

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
JANUARY 16, 2018**

I. A) CALL TO ORDER AND ROLL CALL:

Mayor Gregory Freebold called the meeting to order at 6:32 p.m.

The following members and officials were present:

Gregory Freebold, Mayor
Valentin Rodriguez, Jr., Vice Mayor
Robert M. W. Shalhoub, President Pro-Tem
Paul R. Shalhoub, Council Member
John Studdard, Council Member
Daniel Clark, Town Administrator
Zoie Burgess, Deputy Town Clerk
Wes Smith, Chief of Police
Charles Schoech, Town Attorney

B) MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE, INVOCATION

Mayor Freebold requested a moment of silence for Francis “Frank” Mcglynn who passed away December 6th, the Great Uncle of Employee Brian Hansen; Robert J. Trosclair, the father of resident of Robert J. Trosclair, Jr., who passed away December 25th.

Pastor Stan gave the invocation and then led the audience in the Pledge of Allegiance.

II. APPROVAL OF AGENDA:

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

III. CONSENT AGENDA:

- A) Approval of the Minutes of the December 5, 2017 Town Council Meeting.
- B) Approval of Resolution #18-01 – Opposing Legislative Efforts to impede Home Rule.
- C) Approval of Change Order 1 for \$44,103.89 and authorize staff to close out Mango Circle Water Main Project Phase 1.

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

IV. PRESENTATIONS:

Mr. Clark introduced the Police Department's newest full-time officer, Troy Petruzzi. Chief Smith also added that Officer Petruzzi had been with the department donating over 1,000 hours as a Reserve Police Officer. In addition to his volunteer hours, Officer Petruzzi completed his Field Training on his own making him eligible to become a full-time officer with the department. Council welcomed Officer Petruzzi.

Mayor Freebold presented Chief Smith and his Police Department with a Plaque from the Federal Bureau of Investigation for his professional conduct and assistance. While the details cannot be revealed, on several occasions the Chief assisted various agencies within Homeland Security.

Plaque Presentation: *The FBI of Miami and the operational technology division would like to thank the Lake Clarke Shores Police Department for their contribution for protecting the national security of the United States 2017.*

Council congratulated Chief Smith.

V. QUASI-JUDICIAL PROCEEDINGS:

A)

VI. PUBLIC HEARING:

A) Comprehensive Plan – Evaluation and Appraisal Amendments

Proposed update to the Town of Lake Clarke Shores Comprehensive Plan regarding the Second and Final Reading of Ordinance #17-05 – Amending certain sections of the Comprehensive Plan.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT TEXT AND MAPS OF THE FUTURE LAND USE MAP SERIES, AND THE TEXT OF THE HOUSING, INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS OF ITS COMPREHENSIVE PLAN TO INCORPORATE REVISIONS REQUIRED BY THE TOWN'S PERIODIC EVALUATION AND APPRAISAL REPORT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Clark noted that this is a comprehensive plan adjustment based on our evaluation appraisal report that has to be completed every seven years by statute. This amendment to the plan accomplishes three things: we are updating references within our Comprehensive Plan, incorporating the Community Redevelopment Agency and Plan, as well as incorporating changes made to our flood insurance maps.

B) AUDIENCE COMMENTS:

No audience comments.

C) COUNCIL COMMENTS:

No audience comments. Mayor Freebold Closed Public Hearing.

VII. UNFINISHED BUSINESS:

- A) *Second and Final Reading of Ordinance #17-05 – Amending certain sections of the Comprehensive Plan.*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT TEXT AND MAPS OF THE FUTURE LAND USE MAP SERIES, AND THE TEXT OF THE HOUSING, INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS OF ITS COMPREHENSIVE PLAN TO INCORPORATE REVISIONS REQUIRED BY THE TOWN'S PERIODIC EVALUATION AND APPRAISAL REPORT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by President Pro Tem Shalhoub to approve Second and Final Reading of Ordinance #17-05, seconded by Council Member John Studdard; Motion approved (5-0).

- A) Second and Final Reading of Ordinance #17-08 – Limiting number of sheds allowed in the Single-family Residential District and amending minimum setback requirements.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING SECTIONS OF CHAPTER 86 "ZONING", ARTICLE VI "DISTRICTS", DIVISION 2 "SINGLE-FAMILY RESIDENTIAL DISTRICT" OF THE CODE OF ORDINANCES BY LIMITING SINGLE-FAMILY RESIDENTIAL PROPERTIES TO ONE (1) SHED; AND CHANGING THE MINIMUM SETBACK REQUIREMENTS IN THE SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Motion made by Council Member Shalhoub to approve Second and Final Reading of Ordinance #17-08, seconded by Council Member John Studdard; Motion approved (5-0).

VIII. NEW BUSINESS:

- A) Renewal of yearly agreement for monthly pest control service from Safe Home Pest Control in the amount of \$207.00 per month.

