

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
NOVEMBER 13, 2018**

I. A) CALL TO ORDER AND ROLL CALL:

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

The following members and officials were present:

Gregory Freebold, Mayor
Valentin Rodriguez, Jr., Vice Mayor
Paul R. Shalhoub, President Pro Tem (*arrived at 6:31 p.m.*)
Robert M. W. Shalhoub, Council Member
John Studdard, Council Member
Daniel Clark, Town Administrator
Mary Pinkerman, Town Clerk
Sgt. Dana Schack, sitting in for Chief Wes Smith
Charles Schoech, Town Attorney

The following official was absent:

Wes Smith, Chief of Police

B) MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE, INVOCATION

Mayor Freebold requested a moment of silence for H. David Kelley, prior resident, Town Engineer and Council Member; George Mansour, grandfather of Danielle Shalhoub, President Pro Tem Shalhoub's wife and William "Piper" Walton Jr., son of residents William and LaRosa Walton and brother of resident James (Jim) Walton. Pastor Stan Sniezek, Pastor of the New Life Alliance Church, gave the invocation and led the audience in the Pledge of Allegiance.

II. APPROVAL OF AGENDA:

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

III. CONSENT AGENDA:

- A) Approval of the Minutes of the October 9, 2018 Town Council Meeting.
- B) Approval of Resolution #18-29 – Appointing the Town Clerk or her designee, the Supervisor of Elections or her designee and one of the members of the Town Council that holds an office in a group that is not scheduled for the 2019 municipal election as members

of the Town of Lake Clarke Shores Municipal Election Canvassing Board for the Town's March 2019 municipal elections.

- C) Approval of Resolution #18-30 – Authorizing the Town to execute the agreement between the Palm Beach County Supervisor of Elections and the Town of Lake Clarke Shores for vote processing equipment use and election services for the Town's March 2019 municipal elections.
- D) Approval of Resolution #18-31 – Renewing Amended Interlocal Agreement between the Town of Lake Clarke Shores and the Village of Palm Springs for Dispatch Services for another five years.
- E) Approval of Senator Lori Berman as Grand Marshal of the 20th Annual "Holiday's in Paradise" Parade.
- F) Approval of Land Use Permit – Jeffery Shahin, 8121 Pine Tree Lane – Boat dock
- G) Approval of Land Use Permit – Tamara Petrelli, 7830 Pine Tree Lane – Seawall
- H) Approval of Land Use Permit – James Cheever, 1420 Palm Circle – Seawall
- I) Approval of Land Use Permit – Andy Carson, 7150 West Lake Drive – Seawall

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

IV. PRESENTATIONS:

- A)

V. QUASI-JUDICIAL PROCEEDINGS:

- A) None

VI. PUBLIC HEARING:

- A) None

VII. UNFINISHED BUSINESS:

- A) Lien Reduction – 1915 Antigua Road

Mr. Max Zaretsky, attorney for owners Zhongwei Li and Fengying Wu, gave an overview on what had taken place thus far with the above referenced property. He noted that Mr. Li and Mrs. Wu purchased the property from Bank of America and corrected all five of the violations within 51 days of purchase. He noted that they were told that they could request lien reductions, once the property came into compliance but their requests were denied twice by the Town Council. Mr. Zaretsky stated that at this time, the property owners would like to make an offer of \$75,000 to

settle the liens. He noted that the new owners should not be punished for things that happened while Bank of America owned the property. He then introduced Mr. Li and Mrs. Wu to the Town Council.

Mr. Li noted that both he and his wife work full time - he is a scientist and professor at FAU and his wife works for Janssen Pharmaceuticals. He stated they purchased their first property via a stress sale and lived in it for many years. He noted that they purchased additional stressed properties over the years to provide rental income when they retire. He explained how they became friends with Mrs. Sauter, and how they formed a business partnership with Mr. Sauter, who was in property management. He noted that the property at 1915 Antigua Road was the second property purchased by the partnership. He noted that they knew there were liens against the property when they acquired it, but were not aware of the total amount. He stated that they were told that they could request lien reductions once the property came into compliance, so they did not think there would be any problems.

Mrs. Wu noted that they started correcting the violations as soon as they purchased the property. It was noted that they own six rental properties, with two of them owned by the partnership. She asked the Council to reconsider their request for reducing the liens.

