

**MINUTES  
TOWN OF LAKE CLARKE SHORES  
HYBRID TOWN COUNCIL MEETING  
OCTOBER 13, 2020**

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**1. Call to Order**

A. Mayor Rodriguez called the meeting to order at 6:43 PM.

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, Invocation, Pledge of Allegiance

Mayor Rodriguez requested a moment of silence for Suzanne Kruze, former Boynton Beach City Clerk who passed away and for all of the people who have died from COVID-19 in the past month. Pastor Stan Sniezek, Pastor of the New Life Alliance Church, gave the invocation then led the Pledge of Allegiance.

**2. Approval of Agenda**

**Motion made by President Pro Tem Shalhoub to approve the Agenda, seconded by Council Member Freebold; Motion approved (5-0).**

**3. Consent Agenda**

A. Approval of the Minutes of the September 22, 2020 Second Public Hearing  
2021-2022 Budget

B. Approval of the Minutes of the September 22, 2020 Town Council Meeting

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

**4. Presentations**

A. PBC Fire Rescue District Chief Tracy Adams – Chief Adams

Chief Adams thanked the Town Council for allowing her to participate in the meeting. She noted that she is one of eight Fire Chiefs that serve in Palm Beach County and that she has five municipalities within her district. She provided statistics on the number and types of calls that were made in Lake Clarke Shores for the past quarter. She noted that they are still using full PPEs on all calls to keep themselves and residents safe.

Mayor Rodriguez noted the ongoing good relationship between the Town and PBC Fire Rescue. He thanked her for all she and her staff do for the Town. He stated that he is looking forward to seeing her at the Town Council meetings and future Town events.

Chief Adams stated that the Town Council can call her at any time.

## **5. Quasi-Judicial Proceedings**

### **A) 1735 Antigua Road Variance Request**

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

Mr. Schoech noted that the applicant was requesting a variance to construct a Carolina carport that will be one foot from the side property line. He noted the recommendation from the Zoning Board of Adjustment was to grant the one foot setback that was requested as long as it remained an open air carport. 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. Mayor Rodriguez and President Pro Tem Shalhoub noted that they talked to Mr. Clark about the variance. Mayor Rodriguez noted that one of Mr. Schendera's neighbors called him with a question.

2. Presentation by Applicant – Kevin Schendera

Mr. Schendera noted that he is requesting a 9' side variance to construct a Carolina 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 noted that he parks his boat on the side of his house and wants to install the Carolina carport to cover the boat. He asked the Town Council to approve the request with the same conditions as noted by the Zoning Board of Adjustment.

3. Public Hearing

Mayor Rodriguez opened the Public Hearing asked the Town Council for their comments regarding the variance request.

President Pro Tem Shalhoub asked about the Zoning Board of Adjustment vote. It was noted that the vote was 4-1, with Chairman Glenn in opposition. He also discussed the prior variance request for a carport that was denied and asked for clarification on the difference between the requests. Mr. Schoech noted that the

Zoning Board of Adjustment Members heard that request and recommended a five foot setback instead of the one foot set back that was requested. This is a different hearing.

President Pro Tem Shalhoub asked Mr. Schendera if there was any other location that the Carolina carport could be placed and if the Carolina carport would be screened from the street.

Mr. Schendera noted that his septic tank is on the other side of the house so this is the only location on his property that the Carolina carport would fit and the Carolina carport would be located behind a six foot high solid fence. He also noted that he received a letter from his neighbor giving her approval of the carport being located in that area. He noted that the letter was included in his application packet.

President Pro Tem Shalhoub noted that the neighbor gave approval for the carport as long as it remained in good condition. Mr. Schendera noted that his property is well maintained and the carport would be maintained as well.

Vice Mayor Shalhoub noted that this request was not the same as the prior request for a carport. The prior request was for a permanent structure, this one can be taken down and moved if needed.

Mr. Schendera stated that the Carolina carport can be moved and that it meets Miami-Dade wind load requirements.

Mr. Schoech noted that variances remain with the property, so the Town Council could put a condition that future property owners would not be able to replace the Carolina carport with a permanent structure.

#### Audience Comments:

Bernadette Shalhoub, 8429 West Lake Drive – noted that she is concerned that granting the variance to allow for a one foot setback would set precedence and other residents would request variances to build closer to the property lines. She noted that she does not want to see zero lot lines in Lake Clarke Shores.

#### 4. Rebuttal by Applicant if Necessary

Mr. Schendera noted that he did not have anything else to add.

Mayor Rodriguez closed the Public Hearing portion of the proceeding at 7:00 PM to allow deliberation by the Council.

#### 5. Council Comments

Mayor Rodriguez – noted Mrs. Shalhoub’s concerns. He noted each variance is granted or denied based on the facts and information presented during the hearing and that the Zoning Board of Adjustment recommended that the Town Council grant the variance to Mr. Schendera. He noted that he was in agreement with the Board.

Vice Mayor Shalhoub – noted that he also agrees with the findings of the Board. He noted that the neighbors do not have any problem with the Carolina carport according to their letters. He stated that he would be in favor of granting the variance for the Carolina carport with the following conditions: Mr. Schendera would not be allowed to enclose the Carolina carport, he would be required to keep it as an open air Carolina carport and that no other type of structure could be put in its place.

Council Member Freebold – agreed with Vice Mayor Shalhoub regarding the conditions proposed on the variance.

President Pro Tem Shalhoub – did not have any additional comments.

