

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
SEPTEMBER 11, 2018**

I. A) CALL TO ORDER AND ROLL CALL:

Mayor Gregory Freebold called the meeting to order at 6:53 p.m.

The following members and officials were present:

Gregory Freebold, Mayor
Valentin Rodriguez, Jr., Vice Mayor
Paul R. Shalhoub, President Pro Tem
John Studdard, Council Member
Daniel Clark, Town Administrator
Mary Pinkerman, Town Clerk
Wes Smith, Chief of Police
Charles Schoech, Town Attorney

The following member was absent:

Robert M. W. Shalhoub, Council Member

B) MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE, INVOCATION

Moved to beginning of Budget Hearing

II. APPROVAL OF AGENDA:

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

III. CONSENT AGENDA:

- A) Approval of the Minutes of the August 14, 2018 Town Council Meeting.
- B) Approval of Resolution #18-19 – Adopting revised Utility Fees and Charges schedule.
- C) Approval of Resolution #18-20 – Honoring 50 years of Municipal Home Rule in the Florida Constitution and committing to an educational initiative to help Floridians understand this beneficial right.
- D) Approval of Resolution #18-21 – Adopting new Capitalization Thresholds for the Town’s Capital Assets which will be retroactive to all capital assets included in the fixed assets subsidiary ledger.
- E) Approval to retain the following consultants for the 2018/2019 fiscal year:

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

- F) Approval of agreement with Clarke Aquatics to provide services from October 1, 2018 through September 30, 2019.
- G) Approval of agreement with Building Up Sports Academy, Inc. for a Winter Break Fishing Camp to be held January 2 – 5, 2019.
- H) Approval to declare 2 Ford Crown Victoria automobiles and certain other items as surplus, allowing these items to be auctioned through the GovDeals.com website and the remaining items to be disposed.

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

IV. PRESENTATIONS:

- A) None

V. QUASI-JUDICIAL PROCEEDINGS:

- A) None

VI. PUBLIC HEARING:

- A) To consider imposing updated Final Phase I Wastewater Improvements Non-Ad valorem Special Assessments on particular properties within Forest Hill Boulevard Sewer Service Area I of the Town of Lake Clarke Shores, under the Uniform Assessment Collection Act.

I. Presentation – Daniel Clark

Mr. Clark noted that an additional parcel was added to the Forest Hill Boulevard sewer system so the assessments to all involved properties had to be reevaluated. He explained that the original assessment was divided between fourteen properties. When the fifteenth property was added, the costs for each property went down so the Town had to go through the same process to notify property owners of the change. He noted that this only affects those properties that are located within Forest Hill Boulevard Sewer Service Area I.

II. Open Public Hearing

- A) Audience Comments – no comments from the audience at this time.
- B) Council Comments

Mayor Freebold asked Mr. Clark to explain the benefits of having sewers along Forest Hill Boulevard. Mr. Clark noted that there are a number of different types of businesses that were not able to locate in Lake Clarke Shores because of the lack of sewers. He noted that restaurants are required to have sewers, and since the Town made sewers available, Dunkin Donuts was able to open a location in Town. Sushi Joe’s is also planning on opening a restaurant in Forest Hill Plaza, giving the residents a local place to eat. He noted that having a sewer system also increases property values within the Forest Hill Boulevard corridor.

III. Close Public Hearing

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

VII. UNFINISHED BUSINESS:

- A) Approval of Resolution #18-22 – Imposing updated Final Phase I Special Assessments for Wastewater Improvements within Forest Hill Boulevard Sewer Service Area 1.

Motion made by Vice Mayor Rodriguez to approve Resolution #18-22, seconded by President Pro Tem Shalhoub; Motion approved (4-0).

