

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
MARCH 10, 2020**

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
Albert Pavon, Council Member

B. Moment of Silence, Pledge of Allegiance, Invocation

Mayor Rodriguez requested a moment of silence for Josephine (Joy) Paone, Cmd. Sal Abruscato's mother-in-law; Vaughn Clark, Dan Clark's uncle and for the families that have been affected by COVID-19. The Most Reverend Father Peter Sphortun of St. Mary's Orthodox Church of West Palm Beach, 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 (5-0).

3. Consent Agenda

- A. Approval of the Minutes of the February 4, 2020 Town Council Meeting.
- B. Approval of Resolution 2020-03 – Proclaiming the election of non-contested candidates for Groups 3, 4 and 5.
- C. Approval of Resolution 2020-04 – Appointing Robert (Bobby) Gonzalez as an alternate member of the Code Enforcement Board.
- D. Approval of Resolution 2020-05 – Proclaiming a 2019 “Volunteer of the Year”.
- E. Approval of Resolution #2020-06 – Proclaiming a 2019 “Volunteer of the Year”.
- F. Approval of Resolution 2020-07 – Amending the 2019/2020 budget.
- G. Approval of Proclamation proclaiming April 2020 as “Water Conservation Month”.

- H. Approval of Proclamation proclaiming the week of March 16-20, 2020 as Government Finance Professionals Week.
- I. Approval to extend the agreement between the Town of Lake Clarke Shores and Accounts Receivables, Inc. (ARI) for debt collection services through February 13, 2021.
- J. Approval of an agreement between Building Up Sports Academy, Inc. and the Town of Lake Clarke Shores to hold a summer fishing camp for children during the week of June 15 – June 19, 2020.
- K. Approval of an agreement between Sherwin Anderson and the Town of Lake Clarke Shores to hold a summer tennis camp for children during the week of June 22 – June 26, 2020.
- L. Approval of forfeiture expenditure in an amount not to exceed \$5,000.00 for the Police Department to purchase items to be used at the March 29, 2020 Town BBQ for a “Drug Awareness/Be a Buddy Not a Bully” Fair for the children of Lake Clarke Shores.
- M. Approval of Land Use Permit – John Gorski, 7310 West Lake Drive – Seawall & boathouse.

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

4. Presentations

- A. Alexandria Ayala – Community Activist

Ms. Ayala noted that she lives in Palm Springs and although she is a candidate for the School Board, she wanted to discuss community issues. She noted that it is very important for everyone to be counted in the 2020 Census so residents can be properly represented and state and federal funds are distributed correctly. She also encouraged everyone to vote in the elections taking place on March 17th and in November.

Mayor Rodriguez thanked her for her attendance.

5. Quasi-Judicial Proceedings

- A. None

6. Public Hearing

- A. None

7. Unfinished Business

A. First Reading of Ordinance 2020-01

Amending various sections of Chapter 125 Zoning regarding definition of restaurants and, as such, to change the various sections of the code pertaining to restaurants; amending sections of the code to clarify that the ZBA is an advisory board to the Town Council and that the Town Council is the deciding authority for Special Exceptions; and to correct a scrivener error regarding lot coverage.

An Ordinance of the Town Council of the Town of Lake Clarke Shores, Florida, Amending Chapter 125 Zoning of the Code of Ordinances of the Town of Lake Clarke Shores, Article I. In General, Section 125-1. Definitions to amend the definition of Restaurant; Amending Section 125-4 Decisions by Zoning Board of Adjustment, Function of Town Council to specify that the Zoning Board of Adjustment is an Advisory Board to the Town Council; Amending Article VI. Districts, Division 3. Multiple-Family Residential (MF) District, Section 125.330. Maximum Lot Coverage of All Buildings to change the deciding authority to Town Council for Special Exceptions; Amending Division 4. Limited Commercial (LC) District, Section 125-360. Permitted Principal Uses and Structures to revise permitted uses for restaurants; Amending Section 125-363. Prohibited Uses and Structures by amending Sub-Section (2) E. regarding alcoholic beverages; Amending Section 125-366. Maximum Lot Coverage by All Buildings to correct a scrivener error by adding maximum lot coverage; Amending Section 125-369. Minimum Off-Street Loading and Parking Requirements, to revise parking requirements for restaurant; Providing authority to codify; Providing a conflicts clause, a severability clause, and an effective date, and for other purposes.

Mr. Clark noted that the ordinance was needed to clarify throughout the Town Codes that the Zoning Board of Adjustments is an advisory board to the Town Council and that the Town Council makes the final decisions on zoning issues. The ordinance will also amend the definition of restaurants and revise the various sections of the codes regarding restaurants.

Motion made by President Pro Tem Shalhoub to approve First Reading of Ordinance 2020-01, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

B. Discussion on Transitional Zoning District – Daniel Clark, Town Manager

Mr. Clark noted how the Town came into possession of the property located at 6900 West Lake Drive and explained what took place prior to the demolition of the house.

