

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
APRIL 11, 2017**

I. A) CALL TO ORDER AND ROLL CALL:

Mayor Robert M. W. Shalhoub, called the meeting to order at 6:30 p.m.

The following members and officials were present:

Robert M. W. Shalhoub, Mayor
Valentin Rodriguez, Jr., President Pro Tem
Gregory Freebold, Council Member
Daniel Clark, Town Administrator
Mary Pinkerman, Town Clerk
Wes Smith, Chief of Police
Charles Schoech, Town Attorney

The following official was absent:

Malcolm K. Lewis, Council Member

B) MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE, INVOCATION

Mayor Shalhoub requested a moment of silence for Jack Robinson, a prior resident of the Town and for Dr. Joseph Flagello, Vice Mayor of the Town of South Palm Beach, who recently passed away. Ms. Banna Ghioto led the audience in the Pledge of Allegiance. Pastor Tom Hunter, Pastor of Emmanuel Baptist Church, gave the invocation.

C) Oath of Office administered to:

Council Member Group 1 – Gregory Freebold
Council Member Group 2 – Paul R. Shalhoub

D) Reorganization of the Town Council:

Nominations for Mayor, Vice Mayor and President Pro Tem.

Council Member Paul Shalhoub nominated Gregory Freebold as Mayor and Valentin Rodriguez as Vice Mayor. Both accepted the nomination, which passed (4-0).

Vice Mayor Rodriguez nominated Robert M. W. Shalhoub as President Pro Tem. He accepted the nomination, which passed (4-0).

II. APPROVAL OF AGENDA:

Motion made by President Pro Tem Shalhoub to approve the Agenda, seconded by Vice Mayor Rodriguez; Motion approved (4-0).

III. CONSENT AGENDA:

- A) Approval of the Minutes of the March 6, 2017 Candidate Forum.
- B) Approval of the Minutes of the March 6, 2017 Town Council Meeting.
- C) Approval of Resolution #17-04 – Proclaiming the results of the March 14, 2017 Election.
- D) Approval of Resolution #17-05 – Expressing Appreciation to Malcolm K. Lewis for his Exemplary Service as a Member of the Town Council.
- E) Approval of Resolution #17-06 – Expressing Appreciation to Thomas C. Mayes, Jr. for his Exemplary Service as a Member of the Town Council.
- F) Approval of Resolution #17-07 – Expressing Appreciation to William Thrasher, upon his retirement as the Town’s Finance Director
- G) Approval of Resolution #17-09 – Honoring Banna Choito on her 100th Birthday.
- H) Approval of Resolution #17-10 – Appointing Timothy McCarthy to the Code Enforcement Board.
- I) Approval of Proclamation proclaiming the month of April 2017 as Water Professionals Month
- J) Approval of Proclamation proclaiming the month of April 2017 as Water Conservation Month
- K) Approval of the Second Amended and Restated Interlocal Agreement relating to the creation of the Florida Resiliency and Energy District.
- L) Approval of Utility Easement Agreement for 6620 Mango Circle.
- M) Approval of Utility Easement Agreement for 6621 Mango Circle.
- N) Approval of contract between the Town of Lake Clarke Shores and Johnson-Davis, Inc. for installation of a new 8” potable water main, water services and fire hydrants along a portion of Carandis Road and a portion of Mango Circle and replacing a fire hydrant on Carandis Circle and giving authorization to the Mayor to sign the contract.
- O) Approval of Interlocal Agreement between the Town of Lake Clarke Shores and Palm Beach County to purchase radio repair services from the County.
- P) Approval to hold annual resident “Hurricane Awareness” workshop on Thursday, May 25, 2017 at 6:30 pm.

Motion made by President Pro Tem Shalhoub to approve the Consent Agenda, seconded by Vice Mayor Rodriguez; Motion approved (4-0).

IV. PRESENTATIONS:

- A) Lifetime Achievement Award presented to Malcolm K. Lewis – by the Mayor

Prior Council Member Lewis was unable to attend the meeting. His award will be presented during the May 9, 2017 Town Council Meeting.

- B) Code Enforcement Board recommendations for changes to Town Codes – Paul Hughes, Chairman of the Code Enforcement Board.

