

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
JANUARY 12, 2010**

*(Immediately following the Public Hearing for the New Water Utility Rates for Customers of the
Lake Clarke Shores Utility System (North Service Area)*

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

Mayor Thomas C. Mayes called the meeting to order at 6:50 p.m.

The following members and officials were present:

Thomas C. Mayes, Jr., Mayor
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
Mary Pinkerman, Recording Clerk
James Watt, Town Attorney (sitting in for Charles Schoech)

The following members and officials were absent:

Wes Smith, Chief of Police
Charles Schoech, Town Attorney

(B) PLEDGE OF ALLEGIANCE:

Ms. Jean Marsh 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 (5-0).

III. CONSENT AGENDA:

- A) Approval of December 8, 2009 Council Minutes.
- B) Appointment of Mary Pinkerman as Town Clerk.
- C) Approval of the awarding of bid to Metro Equipment in the amount of \$355,800.00 for Phase One Repair and Rehabilitation of the Gravity Sewer

System in Maralago Cay and Seminole Manor (South Service Area); allowing Mayor to sign contract subject to Town Attorney review of contract documents.

- D) Approval of Interlocal Agreement between Palm Beach County and the Town of Lake Clarke Shores for the Purchase and Sale of Bulk Potable Water.
- E) Approval of Resolution 10-01 Authorizing budget transfers for fiscal year 2008-2009.
- F) Approval of Resolution 10-02 Clarifying general liability requirements regarding bulkheads, docks and/or boatlifts.
- G) Approval of Children's Movie Night – Friday, February 5, 2010.
- H) Approval of 2010 "Holidays in Paradise" Parade and Annual Christmas Tree Lighting ceremony – Saturday, December 4, 2010.
- I) Approval of \$10.00 value of tickets for the March 21, 2010 Barbecue.

Motion was made by Council Member Shalhoub to approve the Consent Agenda, seconded by Council Member Lewis; Motion approved (5-0).

IV. PRESENTATIONS:

- A) Resolution 09-23 Recognizing and memorializing the exemplary service of Earl Marsh – Council Member Shalhoub introduced Mrs. Jean Marsh and her daughter Janice. He gave a brief history on Mr. Earl Marsh's past services to the town, then read and presented a framed original of Resolution 09-23 to Mrs. Marsh.

Mrs. Marsh thanked the Town for the presentation and stated that they have lived in the Town of Lake Clarke Shores for almost 50 years. She noted that Mr. Marsh loved the Town and that the times he spent while serving on the Town Council, as a member of the Code Enforcement Board, attending the Town Council Meetings and various Town events, were the happiest times of his life.

Council Member Lewis noted that he and Council Member Shalhoub are the only Council Members left that served on the Council with Earl Marsh. He stated that Mr. Marsh was a great man and that the Marsh family is outstanding citizens of the Town.

V. TOWN ENGINEERS:

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

VI. UNFINISHED BUSINESS:

- A) Approval of New Water Rates for the Customers of the Lake Clarke Shores Utility System (North Service Area).

Motion made by Council Member Shalhoub to approve the North Service Area (NSA) utility rate increase of 2.25% and to have the rate increase take affect with the February 2010 billing, seconded by Vice Mayor Freebold; Motion approved (4-1) with Council Member Lewis opposed.

- B) Second and Final reading of Ordinance No. 09-07 - Amending franchise agreement with FPL.

Council Member Shalhoub made a motion to approve Second and Final Reading of Ordinance 09-07 Amending the Franchise Agreement with FPL, seconded by Council Member Lewis; Motion approved (5-0).

Council Member Shalhoub thanked Mr. Donald Kiselewski, FPL Area Manager and Mr. Pat Ryan, FPL Attorney, for attending the meeting, for the exemplary service that FPL provides to the Town and for FPL's support of the annual BBQ.

President Pro Tem Rodriguez stated that he appreciates the FPL rebate that showed up on the current electric bill.

Council Member Lewis stated that a number of light poles have been replaced within the Town, but some of them were not working. Mr. Kiselewski noted that they are waiting for AT&T and the cable company to connect to the pole before they can make the poles active. He said that they will work with the Town Administrator on this issue.

