Deputy who may be working in the area.

Commissioner Carey asked if the camera system would encompass the whole park.

Information Technology Director Hoa Hoang explained that the camera system would encompass Lake Shore Park only and would record everything for later review.

Commissioner Carey asked if there was money already budgeted for the camera system.

Town Manager Davis explained that there was approximately \$50,000 left over from the Lake Shore Park Project.

Mayor DuBois asked if the damage from trenching for the cameras would be repaired and included in the installation price.

Information Technology Director Hoa Hoang explained that the contractor gave him a price for directional boring which would prevent damaging the grass surface, but it is too expensive. He stated that they would trench the cameras by conventional methods and cover the trenching with the existing sod and use new sod in areas where needed.

Commissioner Osterman recommended deferring a decision until the Commission receives additional information from Captain Reece regarding the sound activated system.

Town Manager Davis stated that she needed to double check the balance on the account for Lake Shore Park and to speak with Finance Director Anne Costello on the matter before going forward with the camera system. She discussed other issues with safety within Town Hall and made recommendations for security options.

Discussion ensued among the Commissioners regarding safety options for Town Hall.

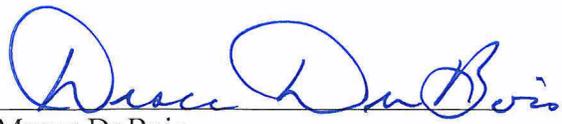
Commissioner Osterman asked Captain Reece to bring back recommendations for what can be done to make the Town safer.

Commissioner Balius stated that he received many phone calls from concerned residents.

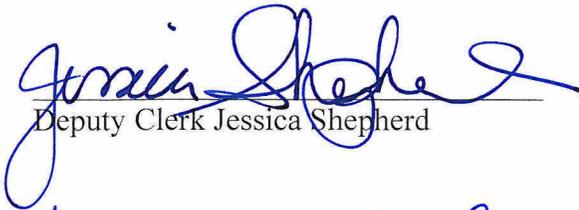
Town Manager Davis stated that she has had discussions with Captain Reece regarding crime and safety in the Town and will continue to do so.

## **ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Carey and seconded by Commissioner Balius, and by unanimous vote, the meeting adjourned at 9:10 p.m.



Mayor DuBois



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez-Lemley



Approved on this 21 of January 2009.