Mr. Hughes noted that the Code Enforcement Board reviewed sections of the Town Codes and has recommended some changes. Mr. Hughes discussed issues pertaining to holiday lights and decorations. He noted that the Code Board recommended removing the words “seasonal” and “lights” from Section 30-5. This would allow lights to be used for decoration or for decorative purposes such as party lights or accent lighting.

The Town Council asked if descriptions should be added to clarify the meaning of “holidays”, “seasonal”, “lights” and “decorations” and if there should be changes to when the decorations should be put up and removed. It was noted that the Board did not have any issues with these items.

Mr. Hughes also noted that the Code Enforcement Board reviewed Section 42-51 (e) regarding the concealment of trash cans. The Code Board recommended the containers be allowed to be visible, but they must be covered and maintained.

There was further discussions regarding the recommendations made by the Code Enforcement Board, if the Board meant for the Town Council to adopt their recommended changes as written and if the Town should hold workshops to discuss changes to the code.

Motion made by President Pro Tem Shalhoub to table this issue and to hold workshops as soon as possible, seconded by Vice Mayor Rodriguez; Motion approved (4-0).

V. QUASI-JUDICIAL PROCEEDINGS:

Mr. Schoech noted that this will be a quasi-judicial hearing requiring disclosure of visit and sworn testimony. He also noted that the determination made by the Town Council must be based on the evidence presented during the hearing.

1) **6600 Pine Tree Circle – Variance Request**

- A) **Presentation by Town of request and recommendation of the ZBA – Charles Schoech, Town Attorney**

Mr. Schoech noted that the ZBA heard this request on March 16, 2017 and based their recommendation to grant the variance on the requirements set forth by the Town Code of Ordinances which are based on State Statutes. He noted that the ZBA found that the

applicant met the requirements of the code and recommended that the Town Council approve the request.

B) Presentation by Applicant – Antonio Duboy

Mr. Duboy noted that the buildable space on this property is very tight due to the waterfront setbacks on two sides of the property and the fact that the property is on a cul-de-sac. He noted that there is a 7 ½ foot easement that runs along the property that also causes problems. He presented a footprint of the proposed house and aerial photographs of other houses in town that are similarly positioned on the property.

Vice Mayor Rodriguez made a motion to accept the exhibits as presented, seconded by Council Member Shalhoub; Motion approved (4-0).

C) Public Hearing

No comments made.

D) Rebuttal by Applicant if necessary

E) Council Comments

Mayor Freebold noted that he is familiar with the property, but has not visited the property.

F) Council Conclusion (Finding of Facts and Conclusion of Law)

Vice Mayor Rodriguez made a motion to approve the variance as requested, seconded by President Pro Tem Shalhoub; Motion approved (4-0).

2) 7800 Beta Circle – Variance Request

A) Presentation by Town of request and recommendation of the ZBA – Charles Schoech, Town Attorney

Mr. Schoech noted that the ZBA heard this request on January 12, 2017. He noted that the ZBA found that the applicant met the requirements of the code, but placed conditions on the request. It would be up to the Town Council if they want to follow the conditions as set forth by the ZBA, if they want to add to the conditions or if they want to grant the request without the following condition:

Variance would follow the structure, not the land (if the building is demolished, setbacks for the new structure would revert back according to code).

B) Presentation by Applicant – Kyle Kromrey & Martina Nethery

Ms. Nethery noted why they need the variance and explained that they were not changing the footprint of the house, they are enclosing the existing carport to make a garage. She

explained their need for a garage and presented a letter of support from their neighbor at 7740 Beta Circle.

Vice Mayor Rodriguez made a motion to accept the exhibits as presented, seconded by Council Member Shalhoub; Motion approved (4-0).

C) Public Hearing

No comments made.

D) Rebuttal by Applicant if necessary

E) Council Comments

No comments at this time.

F) Council Conclusion (Finding of Facts and Conclusion of Law)

President Pro Tem Shalhoub made a motion to approve the variance as requested, seconded by Vice Mayor Rodriguez; Motion approved (4-0).

VI. PUBLIC HEARING – Comprehensive Plan

A) Water Supply Plan Element

Proposed update to the Lake Clarke Shores Water Supply Plan Element of the Town of Lake Clarke Shores Comprehensive Plan – James P. Fleischmann, Land Research Management, Inc.

Mr. Fleischmann did not attend the meeting. Mr. Clark noted that the Town is required to incorporate the East Coast Water Supply Plan into the Town's Comprehensive Plan.

