

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
SEPTEMBER 9, 2008
(Immediately following the FRDAP Recreational Grant
LCS Community Park Phase IV Meeting)**

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

Mayor Malcolm Lewis called the meeting to order at 7:21 p.m.

The following members and officials were present:

Malcolm K. Lewis, Mayor
Tom Mayes, Jr., Vice Mayor
Robert M. W. Shalhoub, Pres. Pro Tem
Valentin Rodriguez, Jr., Council Member
Gregory Freebold, Council Member
Joann Hatton, Town Administrator
Jo Plyler, Town Clerk
Charles Schoech, Town Attorney
Wes Smith, Chief of Police
Mary Pinkerman, Permit/License Supervisor

(B) PLEDGE OF ALLEGIANCE:

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

II. APPROVAL OF AGENDA:

Motion made by President Pro Tem Shalhoub to approve the agenda, seconded by Council Member Freebold; Motion approved (5-0).

III. CONSENT AGENDA:

- A) Approval of August 12, 2008 Town Council Meeting
- B) Approval of Movie Night – Friday, November 14, 2008.
- C) Approval of furniture purchase for New Police Department (\$16,331.06) and Council Chambers (\$580.60) from J. C. White Quality Office Furniture for the total amount of \$16, 911.66.

- D) Approval of low bid from Clean Ground, Inc. for Cleaning and Televising Gravity Sewer Mains in Seminole Manor in the amount of \$45,917.00.
- E) Approval of contract with Boyle Engineering Corporation for Utilities Engineering Services.
- F) Approval of the bids for the following Police Vehicles:
 - a. Highest Bid of \$1,207.00 from Yousef Dabbahg for the 2003 Crown Victoria.
 - b. Highest Bid of \$3,252.00 from Grace Quality Used Cars, Inc. for the 2005 Crown Victoria.
- G) Approval of the Florida Recreation Development Assistance Program (FRDAP) Grant FY 2009-2010, for Lake Clarke Shores Community Park Phase IV, located at 1700 Carandis Road.
 - a. Resolution No. 08-19 authorizing the Town to apply for the FRDAP Grant FY 2009-2010 for the Lake Clarke Shores Community Park Phase IV.
 - b. Five-Year Capital Improvement Schedule.
- H) Approval of the Florida Recreation Development Assistance Program (FRDAP) Grant 2009-2010 for Pine Tree Park Phase III.
 - a. Resolution No. 08-20 authorizing the Town to apply for the FRDAP Grant FY 2009-2010 for the Lake Clarke Shores Pine Tree Park Phase III.
 - b. Five-Year Capital Improvement Schedule.

Motion made by President Pro Tem Shalhoub to approve the consent agenda, seconded by Council Member Freebold; Motion approved (5-0).

IV. PRESENTATIONS:

- A) Chief Wes Smith – Presentation of Emergency Medical Technician (EMT) pins to the Lake Clarke Shores Police Officers.

Prior to the start of the First Public Budget Hearing, Mayor Lewis noted that five (5) Lake Clarke Shores Police Officers were going to receive special recognition for completing Emergency Medical Technician training. Chief Wes Smith introduced Battalion Chief Ron Beasley, Palm Beach County Fire Rescue, who then presented EMT pins to the following Police Officers: Cpl. William Howell, Officer Cliff Zipnick, Officer Jonathan Waters and Officer Carlos Negrin. Sgt. Mark Casazza also completed the EMT training, but was not in attendance to receive his pin. It was noted that a \$10,000 grant was received from Palm Beach County to fund the training and that over 50% of the Town's Police Officers have received this training and have achieved EMT status.

- B) Ellen M. Jones, Gehring Group, Presentation and Recommendation of bids received for Town Property, Casualty & Worker's Compensation Insurance.

Ms. Jones gave a brief background on what took place leading up to the Request for Proposal for Town Property, Casualty & Worker's Compensation Insurance.

The Town received proposals from Florida League of Cities/Florida Municipal Insurance Trust (FMIT), Wells Fargo Insurance/Preferred Governmental Insurance Trust (PGIT) and Employers Mutual Insurance (EMI). The Gehring Group reviewed all proposals and put together a summary for staff's review. The Gehring Group recommended that the Town accept the proposal from the Florida League of Cities/FMIT.

Ms. Jones noted that there may be a change in the Public Entity Access Liability Policy, which would have a financial impact on the overall cost of the insurance (possible \$10,000-\$12,000 increase). She wanted research this further and give the Town Administrator an update on her findings. She noted that the Town would be saving money, even with the possible increase, because the cost of the new policies is less than what the Town has paid in the past.