- B) Second and Final Reading of Ordinance #18-03 – Amending Chapter 26 “Environment”, Article V “Noise” to clarify Noise Standards.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING ARTICLE V “NOISE”, OF CHAPTER 26 “ENVIRONMENT”, BY REPEALING SECTIONS 26-126, 26-127, 26-128, 26-129, 26-130 AND 26-131 OF THE CODE OF ORDINANCES, AND BY ADOPTING NEW SECTIONS 26-126 “DEFINITIONS”, 26-127 “PURPOSE”, 26-128 “FINDINGS”, 26-129 “NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED”, 26-130 “STANDARDS”, 26-131 “MAXIMUM PERMISSIBLE SOUND LEVELS”, 26-132 “RESPONSIBILITY FOR COMPLIANCE”, 26-133 “EXEMPTIONS”, 26-134 “PROHIBITED USE OF ALL-TERRAIN AND OTHER OFF-ROAD MOTORIZED VEHICLES; AND, 26-135 “HOURS FOR CONSTRUCTION WORK OR NOISY COMMERCIAL ACTIVITIES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Motion made by President Pro Tem Shalhoub to approve second and final reading of Ordinance #18-03, seconded by Vice Mayor Rodriguez; Motion approved (4-0).

VIII. NEW BUSINESS:

- A)

IX. AUDIENCE COMMENTS:

Ashok Kulkarni, 8131 West Lake Drive – noted the article in the Shorelines regarding the results of the online survey on the proposed installation of sewers in the Town. He reminded the Town Council that in 2005, the Town mailed a sewer survey to all residents and most of the residents were against sewers. He noted that he was not able to access the online survey. He stated that he would like to have the Town mail the current survey to all of the residents so that everyone could participate.

Mr. Clark noted that the survey was available online 1 year ago and covered a wide variety of issues, not just sewers. He noted that the newsletter is sent out to keep residents informed, which is why the information on the sewer portion of the survey was included.

Carla Stripling, 7606 Pine Tree Lane – noted that she was not aware of the online survey. She also noted that she was not in favor of sewers in 2005 and that she is still opposed to having sewers now. She stated that her septic tank continued to function while the power was out during the various hurricanes. She noted that her friends that have sewers had problems since the lift stations were without the electricity needed to pump the sewage. She asked the Town Council if they were planning on holding public meetings to discuss the sewer issue like they did in 2005.

President Pro Tem Shalhoub noted that he is still learning about this issue. He also suggested that everyone do some research on this so they are aware of what may have to take place in the future. He stated that things are not the same as they were thirteen years ago and that we do not know if or when the State may mandate that all waterfront properties be hooked up to a sewer system. He said that he appreciates what is going on and asked everyone to keep an open mind on this issue.

Harriet Ross, 1401 Alpha Court N – noted that she just replaced her septic tank and does not want to have to pay for a sewer system on top of that. She asked if residents would be able to opt out of hooking up to the sewer system, if they wanted to remain on septic tanks. She also noted that she was not aware of the online survey since she does not have a computer or email to receive the information.

Vice Mayor Rodriguez noted that it is too early to speculate on what may or may not happen. He noted that the Town Council is trying to get facts, pro and con on this issue.

Ken Barker, 8260 Pine Tree Lane – stated that he is in favor of having sewers installed in town. He noted that the budget has money allocated for generators and asked Mr. Clark if those generators are going to be used for lift stations, if the power were to go out. He also noted the difference in the number of septic tanks that are now in Palm Beach County compared to the number in 2005.

Mr. Clark noted that the generators noted in the budget are for the South Service Area, but money could be budgeted to purchase additional generators, if needed.

Mr. Barker noted that the number of traffic stops have increased since the last meeting and thanked Chief Smith for this happening. He also noted that he has been applying for a building permit and thanked staff for their assistance with this.

Bernadette Shalhoub, 8429 West Lake Drive – noted that septic tanks are an extremely emotional issue for the Town. She stated that she attended the public meeting held at St. Mary's Church in 2005 regarding the need for sewers in the area. She noted that there were professional engineers and environmentalists at the meeting to discuss the issue and that some of the residents that attended to meeting would not allow them to speak. The residents were interrupting them and talking over them. She stated that she hopes that if the Town does have another meeting on this issue, people would show the speakers the same type of courtesy and respect that they expect from them. She noted that everyone should gather information on this and make sound decisions based on that information.