Second and Final Reading of Ordinance #17-01 – Approving amendments to the Comprehensive Plan to include an update to the Lake Clarke Shores Water Supply Facilities Work Plan.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA APPROVING AMENDMENTS TO THE COMPREHENSIVE PLAN GENERAL REQUIREMENTS, LAND USE, INFRASTRUCTURE CONSERVATION, AND INTERGOVERNMENTAL COORDINATION ELEMENTS TO INCLUDE AN UPDATE TO THE LAKE CLARKE SHORES WATER SUPPLY FACILITIES WORK PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Motion made by President Pro Tem Shalhoub to approve second and final reading of Ordinance #17-01, seconded by Vice Mayor Rodriguez; Motion approved (4-0).

VII. UNFINISHED BUSINESS:

A)

VIII. NEW BUSINESS:

- A) Approval of Resolution #17-08 – Expressing Appreciation to Paul Shalhoub for his Exemplary Service as a Member of the Code Enforcement Board.

Council Member Shalhoub stepped down from the dais and abstained from the discussion and the vote on this issue.

Motion made by Vice Mayor Rodriguez to approve Resolution #17-08, seconded by President Pro Tem Shalhoub; Motion approved (3-0).

Council Member Shalhoub returned to the dais.

- B) Interviews for vacant Council Member Group 4 Seat - Mayor

Mayor Freebold explained that the following four applicants for the vacant Town Council Seat will be answering the same questions:

Jonathan Maples; William Steele; John Studdard; Trent Swift

He asked them to move to the small conference room in the Town Hall until they are called, so that they would not be able to hear the questions ahead of time.

As the applicants were called, they answered the following questions:

- What can you tell us about the services that the Town offers to its residents?
- Are you familiar with the Town's PACE Program, the CRA and the Blueway Trail? Do you believe that these initiatives are good for the Town?
- Do you believe there needs to be changes with the direction that the Town is going? If so, what are the changes you believe need to be made and why?
- Florida/Palm Beach County run on relationships, how are your relationships (state and local) and are you willing to utilize those relationships to help the Town when necessary?
- In the last few years, the Town Council has actively participated in many local and statewide activities. Are you going to be able to commit the time to participate in some or all of these important relationship-building events?
- What do you believe is the single most important issue that this Council should address in the next year and how do you suggest that it be done?
- What is the Town millage rate?
- What do you think about the Fire Rescue Department and the service it provides to the Town?
- If appointed to fill this vacancy, do you intend to run for reelection?
- Do you believe that whoever is appointed to fill the vacancy will have an unfair advantage against anyone who wants to run for the seat next year?
- Why do you want to be on the Town Council?

- If not elected, what are your plans?

At the conclusion of the interviews the Town Council thanked each applicant for their interest in the Town and noted that they were very impressed with the individual interviews. The various projects that the Town is involved in were discussed. It was noted that being a member of the Town Council is very time consuming and the person chosen will need to be willing to undertake these projects and participate in the various meetings and events that take place.

After the applicants were finished with their interviews, the Council Members were instructed to write the name of their choice for Council on a piece of paper and sign their name to the ballot. Mr. Schoech reviewed the choices and announced that Mr. John Studdard will be the new Council Member for the Group 4 seat. It was noted that he will be sworn in during the May 9, 2017 Town Council Meeting.

Mr. Studdard thanked the Council.

Council Member Shalhoub noted that there are open positions on the Code Enforcement Board since both he and Mr. Studdard were on the Board and that they cannot serve on the Town Council and the Code Enforcement Board at the same time. It was noted that there are also vacancies on the Zoning Board of Adjustments and the Parks and Recreation Advisory Committee. The remaining applicants were encouraged to apply for those open positions as a way to start serving the residents of the Town.

IX. AUDIENCE COMMENTS:

Ashok Kulkarni, 8131 West Lake Drive – discussed the variance applications that were approved by the Town Council. He wanted to know why the Town Council is now making the final decision. It was noted that an ordinance was passed that changed the Zoning Board of Adjustments to an advisory board, where they would be providing their recommendations for approval or denial of a variance or special exception to the Town Council, who now gives the final determination.

William Murphy, 1841 Evergreen Drive – noted the Waterway Clean-up taking place on Saturday, April 15th.

Ken Barker, 8260 Pine Tree Lane – noted that the water level in the lake was very low. He also congratulated John Studdard on his appointment to the Council.

