

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
AUGUST 8, 2017
6:30 PM**

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
Robert M. W. Shalhoub President Pro Tem
Paul R. Shalhoub, Council Member
John Studdard, Council Member
Daniel Clark, Town Administrator
Mary Pinkerman, Town Clerk
Wes Smith, Chief of Police
Charles Schoech, Town Attorney

The following official was absent:

Valentin Rodriguez, Jr., Vice Mayor

B) MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE, INVOCATION

Mayor Freebold requested a moment of silence for Maxime Ducoste, Lake Worth's Assistant Director for Planning and Preservation and for Garrett Ward, Retired Chief of Police for the Town of Gulfstream who recently passed away. Pastor Tom Hunter, Pastor of Emmanuel Baptist Church, gave the invocation. Mayor Freebold 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 (4-0).

III. CONSENT AGENDA:

- A) Approval of the Minutes of the July 11, 2017 Budget Workshop.
- B) Approval of the Minutes of the July 11, 2017 Town Council Meeting
- C) Approval of Utility Easement Agreement for 1703 Mango Circle.
- D) Approval of Utility Easement Agreement for 1710 Mango Circle.
- E) Approval of the First Amendment to the Interlocal Agreement between Palm Beach County and the Town of Lake Clarke Shores regarding the protocol by which the Town shall refer

and transport homeless individuals for acceptance into the Palm Beach County Homeless Resource Center (HRC) and provides for payment of any transport costs incurred by the Town.

F) Approval to retain the following consultants for the 2017/2018 fiscal year:

Caldwell, Pacetti, Edwards, Schoech & Viator, LLP - Attorney
Engenuity Group - Engineer
AECOM – Utility Engineer
Stormwater J Engineering, Inc. – NPDES
Land Research Management – Planning

G) Approval of agreement with Clarke Aquatics to provide services from October 1, 2017 through September 30, 2018.

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

IV. PRESENTATIONS:

A) American Police Hall of Fame Awards – Chief Wes Smith

Det. Dana Schack
Ofc. Christopher Fisher
Admin. Asst. Anita Calhoun

Chief Smith noted that Det. Schack was unable to attend the meeting, so he will present her award at a later date. Chief Smith explained that Det. Schack, Ofc. Fisher and Ms. Calhoun were nominated for the American Police Hall of Fame Award for investigating an armed robbery and kidnapping case that was resolved in less than one week.

Mayor Freebold presented Ofc. Fisher and Ms. Calhoun their certificates and pins. He thanked them for their work.

Chief Smith noted that Ofc. Fisher and Ofc. Troy Petruzzi were involved in a drug bust on Forest Hill Boulevard where they arrested two people and confiscated over \$10,000 worth of marijuana, cocaine and heroin. He congratulated both officers for doing a great job and presented them with Drug Buster Commendations.

President Pro Tem Shalhoub thanked the officers for a job well done.

Mayor Freebold congratulated the officers and thank them for the work that they do for the Town.

V. QUASI-JUDICIAL PROCEEDINGS:

1) **7730 Edgewater Drive – Variance Request**

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

Mr. Schoech noted that this request came before the Zoning Board of Adjustment (ZBA) on July 13, 2017. He noted that the ZBA found that the applicant met the requirements of the code and recommended that the Town Council approve the request.

Mr. Schoech noted that the Applicant, Gualberto Angel Gonzalez is requesting a 3.9' variance to expand an existing garage having a 10.1' side setback from the property line, with relief from the 14.0' setback as required in Sec. 86-216 (a) (2) of the Town's Code of Ordinances.

Mr. Schoech noted that this is a quasi-judicial hearing requiring disclosure of visit and sworn testimony. Gualberto and Silvia Gonzalez were sworn in by Mr. Schoech.

B) Presentation by Applicant – Gualberto Angel Gonzalez

Mrs. Gonzalez noted that they would like to extend their garage and are requesting the variance to keep the garage in line with the house.

C) Public Hearing

No comments made.

D) Rebuttal by Applicant if necessary

E) Council Comments

Mayor Freebold noted that he drove by the property.

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

Motion made by Council Member Shalhoub to grant the variance as requested, seconded by Council Member Studdard; Motion approved (4-0).