Claudine Vasseur, 6904 Venetian Way – noted that she was surprised to find out that the Town was still using septic tanks. She stated that she is in favor of converting from septic tanks to sewers.

Jim Boger, 7518 Edgewater Circle – noted that he has lived in Lake Clarke Shores since the 1960s and that there has always been an issue about water quality in the lake. He asked if the water has

been tested and if it has, what are the results of the test. He noted that the water flows from the western communities through the canals and into Lake Clarke. He noted that even if sewers were installed, it would not help the water quality in the lake with all of the other water that flows in. He also noted that sewers need lift stations to move the sewage and that most people would not want to have one on or near their property. He also noted that there was a lot of information provided during the 2005 Town meeting on the sewers, but the residents still were against the sewer.

Mayor Freebold noted that the headwaters begin north of Orlando and flows south. Those that live in one part of the state want to blame those living in another for the water quality problems. He noted that this is a statewide issue, not just a Lake Clarke Shores issue. He noted that the state will eventually mandate that everyone living on or near waterways will need to be on sewers. He stated that there is talk in Tallahassee about abolishing Home Rule and noted the importance of local governments being able to make decisions based on what is best for their residents. He noted that when the state mandates that we have to hook up to sewers, they should help with the cost and that may not happen. Home Rule will have a big part in the outcome of this. He noted that everyone needs to understand what is going on and keep up with these issues.

He also noted that Lake Clarke has not been tested for fecal matter, so we do not know if there is a problem or not.

Council Member Studdard noted that the Town Council is trying to make the right decisions for the Town. He stated in 2005 the residents had a choice, but residents will not have a choice in the future. He noted that the Town Council has not made any decisions at this time or know how much it will cost, but we are trying to gather as much information as possible and pass that information to the residents so that the Town and residents can be prepared. He also noted the current problem with green algae and red tide and how it is affecting the Senate and Governor Election in November.

Nathan Dale, 1408 Caribbean Road E – noted that he attended this meeting to get information on sewers. He said that he needs to replace his drain field and wants to know if the Town does plan on installing sewers, when it will take place. He noted that he can continue pumping out the septic tank until the sewers are installed, if it will be taking place soon. He also noted that he needs to replace his seawall and is trying to decide if he should be using the money for the seawall or the drain field.

Mayor Freebold noted that there has been a lot of discussion in Tallahassee regarding the problems caused with septic tanks and drain fields that are not being maintained.

Council Member Studdard responded to Mr. May's question on if or when sewers would be installed in Town by stating that it will be greater than one month from now but less than 10 years.

William Murphy, 1841 Evergreen Drive – reminded everyone about the International Coastal Cleanup event taking place on Saturday, September 15th at Boat Ramp Park and encouraged everyone to participate.

X. STATUS REPORTS:

Mr. Schoech – noted that MuniCode has prepared a draft of the new code book for review and that the new code book should be ready by the end of the year.

Mr. Clark – noted that the Town does not contract with the individual food trucks that participate in the monthly Food Truck Invasions. Food Truck Invasion, Inc. solicits the truck operators and makes arrangements on which ones will attend these events.

Chief Smith – there was discussion on net fishing and if people could catch bass with nets. Claudine Vasseur, 6904 Venetian Way noted that she has seen people catching bass with fish nets and that they leave the unwanted fish on the ground. She wanted to find out if they could use nets to catch fish so checked the internet and found out that people cannot catch bass with nets. She would like the Police Department to do something about this.

Mayor Freebold noted that there is a certain limit to the number of bass each person can keep. He also noted that people can use nets to catch baitfish but not bass, if the amount caught in the net is over the legal limit.

