

**MINUTES  
TOWN OF LAKE CLARKE SHORES  
REGULAR TOWN COUNCIL MEETING  
November 10, 2009**

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**I. (A) CALL TO ORDER, ROLL CALL:**

**Vice Mayor Freebold called the meeting to order at 6:30 p.m.**

The following members and officials were present:

Thomas C. Mayes, Jr., Mayor (arrived at 6:40 p.m.)

Gregory Freebold, Vice Mayor

Valentin Rodriguez, Jr., Pres. Pro Tem

Malcolm K. Lewis, Council Member

Robert M. W. Shalhoub, Council Member

Joann Hatton, Town Administrator

Jo Plyler, Town Clerk

Wes Smith, Chief of Police

Frank Palen for Charles Schoech, Town Attorney

Mary Pinkerman, Recording Clerk

**(B) PLEDGE OF ALLEGIANCE:**

Vice Mayor Freebold led the assembly in the pledge of allegiance to the American Flag.

**II. APPROVAL OF AGENDA:**

**Motion made by Council Member Shalhoub to approve the agenda, seconded by Council Member Lewis; Motion approved (4-0).**

**III. CONSENT AGENDA:**

A) Approval of October 13, 2009 Council Minutes.

B) Approval of Forfeiture Expenditure in the amount of \$850.00 for 10 Blackhawk Duty Weapon Holsters.

C) Approval of request from Mr. James Griffin regarding existing fence located at 1505 Wagner Circle.

D) Approval of appointment of Jo H. Plyler, Town Clerk, as Grand Marshal of the December 4, 2009 "Holidays in Paradise" Parade.

- E) Approval of Employee Holiday Dinner.

**Motion was made by Council Member Shalhoub to approve the Consent Agenda, seconded by Council Member Lewis; Motion approved (4-0).**

Mayor Mayes arrived at 6:40 and assumed the Gavel.

#### IV. PRESENTATIONS:

- A) **Jim McGinn, CPCU, RMPE, Florida League of Cities:** Presentation of Resolution to Council Member Malcolm K. Lewis for his twenty years of dedicated municipal service to the Town of Lake Clarke Shores.

Mr. McGinn, on behalf of the Florida League of Cities, Inc., read and presented Council Member Malcolm K. Lewis the Resolution commemorating his twenty years of dedicated service to the Town of Lake Clarke Shores.

Council Member Lewis thanked the Florida League of Cities, Inc. for the recognition. He noted that many changes had been made in the Town in the twenty years since he first became a member of the Town Council - such as the number of parks and recreation areas the Town provides for residents, the new Town Complex and the Town's fiftieth anniversary. He stated that he has been blessed by living in the Town for over fifty years, that he has been married to his wonderful wife, Mildred, for over thirty five years and that the residents have put their confidence in him for the last twenty years.

- B) **Chief Wes Smith:** – Citizen Observer Patrol (COP) Presentations.

Chief Smith introduced Pastor Stan Sniezek of the New Life Alliance Church as the Town's Police Chaplin and new COP member. He also noted that Pastor Sniezek and his wife, Melinda, are residents of Lake Clarke Shores. Pastor Sniezek thanked the Chief for the introduction and noted that he has been a Police Chaplin for many years in different areas and when he came to the New Life Alliance Church, he wanted to continue this service. He approached Chief Smith with the offer and it was readily accepted. He stated that he is looking forward to serving the Town in any way needed.

Vice Mayor Freebold approached the podium and thanked Officer Carlos Negrón for his involvement in the COP program. He noted that the COP members have volunteered over 200 hours since the COP program inception and that the COP members are helping to the degree to which their visibility is easily seen by the public. He then introduced the two new members of the COP program that were in attendance: Gabriel Isasi, IV and Robert Gonzalez. Vice Mayor Freebold noted that a third new member, Hernando Roza, was not in attendance. He then presented Certificates of Appreciation to the following

five COP members: Shirley Welbes, Fran Carlton, Peter Shahin, Mo Mustaine and Jim Boger. A certificate will also be given to Keith Rudd, who was unable to attend the meeting.

When Vice Mayor Freebold finished presenting the awards, Chief Smith presented Vice Mayor Freebold his certificate for being a COP member. He then introduced Officer Carlos Negrón. Officer Negrón thanked all of the COP members for their dedication and service to the Town. He then stated that Jim Tackett has become the newest COP member. It was noted that all new members will be going through training as part of their participation in the COP Program.

C) **Michael E. Burton, President, Burton & Associates:** – Utility Rate Study Report.

Mr. Burton thanked the Town Council Members and the town staff that had participated in this project. He provided information on the Water & Sewer Revenue Sufficiency Analysis and the 2009 Utility Rate Study Final Report.