The Town Council Members asked Mr. Li and Mrs. Wu questions about the properties they own and if they are still working with Mr. Sauter. Mrs. Wu noted that the property on Antigua Road is the only one that had liens against it when purchased. She also noted that one of her friends is temporarily living in the house on Antigua Road and that the other five houses are being rented. Mr. Zaretsky noted that they have sent letters to Mr. Sauter, but have not received any response. He noted that they are working on resolving issues with Mr. Sauter, but it will take time.

The following members of the Code Enforcement Board were in attendance:

Ariel Hernandez, Paul Hughes, Timothy Daughtry, Ben Hartman

They each discussed the fines imposed against the property. They also answered additional questions from the Town Council, gave their opinions on who should be responsible for the fines and noted their support with whatever the Town Council decides to do in this matter.

President Pro Tem Shalhoub thanked the members of the Code Enforcement Board for their input. He noted that fines are imposed to get property owners to comply with codes, not as a punishment and that that it was inappropriate for Mr. Saretsky to say so and to send letters to the members of the Code Enforcement Board stating this. He noted that the Town has been negotiating with Mr. Li and Mrs. Wu to reduce the liens, but there has not been a consensus with the amount.

Motion made by Council Member Shalhoub to reject the request to reduce the liens to \$75,000, seconded by President Pro Tem Shalhoub. After the motion was made and seconded, the following discussion took place:

Vice Mayor Rodriguez stated that he was on the Code Enforcement Board for many years with Mr. Hughes and that the main objective of code enforcement is to get compliance. He noted that the maximum fines of \$250.00 per day were imposed for each violation in an attempt to get Bank

of America to correct the violations and bring the property into compliance. He noted Mr. Li and Mrs. Wu took the necessary steps to correct the violations when they purchased the property and the fines that were originally levied against the Bank were stopped. It was noted that Mr. Li and Mrs. Wu spent approximately \$50,000 to bring the property into compliance and that they are keeping the property maintained.

Vice Mayor Rodriguez noted that it would not be fair for Mr. Li and Mrs. Wu to have to pay for Bank of America's infractions and asked if the Town Council would be willing to reduce the daily fine amount to one that would be consistent with violations against a home owner, not a bank.

Mayor Freebold noted that he understands what the Code Enforcement Board was trying to do by placing fines of \$250.00 per day against the property. He also noted that at one time property owners could go before the Town Council to reduce their liens, but that has changed.

Council Member Studdard noted that this issue has been before the Town Council multiple times and that there have been various offers made, including the final offer of \$185,000 which included giving the owners the ability to make payments. He noted that everyone is in agreement that Bank of America was responsible for the problem, but Mr. Li and Mrs. Wu signed papers that released Bank of America from any responsibility.

At the conclusion of the discussion, **the motion to reject the request to reduce the lien to \$75,000 was approved (5-0).**

Council Member Shalhoub noted the August 13, 2018 letter from ARI to settle in the amount of \$185,000 and stated that the Town Council has given ARI the authority to negotiate on their behalf.

Mr. Schoech noted that the final decision on the amount of the lien rests with the governing body that imposed the lien, it also gives the Town Council the ability to set, reduce or extinguish the amount due and make or accept any offer that they deem appropriate, if they choose to do so.

Motion made by Council Member Shalhoub to reduce the lien amount to a total of \$185,000, inclusive of fees, payable in three equal installments, to be paid in full within 90 days, seconded by President Pro Tem Shalhoub; Motion approved (4-1) with Vice Mayor Rodriguez opposed.

There was further discussion on the motion, the amount of the fines compared to the violations, the way similar violations were handled in other cases, who should be responsible for the fines, the possibility of postponing foreclosure to a later date to give the property owners time to settle legal matters and how the Code Enforcement Board bases their fines. During these discussions Vice Mayor Rodriguez made a motion to postpone the Town's foreclosure of the property for six months, but the motion died for lack of a second.

VIII. NEW BUSINESS:

- A) Approval of First Reading of Ordinance #18-04 – Adopting and enacting a new Code of Ordinances.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF LAKE CLARKE SHORES, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Motion made by Council Member Shalhoub to approve First Reading of Ordinance #18-04, seconded by President Pro Tem Shalhoub; Motion approved (5-0).