Officer John Connacher noted that Chief Smith asked him to research this, so he contacted FWC and found that people can use nets in fresh water as long as the squares in the net are not smaller than 1” square in size. He noted that when residents see people net fishing and they are catching a large number of bass, they should contact the Police Department at that time so that an Officer could go out and talk to that person about the issue. He also noted that the Police Department is unable to have an officer on the water on a daily basis, but that he is out patrolling the water most weekends and that he is issuing tickets to boaters and jet skiers that are speeding.

Vice Mayor Rodriguez thanked Officer Connacher for the work that he does for the Town.

XI. COUNCIL COMMENTS:

Council Member Studdard – commended the Chief on the increase in the number of citations that have been issued each month over the past four months and stated that Mr. Clark is working on budgeting for an additional officer so that an officer can be free to do additional water patrols within the next two years.

He also reiterated that the Town is proactively working to remain as up-to-date as possible on the sewer issue and that it is not a matter of if, but when.

He noted the upcoming events including the International Coastal Cleanup, the Food Truck Invasion and the Better than Halloween Party and invited everyone to attend.

President Pro Tem Shalhoub – apologized for being late as he was in court in Ft Pierce.

He told the audience an incident that had taken place recently regarding kids riding bicycles at 4:00 AM. He noted that a resident called the police when they saw kids riding bikes in the neighborhood that were acting suspiciously. The Police Officer responded to the area and found the kids walking in the area. Because the kids left their bikes in front of his house, the Police Officer woke him up to make sure that the bikes did not belong to him. He noted that he appreciates the fact that residents are paying attention to what is going on and that the Police Department acted quickly in this situation.

He noted that he attended the League of Cities Conference where most of the discussions pertained to Home Rule and what has taken place over the past year by the Legislators to try and stop Home

Rule. He also noted that he was appointed Vice Chairman of the Finance, Taxation and Personnel Committee by the President of the Florida League of Cities.

He noted that the next Budget Hearing will take place on September 25th and invited everyone to attend. He also noted that the security cameras are being installed at Arabian Road and Florida Mango Road and that he and his neighbors are excited about this.

He thanked Mr. Clark for keeping the Town Council updated on the budgets and on various Town issues and stated that he is doing a fantastic job for the Town.

He stated that he loves to see the number of people in the audience and their involvement in the meeting. He noted that it is important for the Town Council to know how the residents feel about things that pertain to the Town so that the Council can do their job for the residents.

He noted that there are many variables involved with sewers and that there is no set timeframe for when it will take place. He noted that this is going to be a long drawn out process so people should do a cost benefit analysis to see if it would be better to wait for sewers or make the needed repairs to their septic tanks and drain fields.

Vice Mayor Rodriguez – stated that it is important that everyone stays informed on the sewer issue by getting the facts. He noted that in 2005 the Town did not have the resources or the ability to gather the information as well as we have today. He noted that Mr. Clark is an engineer and will be able to look at things from that perspective so that we can be ahead of the game. He stated that the Council wants to do what is in the best interest of the Town and the residents. He noted that the Council will have to pay their share for sewers just like everyone else, so the Council will be working to do what they can to make it easier for the Town whenever it happens.

He noted that it was great to hear from the residents on the sewer issue and noted that there will be more discussions to on this in the next five to 10 years or so.

The thanked everyone for attending the meeting.

Mayor Freebold – asked that residents do their due diligence and stay informed on what is taking place regarding Home Rule. He noted that this issue will be discussed during the League of Cities Palm Beach County Days which is in conjunction with the time that Legislators are in Tallahassee. He noted that four of the five Council Members will be going to Tallahassee for this.

He also wished a Happy Birthday to all of those born in September.

XII. ADJOURNMENT:

Motion made by President Pro Tem Shalhoub to adjourn at 8:05 p.m., seconded by Council Member Studdard; Motion approved (4-0).

Gregory Freebold, Mayor

Mary Pinkerman, Town Clerk