

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
JUNE 11, 2019**

1. CALL TO ORDER:

A) ROLL CALL

Mayor Valentin Rodriguez called the meeting to order at 6:30 p.m.

The following officials were present:

Valentin Rodriguez, Jr., Mayor
Paul R. Shalhoub, Vice Mayor
Robert M. W. Shalhoub, President Pro Tem
Gregory Freebold, Council Member

B) MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE, INVOCATION

Pastor Stan Sniezek, Pastor of the New Life Alliance Church, gave the invocation then led the audience in the Pledge of Allegiance.

2. APPROVAL OF AGENDA:

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

3. CONSENT AGENDA:

- A)** Approval of the Minutes of the May 14, 2019 Town Council Meeting.
- B)** Approval of Daniel Clark as the Town's designated voting delegate during the 93rd Annual Florida League of Cities, Inc. Conference.
- C)** Approval of Agreement between Sherwin Anderson and the Town of Lake Clarke Shores to hold a summer tennis camp for children during the week of June 24 – June 28, 2019.
- D)** Approval of Land Use – Ivan & Erica Gomez, 1416 Beta Circle – Dock

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

4. PRESENTATIONS:

A) Legislative Update – Senator Lori Berman, District 31

Senator Berman noted that the legislation session ended on May 4th, one day later than planned. She noted that they passed a balanced budget. She discussed various bills that were passed including the following:

- The appropriation of \$300,000 for the designing of a Lake Clarke Shores sewer system
- Prohibiting municipalities from regulating vegetable gardens on residential properties
- Prohibiting municipalities from requiring replacement of trees on a property if the Department of Agriculture requires the tree to be removed
- Budget information must be placed on the municipal website, with additional information required in the near future
- Texting or using a cell phone while driving is now against the law with additional fines being assessed if texting or using a cell phone in school or construction zones

She also noted bills that passed regarding CRA's, Firefighter's and micro-mobility.

The Town Council Members thanked her for her assistance with the \$300,000 appropriation and for her time spent in Tallahassee. She stated that she is available to help the Town Council and residents in any way that she can.

B) Palm Beach County Commission on Ethics – Gina A. Levesque, Intake & Compliance Manager

Ms. Levesque was unable to stay for the meeting. She handed out information about the Commission on Ethics to the Mayor and Town Council prior to leaving.

5. QUASI-JUDICIAL PROCEEDINGS:

A) 1715 Mango Circle Variance Request –

1. Presentation by Town of request and recommendation of ZBA – Charles Schoech.

Mr. Schoech read the application. He noted the recommendation from Town staff was to deny the variance and the recommendation from the Zoning Board of Adjustment was to grant a five foot setback instead of the one foot setback that was requested. He explained what the Town Council should consider when hearing the variance request and the requirements that need to be met in order to grant the variance. He noted that the Town Council could accept, reject or modify the Zoning Board of Appeals recommendation.

Mr. Schoech asked if any of the Council Members drove by the property or spoke to anyone about the variance. President Pro Tem Shalhoub noted that he drove by the property and took pictures. Mayor Rodriguez noted that Mike Wade, ZBA Member, talked to him but did not get into any details about the May 30th hearing.

2. Presentation by Applicant – Yunier Carrasco Acosta

Mr. Acosta noted that he is requesting a 9' side variance to construct a carport having a 1' setback from the property line, with relief from the 10' setback required in Section 125-295(2) of the Town's Code of Ordinances. He stated that the carport will be for his daughter who has autism, so that she has a safe place to be when she is outside. He noted the carport is already in place and at this time overhangs into the neighboring property. He also noted that he will cut the overhang to meet the setback that is granted. He noted that he was not aware that he needed a permit for the carport since he removed the structure that was already at that location.

3. Public Hearing

Molly Nieporte, 499 Cardinal Avenue, Boca Raton – noted that she helped Mr. Acosta with his application. She explained that a child with autism has different needs and that the carport is a safe area for her well-being. She noted the issues with the carport not having a permit and the current setback of the carport. She answered various questions from the council on the owner's behalf.

Michael Provenzale, 1719 Mango Circle – noted that he is opposed to the variance and stated that the applicant did not meet the requirements according to Town Code, for the variance to be granted.

Jessica Fontaine-Swift, ZBA Board Member – noted that there was lengthily discussion during the May 30, 2019 Zoning Board of Adjustment Hearing regarding the hardship issue. She noted that the intent of the ZBA recommendation was to allow the carport with a five foot setback and that the applicant would not be able to enclose the carport.

Terry Glenn, Chairman of ZBA – noted that he was the lone vote against the variance as he felt that the applicant did not meet the requirements to grant the variance.