Upon Ms. Hatton's recommendation a **motion was made by President Pro Tem Shalhoub to accept the proposal from the Florida League of Cities/FMIT for the Property, Casualty & Worker's Compensation Insurance pending that the possible additional cost for the Public Entity Access Liability policy does not exceed \$12,000.00; seconded by Vice Mayor Mayes. Motion approved (5-0).**

V. TOWN CONSULTING ENGINEER:

- A) Engenuity Group Inc. Town Consulting Engineers – No Action
- B) Boyle Engineering Corporation, Town Utilities Engineer – Status report was provided.

IV. NEW BUSINESS:

- A) Robert W. Potter, 1501 Wagner Circle – Request to purchase a portion of land located between the rear property line of 1501 Wagner Circle and the seawall owned by the Town to allow for the installation of a pool.

Mr. Robert Potter noted that he had applied for a building permit for his pool and was told that he needed to go before the Zoning Board of Adjustments to ask for a special exception to allow the pool to be placed in his side yard. When he went to the Zoning Board of Adjustment Hearing, the Board approved the location of the pool, but noted that the pool must be located completely within the property lines and that it must meet setback requirements. He talked to Joseph Iagrossi and James Watt regarding the issue. They told him that he could request to purchase the parcel of land that lies between his property and the seawall in order to comply with the decision of the Zoning Board of Adjustments.

There was discussion on other options such as the town allowing him to place the pool on the town portion of the property or re-designing the pool to make it fit (with or without a variance). The cost of the appraisal, attorney fees and additional \$250.00 variance application was also discussed. After further discussion, Mr. Potter asked if the Town Council would waive the variance fee if he were to decide to apply for a variance to the side set back requirements.

Motion made by Council Member Rodriguez to waive the \$250.00 variance fee, seconded by Vice Mayor Mayes. Motion approved (5-0).

VII. UNFINISHED BUSINESS:

- A) Consideration of Request from Michael Klasfeld, 7671 Palm Road, to accept a settlement of \$3,000.00 on a Code Enforcement Board lien of \$5,700.00.

The Town Council did not consider the request.

- B) Approval of contract with Joseph Iagrossi, Construction Inspections of the Palm Beaches.

Motion made by President Pro Tem Shalhoub to approve the contract between Joseph Iagrossi, Construction Inspections of the Palm Beaches, and the Town for services rendered as Building Official for the Town of Lake Clarke Shores, seconded by Vice Mayor Mayes. Motion approved (5-0).

- C) Contractor to review Municipal Complex change orders:
1. BBC Group, T
 2. Zabik & Associates, Inc

Representatives from both companies were present: Jeff Conte, representing BBC Group, who spoke first followed by Larry Zabik, representing Zabik & Associates Inc.

Mr. Conte began by stating that he has family ties to the Town, as his mother and step-father live in Lake Clarke Shores and are members on the Town's Boards and very active in the Town's various events. He distributed a chart that he prepared comparing the two proposals. He noted that BBC Group has provided hourly charges at a discounted rate. He also discussed the various other areas where BBC Group would provide the service at a less cost than Zabik & Associates, Inc.

Mr. Zabik stated that his company oversees over \$100 million worth of properties in Palm Beach County. He clarified some of the issues that Mr. Conte noted in his comparison between both companies.

The Mayor and Town Council questioned both companies during and after their respective presentations. There was discussion on the need for an attorney's review of the change orders as was approved at the August 12, 2008 meeting.

President Pro Tem Shalhoub made a motion to select BBC Group, not to exceed \$3500.00. Motion failed for lack of second.

Vice Mayor Mayes made a motion to select Zabik & Associates, Inc., seconded by Council Member Freebold. Motion approved (4-0) with Council Member Rodriguez abstaining, declaring a conflict of interest (see attached).

After the vote, Mayor Lewis explained to the audience that the Town hired the consultant so that an outside source could review the change orders and make non-biased recommendations.

- D) Municipal Complex Change Orders, Police Department exhaust roof vent and bands (reveals).

Clerk's note: This portion of the meeting has been transcribed verbatim and is attached as part of the minutes of this meeting, inclusive of the following motion.

Motion made by President Pro Tem Shalhoub to accept "Option 3" at the expense of the building's architect, seconded by Vice Mayor Mayes. Motion approved (4-1) with Mayor Lewis opposed.

Mrs. Banna Ghioto asked Mayor Lewis if she could say a few words before moving on to the next item on the agenda. Mayor Lewis allowed for this.

Banna Ghioto, 1605 Carissa Road – spoke about her New Year's resolution to attend as many Town Council Meetings as possible, but after the August 12th Town Council Meeting, she stated that she has had second thoughts about this after listening to a second meeting with inflammatory statements between council members. She noted that she has tried to get residents to attend the Town Council Meetings, but residents do not seem to be interested or have the time to attend these meetings. The Coastal Observer newspaper includes articles on the various Town issues, which is how many residents are informed of Town happenings.