He noted that other properties adjacent to Forest Hill Boulevard have commercial use or multi-family use and that this is the only single family residential home where the

property abuts Forest Hill Boulevard. He explained that creating a transitional zoning district then rezoning this property to the new district would increase the property value and make it more desirable for future development. It was noted that this property is not located within the Community Redevelopment Agency and that the proposed zoning district would only apply to 6900 West Lake Drive at this time.

Mayor Rodriguez noted that this is open for discussion only, no vote would be taking place during the meeting. He noted that he will be asking the Town Council for their comments first, then he will allow audience comments.

Vice Mayor Shalhoub noted that a restaurant would not be a good fit on this corner. He asked that restaurants be moved to a prohibited use and all references to restaurants be removed from the proposed transitional zoning district.

He stated that he would prefer that the property remain for residential use, but if commercial use would be allowed, it would need to be more limited than noted in the transitional zoning district draft. He discussed the potential problems with traffic and parking that certain types of businesses would generate. He noted that overflow parking into the residential areas would cause additional problems for drivers turning into and out of West Lake Drive.

He also noted that he would like to increase the minimum square footage for the two family and multiple family dwellings instead of using the square footage that is currently noted in the draft.

Council Member Freebold stated that he would not want a restaurant or multi-family unit on this site. If multi-family units would be allowed, they would need to be restricted to townhomes. He noted that there are doctor's offices across the street from this property and also along Forest Hill Boulevard, so professional offices would fit in.

Council Member Pavon noted that he also does not want to have multi-family units at this site unless there would be restrictions on how they would look, since this is the main entrance to the Town from Forest Hill Boulevard.

President Pro Tem Shalhoub assured the audience that the Town would not allow a convenience store to operate at this location. He agreed that he does not want to see additional multi-family apartments along Forest Hill Boulevard.

Mayor Rodriguez noted that he does not want to see any type of retail business at this location since it would be too dangerous for vehicles to enter and leave the property. He discussed possible allowances for public use such as a dog park or to extend the size of Memorial Park. He noted that the Town was not expecting to obtain this property and, as such, the Council needs to make sure that they do what is best for the Town.

He thanked the audience for their attendance and noted that they will be allowed to speak at this time.

Mr. William Steele, 7410 West Lake Drive – noted that there is a conflict of interest with the Town owning the property and making changes to the zoning of the property. He stated that the Town should wait for the new owner to request a change to the zoning. Mr. Schoech noted that there is no legal conflict in this matter. The Town Council sets the codes for the whole town. He noted that the Town is exploring uses that would be better suited with what is surrounding the property. A new owner could come in and request a use that would not be compatible.

The following residents discussed turning the property into a park or leaving it as green space since it is located at an entryway to the Town:

Sabra Kirkpatrick, 7301 West Lake Drive
John Stripling, 7606 Pine Tree Lane
Jordan Chiefet, 7000 West Lake Drive
Joe Shire (?), 7100 West Lake Drive
Daniel Fountain, 7200 West Lake Drive
Mark Hassel, 7200 West Lake Drive

Additional comments from the audience:

Manny Palacio, 6904 West Lake Drive – wants to keep it as single family zoning.

Erika Castro, 7512 Alpha Court E – wanted to know what the Town will do with the money once the property is sold.

Claudine Vassuer, 6904 Venetian Way – asked that the Town use the money from the sale of the property to upkeep the existing parks.

8. New Business

A.

9. Audience Comments

Claudine Vassuer, 6904 Venetian Way – discussed the trees that were removed from Pine Tree Park. She noted that she and the other neighbors that live adjacent to the park have had an increased problem with noise, dust and lack of privacy since the trees and other vegetation were removed. She stated that while the Town replanted trees, it will take many years before they will be large enough to make a difference. She would like the Town Council to work on ways to resolve these issues.

Fran Carlton, 8432 Waterway Drive – noted that she is losing portions of her property along the canal bank due to the boaters and jet skiers that are speeding in the canal behind her house. She requested that the Town place “No Wake” signs in the waterway behind her house to slow them down. It was noted that the Town needs to obtain permission from the Lake Worth Drainage District before putting up additional signs in the area.

Ken Barker, 8260 Pine Tree Lane – discussed the redevelopment of the West Palm Beach Municipal Golf Course. He also noted that the Town needs to recruit additional members to the Citizens on Patrol (COP) program.

Mayor Rodriguez thanked Mr. Barker and the other COP members for their participation in the program.

John Stripling and Carla Stripling, 7606 Pine Tree Lane – discussed the various issues surrounding septic tanks and sewer systems. Mr. Stripling noted the concern with the phosphorus and other nutrients found in the canals and bodies of water in the state. He stated that the water flows from Lake Okeechobee, so there is not a way to exactly determine if the pollutants come from septic tanks, farming or from other types of industries. He noted that changes to septic tank regulations can help prevent problems with leakage, pollution and other issues. Mrs. Stripling noted that Brevard County placed structures along the waterway that tested the water to pinpoint where the pollution originates. She would like to have the canals in town monitored so we would be able to know how much pollution is already present in the water before it passes through Lake Clarke. This way the Town would know if the septic tanks are adding to the problem.