4. Rebuttal by Applicant if Necessary

Ms. Nieporte noted that Mr. Acosta was going to remove the carport and then apply for the permit, but was told to wait to see what happens during the hearings. She noted that while they have been trying to get this resolved for

almost a year, Mr. Acosta's daughter has benefited from the use of the carport. They would like for the carport to remain so that she would be able to continue using this area.

The Council asked further questions about the construction of the carport. It was noted that there was no way to know if the carport was built according to building codes since a permit was not issued. They also questioned how the carport is able to help his daughter.

President Pro Tem Shalhoub asked them what they would like the Town Council to do. It was noted that they would like the Town Council to approve the one foot setback as requested, instead of the five foot setback that was recommended by the ZBA.

Motion made by Vice Mayor Shalhoub to close the Public Hearing to allow deliberation by the Council, seconded by Council Member Freebold; Motion approved (4-0).

5. Council Comments

President Pro Tem Shalhoub noted the documents contained in the ZBA file and asked that this information be included as part of evidence in the official records of the hearing.

Mayor Rodriguez noted that the ZBA spent a lot of time reviewing and discussing the variance and came up with their recommendation to allow a five foot variance.

Vice Mayor Shalhoub asked Mr. Schoech how often five foot variances are granted. Mr. Schoech noted that it is infrequent, but has been allowed due to the shape of the lot.

Vice Mayor Shalhoub noted his concerns about what constitutes a hardship and if it would set a precedence if the Town Council approves the variance based solely on the daughter's need without the other factors being met.

6. Council Conclusion (Finding of Facts and Conclusion of Law)

Council Member Freebold made a motion to accept the recommendation of the ZBA and grant the five foot setback. Mayor Rodriguez passed the gavel to Vice Mayor Shalhoub and seconded the motion. Motion failed - needed a 3-1 vote to pass. Vice Mayor Shalhoub and President Pro Tem Shalhoub were opposed.

Vice Mayor Shalhoub passed the gavel back to Mayor Rodriguez.

Vice Mayor Shalhoub made a motion to deny the variance request, seconded by President Pro Tem Shalhoub; Motion approved (3-1) with Mayor Rodriguez opposed.

Mayor Rodriguez noted that Mr. Acosta will be mailed the final order from the Town. He will also receive information on his rights to appeal the decision.

6. PUBLIC HEARING:

- A) None

7. UNFINISHED BUSINESS:

- A) Approval of Second and Final Reading of Ordinance 2019-02 – Requiring the registration, maintenance and regulation of vacant and foreclosed properties within the Town.

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, CREATING ARTICLE VIII. REGISTRATION OF DEFAULTED MORTGAGE AND VACANT PROPERTY OF CHAPTER 26 ENVIRONMENT OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE CLARKE SHORES; PROVIDING FOR PURPOSE AND INTENT; DEFINITIONS; APPLICABILITY AND JURISDICTION; ESTABLISHMENT OF A REGISTRY; INSPECTION AND REGISTRATION OF DEFAULTED MORTGAGE PROPERTY; INSPECTION AND REGISTRATION OF VACANT PROPERTY; MAINTENANCE AND SECURITY REQUIREMENTS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by President Pro Tem Shalhoub to approve Second and Final Reading of Ordinance #2019-02, seconded by Council Member Freebold; Motion approved (4-0).

- B) Approval of Second and Final Reading of Ordinance 2019-03 – Requiring the registration, maintenance and regulation of rental properties within the Town.

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, CREATING ARTICLE IX.

RENTAL DWELLING REGISTRATION REQUIRED OF CHAPTER 26 ENVIRONMENT OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE CLARKE SHORES; PROVIDING FOR DEFINITIONS; PROVIDING FOR INCLUSION OF AND REQUIREMENTS FOR AUTHORIZED AGENTS OR REPRESENTATIVES; PROVIDING FOR EXEMPTIONS; PROVIDING A REQUIREMENT FOR RENTAL DWELLING REGISTRATION; PROVIDING FOR APPLICATION AND AFFIDAVIT; PROVIDING FOR A REGISTRATION FEE AND REGISTRATION RENEWAL; PROVIDING FOR RENTAL DWELLING UNIT INSPECTION; PROVIDING REQUIREMENTS FOR THE MAINTENANCE OF STRUCTURES AND PROPERTY; PROVIDING FOR CONSENT TO INSPECTION AND RE-INSPECTION FEES; PROVIDING FOR THE PROHIBITION OF THE TRANSFER OF A REGISTRATION; PROVIDING PROVISIONS CONCERNING THE SUSPENSION, REVOCATION AND REINSTATEMENT OF A REGISTRATION; PROVIDING FOR PENALTIES; PROVIDING FOR TOWN RELIANCE ON REGISTRATION OR INSPECTION; PROVIDING FOR TOWN ACCESS TO CHANGE OF OCCUPANCY RECORDS; PROVIDING FOR APPEALS AND OTHER REMEDIES; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by President Pro Tem Shalhoub to approve Second and Final Reading of Ordinance #2019-03, seconded by Council Member Freebold. Motion approved (4-0).