The Revenue Sufficiency Analysis included three areas:

- A cost-based allocation of the costs incurred to provide water and sewer service to the North Service Area (NSA), which serves the water utility customers located within the Town of Lake Clarke Shores, and the South Service Areas (SSA) which includes Seminole Manor, Hypoluxo Village and other areas that utilize the Town of Lake Clarke Shores utilities.
- A plan for adequate revenues to support the funding of the Utility's O&M costs, capital equipment needs, capital improvement requirements and debt service costs over the next 5 to 10 years.
- A plan of annual rate revenue adjustments that would be necessary to meet the operations, maintenance, renewal and replacement and capital improvement cost requirements over the projection period.

It was noted that annual rate adjustments would be necessary to deal with the increasing costs (including estimated increases from water and wastewater service providers) and necessary capital improvement projects.

Mayor Mayes asked for comments from the Town Council:

**Council Member Shalhoub** stated that the presentation was well put together and that he appreciated the time that Burton & Associates spent on the project. He noted that the final report presented at this meeting was different than the one that the council received. He also asked about the intergenerational equity

issue and about acquisition of loans to cover costs associated with the capital improvement projects.

Mr. Burton responded by stating that the original report reflected a 30 year debt, which, after speaking with Mr. Clark Bennett, Town banking consultant, was changed to a 12 year debt to be more financially sound. He also explained that intergenerational equity would allow the expenses to be evenly distributed over the length of the loan and the customers using the system. He then noted that it would be up to the Town Council to determine a plan for obtaining loans to cover the costs of the capital improvement projects.

**Council Member Lewis** noted that an accelerated repair plan is needed due to the deteriorated condition of the water and wastewater lines in the south service area (SSA) and stated that the Town is ready to go out for bids to start Phase 1 of the sewer rehabilitation of the SSA.

He also advised that costs for the SSA repairs will be considerably higher than the north service area (NSA) since the water system in the NSA is in better condition and the NSA does not contain a sewer system.

**Vice Mayor Freebold** thanked Burton and Associates for all the work that was done to put the study together.

**President Pro Tem Rodriguez** thanked everyone involved for their participation in the Rate study. He then asked for clarification on the intergenerational equity issue. Mr. Burton explained that due to the need of immediate repairs to the sewer lines in the SSA, the cost to make the repairs would be higher at the beginning of the 10 year capital improvement plan (CIP) than the end. If the rates were based on the costs of the repairs, as they are made, this would have the current property owners paying an inappropriate share of the loan. To make the repayment equitable, the costs for repairs should be spread evenly over the course of the loan. By using the intergenerational equity plan, this would ensure that the burden of costs would be evenly placed to all homeowners over the length of the loan.

**Mayor Mayes** stated that he appreciated the time that Burton and Associates spent with the members of the Town Council so that the Town has a better understanding of the issues involved with the utility system and with making the results of the study easier to understand.

He then opened the floor for audience comments:

**Fran Carlton, 8432 Waterway Drive** – commented on the fact that LCS water utility rates are much higher than others in the rate study. It was noted that Palm Springs charges an additional 25% surcharge for water that is utilized outside the village limits. The Town of Lake Clarke Shores adds that charge to the customers of the Lake Clarke Shores water utilities. LCS also has to

maintain the water lines that connect the water supplies from Palm Springs to Lake Clarke Shores. This cost is also included in the LCS utility rate.

Panna Kulkarni, 8131 West Lake Drive – asked if the Town could purchase water from other sources. It was noted that there are very limited sources that would be able to provide water to the Town.

There was further discussion regarding the Public Hearings and if the Town should hold separate hearings for the north and south service area and when the new rates should take effect.

**Motion was made by President Pro Tem Rodriguez to hold separate Public Hearings, with the South Service Area (SSA) Public Hearing to be held on December 8, 2009 and the North Service Area (NSA) Public Hearing to be held on January 12, 2010 and to have the new rates be effective starting January 1, 2010 for the SSA, seconded by Council Member Shalhoub; Motion approved (5-0).**

**V. TOWN ENGINEERS:**

- A) AECOM, Town Utilities Engineer – Status report was provided.

**VI. UNFINISHED BUSINESS:**

None

**VII. NEW BUSINESS:**

- A) Ron Pereira, Esq, Florida Default Law Group - Request for mitigation of lien, 7220 Clarke Road.

Mr. Ron Pereira spoke on behalf of the current property owner Chase Home Finance, LLC. Mr. Pereira stated that they brought the property into compliance when they acquired the property. The property is now for sale and a closing has been scheduled. He noted that Chase Home Finance LLC has given him approval to settle the amount of the lien with the Town Council.

**Motion was made by President Pro Tem Rodriguez to reduce the lien from \$5140.00 to \$1600.00, seconded by Council Member Lewis; Motion carried (5-0).**

It was noted that the \$1600.00 includes a \$100.00 administrative fee.