As the owner of Safe Home Pest Control which presents a conflict of interest in the matter, Mayor Freebold passed the meeting to Vice Mayor Rodriguez and abstained from the discussion and the vote on this issue.

Motion made by Council Member Shalhoub to renew the agreement for monthly pest control services with Safe Home Pest Control, seconded by President Pro-Tem Shalhoub; Motion approved (4-0).

Vice Mayor Rodriguez returned the meeting back over to Mayor Freebold.

IX. AUDIENCE COMMENTS:

Victoria Williams, 7525 Alpha Court East – thanked Chief Smith for discussing her concerns with the current signage to instruct residents and people driving on the road and what it means to share the road. She likes the intention of the original signs, but think they are way too wordy. New signs are the way people communicate today, with emojis and simple stick figures to say “that means move over”. She hopes they can continue to work together to get different signage that is more instructional, and take it a step further including it in *The Observer* and Town’s Newsletter – *Shorelines*. She believes its not just about enforcement, but education also.

Ms. Williams understands that the Town may be getting new pavement on the roads and that there are many progressive and innovative ways to stripe the roads to enhance a foot to have a one side walking path.

X. STATUS REPORTS:

Mr. Schoech – Report – Addressed last item in his report regarding the outstanding liens for code enforcement violations and the question was raised about closing some of those liens. He conducted research and Chapter 142 of the Florida Statutes provides that after three (3) months of filing any lien that remains unpaid the enforcement board may authorize the governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount plus accrued interest. Mr. Schoech would like to ask Council to consider whether they want to authorize the filing of foreclosure on a code enforcement lien and to direct him at the code enforcement board to ask the Board if they will authorize it, in compliance with the statute; without that authorization, we cannot proceed.

Vice Mayor Rodriguez – questioned if there needed to be two authorizations.

Mr. Schoech – explained that the statute only refers to the code enforcement board but he believes that any litigation filed on behalf of the Town, also needs the Town Council’s authorization.

Vice Mayor Rodriguez – questioned what the expenses would be.

Mr. Schoech – the typical expenses of filing the complaint with the court.

Vice Mayor Rodriguez – explained that he believes foreclosure is three or four times greater, believes it is \$1,900.00 just for a filing fee and that may be a factor of issue.

Mr. Schoech – unaware of the amount, but will get that amount for Council.

Motion made by Council Member Shalhoub to instruct the Town Attorney to foreclose on the lien at 1915 Antigua Road, seconded by Council Member Studdard; Town Attorney requested that Motion be Amended to include that he present to the Code Enforcement Board.

President Pro-Tem Shalhoub - for clarification explained that the original request is to authorize the local governing body attorney to foreclose, and that the Code Enforcement Board must authorize the local governing body. It is basically a request of the Code Enforcement Board to request their recommendation on how to proceed in a foreclosure aspect.

Mr. Schoech – confirmed and added that if the Code Enforcement Board does not have a recommendation from the Town Council, they will not pursue it.

Amended Motion made by Council Member Shalhoub to recommend that the Code Enforcement Board agree to foreclose on the lien at Antigua Road seconded by Council Member Studdard;

Mayor Freebold - questioned that if moving forward with the foreclosure does the owner have the opportunity to satisfy the liens.

Mr. Schoech – explained that the purpose of the foreclosure is to collect the lien and if the property owner makes a payment and the lien is no longer outstanding the foreclosure action is moot and dismissed.

Vice Mayor Rodriguez – questioned how much the foreclosure is.

Mr. Clark – identified the total lien cost as \$255,000.00

Vice Mayor Rodriguez - informed the Council that the filing fee is \$1,900.00 for \$250,000.00 or more for foreclosure, noting that the Town would be out that \$1,900.00, but would of course come back to us upon the satisfaction of judgement.

President Pro-Tem Shalhoub – explained for the record that there was a request at the last meeting to reduce this lien from \$255,000.00 to \$5,000.00 and the Council denied the request. Also for the record he wanted to make mention that the property is not homesteaded and it is not encumbered, and based on our research, suggests that the Town would be priority. The owner may satisfy the lien, but if the purchasers are doing it for investment purposes, they will be responsible for these costs to satisfy the outstanding lien with the intentions of returning funds to the Town. President Pro-Tem Shalhoub believes attorney fees are recoverable pursuant to the statute on a foreclosure and if it is not Florida Statute §56.011 authorizes the recovery of expenses and attorney's fees to collect on a final judgement.

Vice Mayor Rodriguez – questioned if the foreclosure was to be filed and a judgment is received or they want to settle, would it go to the Town Administrator or to the Town Council.

Mr. Schoech – explained that it would come before the Town Council.

Vice Mayor Rodriguez – questioned if it is public or private.

Mr. Schoech – explained that it would be public.