8. NEW BUSINESS:

- A) Approval of an agreement between the Town and Property Registration Champions, LLC. (PROCHAMPS) to provide services to register vacant, abandoned and foreclosed properties.

Mr. Clark noted that a representative from PROCHAMPS attended the March Town Council Meeting to discuss their services for registering vacant, abandoned, foreclosed and rental properties. Mr. Clark noted that this agreement is only to provide services to register the vacant, abandoned and foreclosed properties since the Town is looking at other means for rental property registration.

Motion made by Vice Mayor Shalhoub to approve the agreement between the Town of Lake Clarke Shores and PROCHAMPS to provide services to register vacant, abandoned and foreclosed properties, seconded by Council Member Freebold. Motion approved (4-0).

9. AUDIENCE COMMENTS:

Yunier Acosta, 1715 Mango Circle – noted that he will remove the carport and work with the Town so that there will not be any problems in the future.

Louise Bing, 7401 West Lake Drive – noted her concerns about the water quality of the canal along Gregory Road and the lack of the birds that used to frequent the area. She asked if the Town could cut back on spraying the weeds to see if that would make a difference. She also noted that there is a gentleman that fishes along the canal every night which could be depleting the fish that the birds would normally eat.

Trent Swift, 8020 West Lake Drive – noted he received a flyer from someone regarding monitor lizards being in the area. He wanted to know if there is an actual problem with those types of lizards along the waterways in the Town. Mr. Clark noted that the flyers were sent out by the Florida Wildlife Commission, not by the Town. He stated that the Town was not aware of a problem with monitor lizards in our area or that FWC was even putting out the flyers. Mr. Swift suggested that the Town address this issue on the website, since all of the residents living along the waterways received the notice.

Jessica Swift, 8020 West Lake Drive – noted that during the May 30th ZBA Hearing, the ZBA asked the same question about prior setbacks that were granted and was told that each case stands on their own merits and the decision should be made based on what was presented. Mr. Schoech confirmed this information was correct.

Ken Barker, 8260 Pine Tree Lane – thanked Officer Connacher for patrolling the waterways in Town. He noted that he treats all those that speed on the waterways the same, whether they are town residents or not. He also discussed the iguanas in town and asked if there was a way to get rid of them. It was noted that the Florida Wildlife Commission website has information on how a person can trap and humanely dispose of the iguanas.

He noted Fishing Camp that would be taking place the week of June 17th and the tremendous benefit it provides to children.

Marty Barker, 8260 Pine Tree Lane – noted her experience with an iguana.

10. STATUS REPORT:

Chief Smith was absent – Cmdr. Abruscato noted that the Police Department participated in the Click it or Ticket program.

Mr. Clark – noted that the new utility payment process should be starting within the next two billing cycles.

Mr. Schoech - did not have anything to add to his report.

11. COUNCIL COMMENTS:

Council Member Freebold – had no comments at this time.

President Pro Tem Shalhoub – congratulated Mr. Clark on being designated as a Home Rule Hero by the Florida League of Cities. He noted that Mr. Clark will be receiving his award during the next PBC League of Cities meeting.

He thanked Mr. Provenzale for his many years on the Zoning Board of Adjustment. He also thanked the current board members for the time that they spend on the Board.

Vice Mayor Shalhoub – thanked everyone for attending the meeting.

Mayor Rodriguez – noted that he has witnessed several accidents taking place at the intersection of Pine Tree Lane and Forest Hill Boulevard. He noted that he would like to see if something can be done to reduce the number of accidents at that area. He asked Mr. Clark to provide statistics on the number of accidents that have taken place at that intersection.

Mayor Rodriguez noted that he is planning to take a mission trip overseas and asked the Town Council if he could take some of the Town's leftover event shirts and donate them to the various charities within that country.

Motion made by Vice Mayor Shalhoub to declare the shirts as surplus and give them to the Mayor for charity, seconded by Council Member Freebold; Motion approved (4-0).

He also noted the Youth Tennis Camp taking place the week of June 24th and the Budget Workshop that will be taking place on July 9th.

12. ADJOURNMENT:

Motion was made by Vice Mayor Shalhoub to adjourn the meeting at 7:34 PM, seconded by Council Member Freebold; Motion approved (4-0).

Valentin Rodriguez Jr., Mayor

Mary Pinkerman, Town Clerk