Council Member Freebold noted that there is a statewide move to take away home rule which could then force municipalities to go to sewer systems to help improve the water quality in the state.

Mr. Clark thanked Mr. and Mrs. Stripling for their information regarding this issue.

Debbie Harling, 1421 Carandis Circle – noted that she would be interested in purchasing a flag with the Town logo.

Chip Damsel, 8147 Pine Tree Lane – noted the surveyors that he sees working in Town and stated that the Town should let residents know what is happening when things like this are going on. He noted that he receives too many emails already, so he does not want to receive additional emails from the Town. He asked the Town to provide alternative ways for residents to receive information. It was noted that it would be expensive to begin mailing newsletters on a monthly again and that information regarding Town issues is not only discussed during the Town Council Meetings, but can be found on the Town's website and by subscribing to the Town's virtual newsletter.

Note: Mr. Damsel discussed this issue during the CRA meeting. His comments were included in the minutes of the Council Meeting since they did not pertain to the CRA.

10. Status Report

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

Chief Smith – did not have anything to add to his report.

Mr. Clark – noted the 7th Annual PBC Mayor's Ball that benefits the Homeless Coalition of Palm Beach County. He asked if any members of the Town Council wanted to attend the Gala. It was noted that all five of the Council Members and Mr. Clark will attend.

There was discussion regarding the Food Truck Invasion. It was noted that the truck operators are not making money because not enough people are attending the monthly

event. The Council discussed the possibility of making this a quarterly event instead of a monthly event, but decided to wait and see how the April event turns out.

Note: The April Food Truck Invasion was cancelled due to the coronavirus.

11. Council Comments

Council Member Pavon – noted that he was happy with the number of people that came to the meeting.

Council Member Freebold – noted that he was glad to see everyone at the meeting. He noted that the Town Council has discussed the surveying and other issues during Town Council Meetings. He encouraged everyone to attend the meetings so they can get information about the decisions being made that affect the Town and to find out what is happening in Town.

He reiterated that nothing has been decided about the property located at 6900 West Lake Drive. He noted that this is still in the discussion stages.

He discussed the importance of home rule and noted that the Town knows what is best for the Town and its residents, not the legislators in Tallahassee.

President Pro Tem Shalhoub – thanked everyone for their attendance.

He noted that there is a lot of misinformation regarding the property located at 6900 West Lake Drive. He noted that there have been a number of ideas discussed during the meeting and that no decisions have been made on what to do with the property at this time. He noted that the Town Council has a fiduciary obligation to the Town to find the best and highest use for the property and that the comments made have given “food for thought” on what to do with this property. He noted that he would like to have an additional open discussion on what to do with this property in the near future.

He reminded everyone of the annual BBQ on March 29th and the Family Movie Night on March 27th. He noted that the Town has precautionary measures in place to keep people safe during the BBQ. All volunteers that handle food will be using gloves. He asked that residents do not attend the BBQ or other weekend activities if they are sick. He reminded everyone that volunteers are needed and to get their BBQ tickets.

He also noted the birthdays taking place in March.

Vice Mayor Shalhoub – thanked everyone for their attendance and participation in the meeting. He noted that people should get accurate information about issues that pertain to the town and not rely on misinformation that may be out there. He also noted that residents could contact any one of the Council Members for more information regarding Town issues. He provided the audience with his phone number and email address so that they could contact him about their concerns.

He discussed the rezoning of the property located at 6900 West Lake Drive. He stated that the property abuts Forest Hill Boulevard, so it would be too dangerous for a dog park. He also noted that there are different ideas on what to do with the money

generated from the sale of the property such as using the money for security and/or water quality issues.

He noted the septic tank/sewer issues discussed by Mr. and Mrs. Stripling. He stated that everyone has their opinions on this subject but he would like everyone to look at the big picture and to think about what would be best for the Town overall. He noted that the Town Council strives to make decisions based on what is best for the Town.

He congratulated Mayor Rodriguez, President Pro Tem Shalhoub and Council Member Pavon on running unopposed and retaining their seats on the Town Council.

Mayor Rodriguez – noted that fourteen members of the audience spoke during the meeting and that it was good to have that much participation in the meeting. He noted that there was a lot of reservations on having commercial use on the property located at 6900 West Lake Drive.

He noted that changing from septic to sewer is a very contentious issue not only in Lake Clarke Shores, but in Tallahassee and there are still a lot more discussions to take place before any decisions can be made.

He noted that the Town has been moving forward in the past six months and thanked Mr. Clark for all of his work on this.

It was noted that the irrigation system has been installed at 6900 West Lake Drive and that the sod will be planted within the next few days which will improve the appearance of the property.

12. Adjournment

Motion made by Council Member Freebold to adjourn the meeting at 8:40 PM, seconded by Council Member Pavon; Motion approved (5-0).

Signature of Mayor Valentin Rodriguez, Jr.

Signature of Mary Pinkerman, Town Clerk