Vice Mayor Rodriguez – stated that they would make an offer and it would come back to the Town Council.

Mr. Schoech – Yes

Motion Approved (5-0)

Mr. Clark – Report - Report is included, but had an addition to remind Council and audience that Thursday, January 18th is a Town Hall Meeting on Home Rule and what it means and is hoping that there is a massive turn out, because the legislature is really challenging local government. It is the hope that this meeting will bring discussion in how we can all have an impact on what the legislature thinks and what they are doing.

Mayor Freebold - acknowledged that the Home Rule is an important topic especially for a small Town as Lake Clarke Shores.

Mr. Schoech – Provided an explanation and history of Home Rule and the advantages of having home rule.

Mr. Clark - recognized the installation of the new telephone system and that staff will be working to cancel ATT services when appropriate.

Chief Smith - Report - did not have any additional items to report.

XI. COUNCIL COMMENTS:

Council Member Shalhoub – Thanked the audience for attending. Congratulated Officer Petruzzi on becoming a full-time member of the Police Department.

Noted that he, along with the Town Administrator, and fellow Council Members Freebold and Studdard traveled to Tallahassee for Palm Beach County Day to meet with both local and state leaders in efforts to build relationships and share the Town’s Agenda. Additional topics he was able to discuss with leaders included the opioid epidemic and funding for Palm Beach County to fight this issue, community redevelopment agencies, and protecting Home Rule.

Noted the issue regarding signs previously mentioned by resident Williams and that using the Town's BBQ as a platform to create some type of awareness may be appropriate for both signage and announcements.

Noted and recognized the Police Department's Citizen on Patrol Report and their efforts of 512 hours of service.

Acknowledged the Code Enforcement Board end of year report with 887 violations, with only a fraction coming before the Code Enforcement Board and commended Officer Schack and the residents that work with her and the Town to come into compliance and keep the Town beautiful and safe.

Noted that the Council Members will be returning to Tallahassee at the end of the month, representing the Town and to further their relationships with local leaders.

Council Member Studdard – Welcomed the two newest Town employees, Mery Ramirez, the Utilities Representative and Officer Troy Petruzzi, who he commended for having over 1,000 service hours.

Noted the Citizens on Patrol Officers conducting 512 hours for the year, and to put in perspective, Officer Petruzzi donated over 1,000 hours.

Congratulated the Chief on his FBI Award.

Wished a happy belated birthday to President Pro-Tem Shalhoub.

Noted the trip to Tallahassee for Palm Beach County Day.

Noted the Chief's report regarding auto burglaries which indicated 45 for the year, on average that is two a month and 22 were in December. Council Member Studdard wanted to suggest to Council that a portion of funds be budgeted from lien procedures to tag readers and video camera systems at major entrances in the Town, and would like to have further discussions in the future.

President Pro Tem Shalhoub – Acknowledged the Council Members that attended Palm Beach County Day and encouraged a continued presence to ensure the Town remains relevant and continue to build these relationships at these sessions.

Noted that he will be attending, with the Town Administrator the Board of Palm Beach County Commissioners Meeting, Tuesday, January 30th to provide an update on the Boat Lift and our positive aspects of moving forward and the permitting of that project.

Noted that the first meeting to discuss the Annual Town BBQ was conducted and encourages residents to sign up to volunteer.

Recognized that the Town secured the services of a Public Relations Firm that will assist us in getting the word out about Home Rule and understanding the Town's needs in staying relevant with our neighbors.

Congratulated the Chief on his FBI Award and acknowledged that this is not being the first time that he has assisted.

Noted that homes in town with signs “For Rent” might be identified and listed by the Police Department and cross-referenced whether or not they are homestead, ensuring it is not applicable to that property and possibly provide the Town with additional revenue.

Vice Mayor Rodriguez – Would like to support Council Member Studdard in his suggestion for cameras.

Noted that our First Annual “Triples” Tennis Tournament will be February 10th 10:00 AM to 2:00 PM.

Thanked the Town Administrator for adding the new tennis net and windbreakers, as well as the new benches.

Thanked the Council Members that were able to attend Palm Beach County Day.

Noted that he will be meeting with the Town Attorney on the ordinances that will need to be revised.

Mr. Clark also added that while in Tallahassee, they met with Representative Silvers regarding annexation and some of the issues that we are faced with and how to overcome some challenges.

Mayor Freebold – Discussed meeting with Representative Berman while in Tallahassee and her hopes to get out to Lake Clarke Shores and also tour the proposed boat lift site.

Noted the community building that the Town does and that the many events, programs and networking conducted is very important to Town.

XII. ADJOURNMENT:

Motion made by Council Member Shalhoub to adjourn at 7:39 p.m., seconded by Council Member Studdard; Motion approved (5-0).

Gregory Freebold, Mayor

Zoie Burgess, Deputy Town Clerk