IX. AUDIENCE COMMENTS:

Timothy Daughtry, 1410 Keller Road – reminded everyone about the 6K “Loop around the Lake” taking place on November 18th and encouraged everyone to participate.

He noted the dangerous intersection at Forest Hill Boulevard and Pine Tree Lane due to sight issues, the problems with merging traffic and the traffic backing up due to the railroad crossing. Council Member Studdard agreed and stated that he will work with Mr. Clark to see if strobe lights can be attached to the traffic signals so that drivers are more observant to what is happening on the roadway.

Mr. Daughtry also noted that he and his daughter voted on Election Day. He noted that he did not appreciate the fact that they were told they would need to step out of the parking lot to discuss the election. He felt that he should have at least been able to be in the area where the campaign workers were standing with campaign signs.

Fran Eberhardt, 7316 Venetian Way – also noted the dangerous traffic along Forest Hill Boulevard and that she appreciated the remarks Vice Mayor Rodriguez made on having mercy.

Carole Thomas, 1425 Alpha Court N – noted that she read the information on sewers that was included in newsletter that she received in the mail and also read the e-newsletter that she received. She noted that the survey did not provide information on how much it would cost the residents to hook up to the sewer. She also provided information from the Town Meeting that was held in 2000 regarding sewers.

It was noted that the Town Council will be going to Orlando November 15th and 16th where they will be attending meetings as members of various League of Cities committees. They will provide residents with more information about sewers and other issues during the December 11th Town Council Meeting.

Jennifer Mosebach, 7136 Clarke Road – wanted to know how to get a speed hump installed along Clarke Road. Mr. Clark gave Ms. Mosebach his business card and asked her to call him about this.

X. STATUS REPORTS:

Mr. Schoech – did not provide a Status Report, but noted that he will include information from October and November in his next report.

Mr. Clark – noted that the newly designed website will launch the second week of December.

Chief Smith – was not at the meeting, Sgt. Schack noted that she took notes and will let the Chief know what took place during the meeting.

XI. COUNCIL COMMENTS:

Council Member Studdard – stated that he appreciated the spirited conversations between the Town Council and noted that it showed democracy in action.

Council Member Shalhoub – noted that he was impressed with Mr. Zaretsky and how he represented his clients. He thanked everyone for attending the meeting and noted that he appreciates the efforts of the Code Enforcement Board.

President Pro Tem Shalhoub – thanked the audience and the members of the Code Enforcement Board for attending the meeting. He also thanked Mr. Zaretsky for his work and time.

He reminded everyone about the Food Truck Invasion taking place on November 16th. He also noted that he will be attending the League of Cities committee meetings taking place on November 15th and 16th where he will be moderating the panel on Taxation and attending Committee Meetings along with Mayor Freebold, who will be attending his committee meetings where they will hopefully be discussing sewer issues.

He noted that he will be participating in the Cancer Alliance of Help and Hope “No Shave November” event taking place on November 29th. Proceeds from this event will benefit men with cancer.

He wished everyone a Happy Thanksgiving.

Vice Mayor Rodriguez –noted that 2nd Annual Triples Tennis Tournament that took place on November 3rd was a great success.

He thanked everyone that participated in the discussion regarding the code violations and lien reduction. He noted that he did not agree on the outcome, but democracy took place. He thanked Mr. Zaretsky for his time, ARI for their efforts to collect debts for the Town and the Code Enforcement Board for their public service.

Mayor Freebold – noted that he did not think that the Council Members were being uncivil tonight, that public discussion was needed, feelings were made known, and different opinions were noted. It was nothing personal against anybody.

He offered his condolences to President Pro Tem Shalhoub’s wife Danielle, on the loss of her grandfather.

He reminded everyone of the “Holidays in Paradise” parade and the Tree Lighting event taking place on December 1st. He also wished everyone Happy Thanksgiving.

XII. ADJOURNMENT:

Motion made by President Pro Tem Shalhoub to adjourn at 8:52 p.m., seconded by Council Member Studdard; Motion approved (5-0).

Gregory Freebold, Mayor

Mary Pinkerman, Town Clerk