Mrs. Ghioto recalled the obituary of Judge Al J. Cone Jr., a well respected attorney that had recently passed away. She mentioned the many accolades that were written regarding him and noted that he had written a piece that was printed in the Ocala Star that included the words: "Let's try reason, restraint, generosity of thought and good manners in the old-fashioned way – we might be pleasantly surprised at what courtesy and fair play can accomplish". Mrs. Ghioto reminded the Town Council that the Town has a "Civility Pledge" posted in the Chambers. She also referenced a scripture that she had heard while attending mass – 1st Corinthians 6:1-11, which included "Can it be that there is not one among you wise enough to settle a case between brothers? But rather brother goes to court against brother and that before unbelievers..."

She further stated that she did not mean to point fingers or lecture, but everyone needs to be aware of the impression this type of behavior has on others. She also noted that the Town has a very good Town Administrator and Attorney. She further stated that

she would still like for more people to attend Town Council Meetings, but they should not have to sit for hours and listen to the type of discussions heard tonight.

Mayor Lewis noted that he had known Judge Al J. Cone, Jr. and had also read the article(s) that Mrs. Ghioto was talking about. He had made copies of this article to give to the Town Council, but had not had the opportunity to do so. He told Mrs. Ghioto that he appreciated the note on Judge Cone.

VIII. AUDIENCE COMMENTS:

Ashok Kulkarni, 8131 West Lake Drive, thanked President Pro Tem Shalhoub for use of his paperwork and background information regarding the Potter request that was brought up earlier in the meeting. He stated that he did not feel that the Town should allow either the sale of the easement or allow the owner to build on public property due to the adjacent easements.

He asked if, in the future, the Town could provide complete copies of all agenda items so that residents have the same information that is given to the Town Council.

IX. TOWN ADMINISTRATOR:

Town Administrator, Joann Hatton, noted her status report dated September 3, 2008 and stated that she had nothing to add.

X. REPORTS:

A) Attorney Charles Schoech referenced his status report dated September 2, 2008, and stated that he has nothing to add.

B) Chief Smith stated that he placed information on the Police Department for each Town Council Member on the dais.

Mayor Lewis congratulated the Chief on the officers that have received their EMT status.

C) Town Council:

Council Member Freebold also congratulated the Chief and mentioned the new police cars.

President Pro Tem Shalhoub stated that another resident has also anonymously donated to the Town. He mentioned that this resident wants approval to remove the lettering on the Town entrance wall at the corner of Florida Mango and Arabian Road, re-paint the letters then replace them on the wall. The Town Council approved this request.

Vice Mayor Mayes apologized for his outburst earlier in the meeting.

He also discussed the possibility of having one of the Town staff become a “go-between” person who could drive around town and note where there are signs missing, where light poles do not work, etc. and make sure that repairs are made in these areas.

Council Member Rodriguez also apologized for his actions. He noted that due to Sunshine Laws, he is unable to discuss Town issues with other Town Council Members, so since he had known Mr. Schoech for over 25 years and has always gone to him on a routine basis for advice on numerous issues, he talks to Mr. Schoech quite often about town issues.

He also mentioned that he was bothered by a comment made by Mayor Lewis during the last meeting. He feels that the whole Town Council should be involved in the decisions during the building project concerning certain areas and that some decisions should not be determined by just one council member. He then commended Mayor Lewis on all of the work that he does for the Town.

He discussed the next movie night to be held in November at the Town Complex, pending on the completion of the Police Building. He stated that money has been donated to offset the costs and asked President Pro Tem Shalhoub if he would cook for the event as he has done in the past. President Pro Tem Shalhoub agreed to cook for the movie night event.

Mayor Lewis asked Dave Getson, David Brooks Enterprises, Inc., to provide information on the painting schedule for the Police Department.

Mr. Getson stated that the inside walls have been primed and are ready to paint. The outside walls of the building have stucco and are ready to be painted. If bands are added to the building, the painting will be delayed another 6 to 7 days after the bands are added, to allow time for the bands to cure. There could be further delays due to the fact that the contractor needs to be paid for his work and it is still unknown where the money to pay for the bands will come from. They will not work on the stucco until this has been resolved.

There were no other comments from Mayor Lewis.

XI. ADJOURNMENT:

President Pro Tem Shalhoub made a motion to adjourn the meeting at 9:15 p.m.; seconded by Vice Mayor Mayes; Motion approved (5-0).

Malcolm K. Lewis, Mayor

Jo H. Plyler, Town Clerk