X. STATUS REPORTS:

Mr. Schoech – had nothing to add to his report.

President Pro Tem Shalhoub asked Mr. Schoech for an update on the Code Enforcement issues regarding Jim Barby. Mr. Schoech noted that he and Code Enforcement Officer Dana Schack, met with Mr. Barby and he stated that he will have his property cleaned up within 30 days. It was noted that if he does not comply with this, he will be brought before the Code Enforcement Board at the April 26th Hearing. President Pro Tem asked Mr. Schoech to update the Town Council on the status of this entire case.

Mr. Clark – noted that the Criminal Justice Commission (CJC) has a new project called FUSE, which will help break the cycle of incarceration among individuals with complex behavioral health issues. The CJC is requesting municipalities to approve the allocation of Justice Assistance Grant (JAG) funds in the amount of \$56,715 to go towards the FUSE project.

Motion made by President Pro Tem Shalhoub to approve the allocation of JAG funds to the FUSE program, seconded by Vice Mayor Rodriguez; Motion approved (4-0).

Vice Mayor Rodriguez commented on the new docks at Boat Ramp Park. It was noted that the paving of the graveled areas will be completed prior to the Waterway Cleanup.

Chief Smith – noted that new defibrillators have been purchased for the Police vehicles and that an additional unit will be placed in the Town Hall. The Town will be reimbursed for this expense.

Vice Mayor Rodriguez congratulated Officer Fisher for following through on a recent arrest and noted that he is a great asset to the Police Department.

Mayor Freebold noted that he is a huge supporter of the Police Department and that the Police Department does a great job for the Town. He thanked Chief Smith for a job well done.

President Pro Tem Shalhoub noted that Officer Schack is also a great asset to the Department. He also noted the Fire Rescue response times and that the Police Department is at the scene before Fire Rescue arrives.

XI. COUNCIL COMMENTS:

Council Member Shalhoub – noted that the Town will be presenting former Council Member Lewis with a Lifetime Achievement Award during the May Council Meeting and asked if there was anything else that the Town could do to honor him.

President Pro Tem Shalhoub – discussed the BBQ and noted that approximately 1400 people attended this year. He thanked all of the volunteers for their assistance. He also thanked Mayor Bev Smith and the Village of Palm Springs for the wonderful 60th Anniversary Proclamation that was presented to the Town at the BBQ.

He noted the Waterway Cleanup taking place on April 15th and encouraged everyone to participate in this worthwhile event. He also noted that lunch will be provided to all volunteers after the event.

He discussed the relationships that have been forged during the trips made to Tallahassee and thanked the Town for allowing him to be Mayor for the past two years. He also congratulated Paul Shalhoub on winning the election.

Vice Mayor Rodriguez – noted that he enjoyed being a part of the Kid's Area during the BBQ and that everyone had a great time.

He thanked President Pro Tem Shalhoub for his work as Mayor. He noted that the Town is well known in Tallahassee due to the many trips made.

He congratulated Mayor Freebold on his appointment as Mayor.

Mayor Freebold – welcomed Council Member Shalhoub to the Council.

He noted the Waterway Cleanup on April 15th and the Fishing Tournament taking place on April 29th. He stated that the Florida Wildlife Commission will be present during the tournament to make sure that there are no lesions on the fish that are caught.

He wished Happy Birthday to those with birthdays in April. He also wished everyone a Happy Pasach and a Happy Easter and stated that he is looking forward to seeing everyone at the next meeting.

XII. ADJOURNMENT:

Motion made by President Pro Tem Shalhoub to adjourn at 9:20 p.m., seconded by Vice Mayor Rodriguez; Motion approved (4-0).

Gregory Freebold, Mayor

Mary Pinkerman, Town Clerk

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

Paul R. Shalhoub, hereby disclose that on April 11, 2017:

(a) A measure came or will come before my agency which (check one or more)

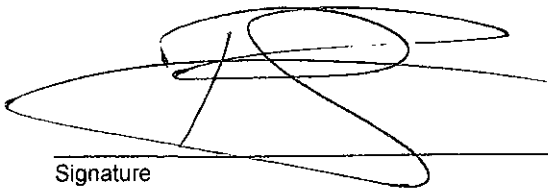
- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Resolution expressing the Town's Appreciation for my service on the Town's Code Enforcement Board.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4-11-17
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.