**VIII. AUDIENCE COMMENTS:**

**Panna Kulkarni, 8131 West Lake Drive,** asked about the low rating for Flagler Bank and about the ratings of various banks. It was noted that the Town has been looking into the situation and has made arrangements for other banks to present their portfolios to the Town Council during future Town Council Meetings. There was discussion

regarding bank star ratings. There was additional discussion on having Town staff collect information on various banks and to present the findings to Town Council.

**Motion was made by President Pro Tem Rodriguez to give Town staff 60 days to produce a report based on third quarter ratings, and have the Finance Director come up with a recommendation on the various banks based how they compare to the Town needs, seconded by Council Member Lewis; Motion approved (5-0).**

William Murphy, 1841 Evergreen Drive – stated that he would like the Town to purchase an artificial Christmas tree that could be used for many years instead of purchasing a fresh tree each year.

There was discussion on the type of artificial tree to purchase and about using the money from the lien against 7220 Clarke Road, in addition to future code enforcement lien funds, to help toward the cost of obtaining an artificial tree.

During the discussion, Mr. Jim Tackett – 7525 Pine Tree Lane stood up and noted that the annual tree trimming was started as a 50<sup>th</sup> Anniversary event and this event brought the residents of the Town together for a memorable evening of joy and fellowship to commemorate the holiday season. He stated that his wife Judy thoroughly enjoyed the time spent on planning the first, of what was to become an annual, event. Council Member Shalhoub noted that Judy Tackett had recently passed away, and that Jim Tackett has graciously donated \$3000.00 toward the cost for a Christmas tree as a memorial to Judy.

**Motion made by Council Member Shalhoub to purchase an artificial Christmas tree not to exceed \$6500.00 and to use \$1500.00 acquired from the settlement of the 7220 Clarke Road lien and the \$3000.00 donation from Jim Tackett toward the purchase of the tree, seconded by President Pro Tem Rodriguez. Motion approved (5-0).** It was noted that others can also contribute money in memory of their loved ones to offset the cost of the tree.

## **IX. REPORTS:**

A) Joann Hatton, Town Administrator, referenced her Status Report dated November 4, 2009, and noted the upcoming “Holiday in Paradise” parade on December 5<sup>th</sup> and the lighting of the Christmas Tree that same evening. She also advised that FDOT has reduced the speed limit along Forest Hill Boulevard back to 35 mph.

Jo Plyler, Town Clerk, thanked the Town Council and Town Administrator for appointing her as the Grand Marshal in the Town Holiday Parade.

- B) Attorney Charles Schoech was not present. Mr. Frank Palen referenced the Status Report, dated November 5, 2009, and advised that he did not have anything to add.
- C) Chief Wes Smith stated that he had received the \$10,000 EMT grant from Palm Beach County Fire Rescue to reimburse the Town for training. He also noted that the new Police Department facility passed FDLE inspection without any of the problems they had in the past with storage of evidence, etc.

D) **Town Council:**

**Council Member Lewis** – noted that the Town will be honoring Veterans Day by displaying the flags at Memorial Park. After discussion, it was determined that the flags will be on display Wednesday, November 11th through Sunday, November 15<sup>th</sup> and be removed on Monday, November 16<sup>th</sup>.

**President Pro Tem Rodriguez** – noted that the November 6<sup>th</sup> Movie Night was a big success. The screen was put under the pavilion because of the wind. This turned out to be a better location for the movie, so the pavilion area will be used for all future movie events.

He also mentioned that when something happens in a small town like Lake Clarke Shores, everyone is affected. He noted that he was out of town when Judy Tackett passed away, so he was unable to attend the funeral. He stated that he appreciates the donation towards the Christmas tree in Judy's memory.

**Vice Mayor Freebold** – Congratulated Council Member Lewis on his many years of service. He noted that Thanksgiving is just around the corner and wishes a Happy Thanksgiving to all.

**Council Member Shalhoub** – also congratulated Council Member Lewis and stated that it was a well deserved recognition.

He noted the death of Mr. Earl Marsh, who was a loyal town resident who had served on the Town Council and Code Enforcement Board, and suggested that the Town present a Resolution to his wife at a future Town Council Meeting.

He offered his congratulations to the COP program and its members, to Jo Plyler on her appointment as Grand Marshal of the Holiday Parade and to the success of the November 6<sup>th</sup> Children's Movie Night.

Council Member Shalhoub also expressed his condolences to Jim Tackett.

**Mayor Mayes**

Thanked Jim Tackett for the donation and noted that the meeting tonight was very productive – lots of things were worked out and that he was proud to be a part of the meeting.

**XI. ADJOURNMENT:**

**Council Member Shalhoub made a motion to adjourn the meeting at 8:25 p.m., seconded by Council Member Lewis; Motion approved (5-0).**

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Thomas C. Mayes, Jr., Mayor

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Mary Pinkerman, Recording Clerk