2) 1530 Carambola Road – Variance Request

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

Mr. Schoech noted that this is a corner property. He also noted that the property has an arc and that the Town owns the parcel of land between the arc and the canal. The arc causes particular circumstances which prevent him from utilizing his property, so the property owner is requesting a variance.

Mr. Schoech noted that the Zoning Board of Adjustment (ZBA) heard the variance request on July 13, 2017 and recommended that the Town Council grant an 18 foot variance from the required 25 foot setback to allow the south east corner of the single family residence to be 7 feet from the arced property line, or 34 feet 9 inches from the southerly extension of the east property line; and to allow the unenclosed swimming pool to be constructed within six inches of the same arced property line, or 20 feet from the southerly extension of the east property line.

Mr. Schoech reminded the Council that this is a quasi-judicial hearing requiring disclosure of visit and sworn testimony. Ryan Forney was sworn in by Mr. Schoech.

B) Presentation by Applicant – Ryan Forney

Mr. Forney noted that he spent time with Manny Palacios, Zoning Official, reviewing the Town Codes before designing the house. He noted that he requested the variance because it is difficult to build on the property using the required setbacks due to the lot being on the corner and the arc.

Mr. Forney asked if the Town would be willing to sell him the portion of the arced property between his property line and the waterway. He noted that the other half of the arc is located within his neighbor's property line and that his neighbor owns the property to the water's edge.

C) Public Hearing

No comments made.

D) Rebuttal by Applicant if necessary

E) Council Comments

President Pro Tem Shalhoub noted that he would like to keep the issue regarding the possible purchase of the property separate from the variance request.

He stated that he wanted to make sure that the swimming pool would never be enclosed, if the Town Council granted the variance. Mr. Schoech noted that conditions could be added to the language in the order granting the variance that states that the swimming pool could not be enclosed. He noted that the variance runs with the land, so future property owners would not be able to enclose the pool.

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

Motion made by Council Member Shalhoub to grant the 18 foot variance from the required 25 foot setback to allow the south east corner of the single family residence to be 7 feet from the arced property line, or 34 feet 9 inches from the southerly extension of the east property line; and to allow the unenclosed swimming pool to be constructed within six inches of the same arced property line, or 20 feet from the southerly extension of the east property line with the following condition: that the pool remain unenclosed, seconded by Council Member Studdard; Motion approved (4-0).

Mr. Schoech directed Mr. Forney to meet with Mr. Clark to discuss the possibility of purchasing the portion of land between his property and the waterway.

VII. UNFINISHED BUSINESS:

- A) Second and Final Reading of Ordinance #17-03 – Amending Chapter 70 Floods to conform to FEMA Regulations.

AN ORDINANCE BY THE TOWN COUNCIL AMENDING CHAPTER 70 FLOODS, ARTICLE II FLOOD DAMAGE PREVENTION OF THE CODE OF ORDINANCES TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE-COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES; TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by President Pro Tem Shalhoub to approve Second and Final Reading of Ordinance #17-03, seconded by Council Member Shalhoub; Motion approved (4-0).

- B) Second and Final Reading of Ordinance #17-04 – Extending the temporary moratorium on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSING ORGANIZATIONS WITHIN THE TOWN FOR A PERIOD OF THREE (3) MONTHS; PROVIDING FOR EXEMPTION; PROVIDING FOR PENALTIES; PROVIDING A SEVERABILITY CLAUSE, CONFLICTS CLAUSE AND AN EFFECTIVE DATE; AND OTHER PURPOSES.

Motion made by President Pro Tem Shalhoub to approve the First Reading of Ordinance #17-04, seconded by Council Member Shalhoub; Motion approved (4-0).

VIII. NEW BUSINESS:

- A) Lien Reduction – 1735 Antigua Road

Ms. Patricia Whalen explained that the property was heavily damaged in 2005 by a hurricane and that it took a while to obtain the insurance money needed to restore the house. She noted that the fence was damaged causing the violation and the lien, but was fixed. She also noted that both of her parents passed away and left the house to her and her brother, who is currently living in the house. She stated that she was not aware of the fines or the lien until they decided to sell the house to the neighbor across the street who is interested in purchasing the property for his son. Ms. Whalen asked for a reduction to the lien so that the house can be sold. She noted that she is aware that they will need to pay something for the time that the property was in violation, but feels that \$39,400.00 is too much.