VII. NEW BUSINESS:

- A) First reading of Ordinance 10-01 Amending Code of Ordinances Chapter 2 "Administration", Article IV, "Code Enforcement", concerning the priority of code enforcement liens.

Motion made by Council Member Shalhoub to approve first reading of Ordinance 10-01 concerning the priority of code enforcement liens, seconded by Council Member Lewis; Motion approved (5-0).

- B) First reading of Ordinance 10-02 Amending Code of Ordinances Chapter 26 "Environment", concerning the section numbers regarding hearings and enforcement procedures.

Motion made by Vice Mayor Freebold to approve first reading of Ordinance 10-02 to amend Chapter 26 "Environment" concerning the section numbers

regarding hearings and enforcement procedures, seconded by Council Member Lewis; Motion approved (5-0).

VIII. AUDIENCE COMMENTS:

Vicki Williams, 7525 Alpha Court S – asked for clarification on the meaning of Ordinance 10-01. Mr. Watt explained that other municipalities have passed similar ordinances to have their municipal lien take precedence over other liens against the property. This is a means for the Town to do the same.

IX. REPORTS:

A) **Joann Hatton, Town Administrator**, referenced her Status Report dated January 7, 2010. She also congratulated Ms. Pinkerman on her appointment as Town Clerk.

B) **Attorney James Watt** referenced to the Status Report dated January 6, 2010 and noted item #2 regarding Pain Management Clinics. Mr. Watt explained that Palm Beach County has already declared a moratorium on the establishment of new “privately owned pain management clinics” and declared a “Zoning in Progress” which immediately suspended the issuance of permits to privately owned pain management clinics within the unincorporated areas of Palm Beach County. He noted that in order to coordinate the Town’s efforts with those of PBC, the Town will need to declare its own “zoning in progress”. Town staff should be directed to prepare an ordinance declaring a 1 year moratorium on the issuance of permits and/or business tax receipts for “privately owned pain management clinics”. Town staff should also be directed not to issue permits and/or business tax receipts for “privately owned pain management clinics”. After the adoption of the Moratorium Ordinance, the town should coordinate code revisions with those being done by Palm Beach County.

Motion made by Council Member Shalhoub to follow the recommendations and timeframe by the Town Attorney’s office regarding “privately owned pain management clinics”, seconded by Council Member Lewis; Motion approved (5-0).

Clerk’s note: The Attorney’s status report had listed incorrect dates for the Town Council meetings in February and March. The correct dates will be utilized during this process.

C) **Chief Wes Smith** was not present for the meeting

D) **Town Council:**

Council Member Lewis – noted that the Employee Holiday Dinner was very enjoyable and well deserved.

President Pro Tem Rodriguez – discussed the two current pain management clinics that are already located within the town limits. He noted that he would like to get a report from Chief Smith regarding any problems associated with these locations and with the methadone clinic.

He also mentioned the February 5th Movie Night and invited all to attend. He wished everyone a Happy New Year and a Happy Birthday to Mayor Mayes and to Council Member Shalhoub

Council Member Shalhoub – noted that volunteers are still needed for the Town BBQ.

He congratulated Ms. Pinkerman on her appointment as Town Clerk and noted that the Holiday Dinner was a great success. He also thanked the audience for their attendance.

Vice Mayor Freebold –wished Mayor Mayes and Council Member Shalhoub a Happy Birthday, a Happy New Year to all and congratulated Ms. Pinkerman on her appointment.

Mayor Mayes – noted that the 6K “Loop around the Lake” run will be held on Saturday, February 13th and encouraged everyone to participate.

He also noted that he has volunteered as Chairman of the Town’s 2010 Census Complete Count Committee and that the committee is determined to get the word out to all residents and achieve, at minimum, an 86% response rate for the 2010 Census. The committee is challenging Town Administrator Joann Hatton’s 2000 Census distinction of being #1 in the Southeast District for town residents mailing of census forms at a response rate of 85%.

He urged all residents to actively participate and return their Census Forms on April 1st.

He also thanked everyone for their attendance during the meeting.

XI. ADJOURNMENT:

Council Member Shalhoub made a motion to adjourn the meeting at 7:20 p.m., seconded by Vice Mayor Freebold; Motion approved (5-0).

Thomas C. Mayes, Jr., Mayor

Mary Pinkerman, Town Clerk