Council Member Shalhoub noted that the memorandum detailing the Code Enforcement Board Hearings regarding this case shows that Ms. Patricia Whalen attended two of the hearings on her mother's behalf, one of which was a Lien Imposition Hearing, so she should have been aware of the fines and the lien. Ms. Whalen noted that she may not have understood the situation because there was so much going on at that time.

He then asked Ms. Whalen why it took from May 26, 2006 to June 21, 2007 to bring the property into compliance. She noted that they put locks on the gate, but the fence itself was damaged and needed to be repaired.

President Pro Tem Shalhoub asked if they already have a closing date scheduled. Ms. Whalen noted that the closing was scheduled for Thursday, August 10th, but may need to be postponed in order to get the lien resolved.

Motion made by Council Member Shalhoub to reduce the lien to \$10,000.00, seconded by Council Member Studdard; Motion approved (4-0).

IX. AUDIENCE COMMENTS:

Chris Zambelli, 7031 Venetian Way – discussed the traffic along Forest Hill Boulevard and asked if the timing of the light at the corner of Pine Tree Lane and Forest Hill Boulevard could be changed and if there could be signs added to prevent drivers from blocking the intersection and from making u-turns.

Council Member Studdard noted that Forest Hill Boulevard is a state road and any changes would need to be done by the Florida Department of Transportation, who has jurisdiction over the roadway.

Theresa Lemme, 7100 Venetian Way – discussed the new legislation on sober homes and asked if the Town has an ordinance in place that limits the number of unrelated people living in a single family home.

Mr. Schoech noted that the Town is monitoring the sober home issue. He also noted that Federal Laws prohibit the Town from limiting the number of people living in a home.

Mr. Clark noted that all of the members of the Town Council are involved in various League of Cities Legislative Committees, so the Town is able to remain aware when legislative changes are made.

Council Member Studdard stated that residents can keep informed of changes in the Sobor Home legislation by going to the Sober Home Task Force page on the website of David Aronberg, State Attorney 15th Judicial District.

William Murphy, 1841 Evergreen Drive – reminded everyone of the International Coastal Cleanup beginning at 8:00 a.m. on September 16th, 2017 at Boat Ramp Park. He requested that large groups of participants register ahead of time to help streamline the process.

X. STATUS REPORTS:

Mr. Schoech – did not have any additional items to report.

Mr. Clark – noted that there are plans in place to widen Florida Mango Road and that he will be meeting with the design team to discuss drainage issues along Florida Mango to provide a solution to prevent flooding on the road.

Chief Smith – stated that his Status Report noted the number of hours that the Marine Unit is out on the waterways. It also lists the number of warnings and tickets that have been issued by the Marine Unit, which helps to keep boaters safe.

XI. COUNCIL COMMENTS:

Council Member Shalhoub – noted that he was looking forward to attending the League of Cities Conference in Orlando. He also thanked the residents for their attendance.

Council Member Studdard – noted that the Blueway Trail Committee will meet on Friday, August 11th to discuss the final design of the boatlift. They will also be discussing funding for the boatlift.

President Pro Tem Shalhoub – noted that he attended a Roundtable regarding the opioid crisis. He noted that this epidemic has long reaching affects. They discussed issues such as the number of children that are being taken care of by other people due to their parent's heroin use and the costs associated with the drug Narcan that is used when heroin addicts overdose.

He noted that four of the five Council Members will be attending the League of Cities Legislative Committee Meetings later in the week and will also be attending the League of Cities Conference taking place August 17 – 19th.

He asked Mr. Clark to attend the Blueway Trail meeting and noted that various members of the Town Council have met with most of the PBC Board of County Commissioners to garner their support.

Mayor Freebold – noted that he is on the Florida League of Cities Environmental Committee where topics include water quality issues involving septic tank and sewer systems.

He also noted that the Blueway Trail project is being recognized throughout the State. He noted the August and September birthdays and reminded everyone of the International Cleanup on September 16th.

XII. ADJOURNMENT:

Motion made by Council Member Shalhoub to adjourn at 7:37 p.m., seconded by Council Member Studdard; Motion approved (4-0).

Gregory Freebold, Mayor

Mary Pinkerman, Town Clerk