Council Member Pavon – did not have any additional comments.

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

**Vice Mayor Shalhoub made a motion to accept the recommendation of the Zoning Board of Adjustment and grant a nine foot variance for the Carolina carport to be placed one foot from the side property line under the condition that it remain as an open air carport, that the Carolina carport can never be closed in, the Carolina carport must be kept well maintained and that no other type of structure can be put in its place, seconded by Council Member Freebold; Motion approved (4-1) with President Pro Tem Shalhoub opposed.**

#### 6. Public Hearing

A. None

#### 7. Unfinished Business

A. None

#### 8. New Business

A. Motion to select the Auditor Selection Committee’s top-ranked auditor Carr, Riggs & Ingram, LLC as the auditing firm for the Town for a term up to nine (9) years, and to direct the Town Manager to sign the agreement with CRI after review by the Town’s Legal Counsel.

**Motion made by Vice Mayor Shalhoub to approve the Auditor Selection Committee's top-ranked auditor Carr, Riggs & Ingram, LLC as the auditing firm for the Town for a term up to nine (9) years, and directed the Town Manager to sign the agreement with CRI after review by the Town's Legal Counsel, seconded by President Pro Tem Shalhoub; Motion approved (5-0).**

Mayor Rodriguez thanked Auditor Selection Committee members Mr. Greg Dunham and Ms. Linda Strumpf, for their help in the selection process. He also thanked Mr. Clark and Ms. Pearson for their participation.

*Mayor Rodriguez passed the gavel to Vice Mayor Shalhoub at 7:08 PM and left the meeting. Vice Mayor Shalhoub continued the meeting.*

B. Discussion and direction of our FY21 Legislative Agenda concerning Annexation issues – Richard Pinsky

Mr. Pinsky thanked the Town Council for giving him the opportunity to speak at the meeting. He noted the 2021 Legislative calendar and some of the bills that were not heard during the 2020 session.

He noted a sample annexation bill that included a new concept that may have made it easier for the Town to annex the neighboring enclave, but upon further review, it was decided that they were not going to pursue it. He noted that he will come up with different strategies for annexation although the original strategy was fine, it just needed a little adjustment. He noted that the Palm Beach County Legislative Delegation is willing to work to push this through and that there are those on the state level that would be willing to help.

Mr. Pinsky noted that money for storm water/septic to sewer projects may not be available in the state budget this year. He noted that the rising sea level will be an important issue.

The Town Council agreed that Mr. Pinsky should begin working on the Town's issues so that they could be brought before the Legislature for discussion and approval.

## **9. Audience Comments**

- A. Emailed Questions/Comments
- B. Written Questions/Comments
- C. Verbal Questions/Comments

William Steele, 7410 West Lake Drive – asked for clarification on the annexation bill discussed by Mr. Pinsky. Mr. Clark explained that the Town would like to have the unincorporated Palm Beach County enclave along Florida Mango Road annexed into

the Town's limits since they are already receiving some services from the Town without paying taxes to the Town.

Chip Damsel, 8147 Pine Tree Lane – asked for more information on the new garbage/trash containers. Mr. Clark noted that the Town signed a new contract with Waste Management which included requiring the use of new containers that can be picked up with a claw that is attached to the garbage truck. He noted that the new 96 gallon containers will be delivered to all residential properties in November. He noted residents can request a smaller sized container after first trying out the large container. He also noted that residents can purchase additional containers, if needed.

Adriane Sanchez, 6901 West Lake Drive – asked about the status of the property located at 6900 West Lake Drive. Vice Mayor Shalhoub noted that the Town is still trying to do its due diligence to get the best option for the property. The town is looking as keeping it zoned single-family residential that would also allow limited professional offices. He noted that there are space limitations that will limit what can and cannot be located on the property. He stated that the Town is still working through the details and will not make any determination until sometime next year.

Mr. William Steele asked if the residents will be able to have a say in what happens to the property. Vice Mayor Shalhoub noted that more work is needed before this issue is going before the Town Council. Mr. Schoech noted that state law requires the Town to allow resident input, which will take place when the issue is ready to be brought before the Town Council.

## **10. Status Report**

Commander Sal Abruscato, sitting in for Chief Smith – noted that there are a number of walkers and joggers out at night and early in the morning. He would like to see everyone that walks, runs or bikes along the roadway wear light colored or reflective clothing to be more visible to motorist.

Mr. Schoech – did not have any additional comments at this time.

Mr. Clark – noted that non-critical activities were cut from this year's budget and there will not be any large expenditures taking place in order to meet the shortage in revenues collected last year to what is expected this year.

He also noted that the number of people using the parks is increasing as more people become aware that the playgrounds have reopened.

## **11. Council Comments**

Council Member Pavon – did not have any additional comments at this time.

Council Member Freebold – did not have any additional comments at this time.

President Pro Tem Shalhoub – noted that the Council Chambers and Town Hall Lobby will be open for the November election.

Vice Mayor Shalhoub – noted that there was graffiti on some of the bridges in Town. He noted that someone volunteered to remove the graffiti. He thanked Mr. Brediwick for doing this for the Town.

He noted that the Town Council would not make any decision on the property located at 6900 West Lake Drive without public participation.

He noted that residents could participate in the scaled down version of the Waterway Cleanup that will take place the week of October 16<sup>th</sup> through October 23<sup>rd</sup>. Mr. Clark explained that interested residents can sign up for the event. The Town will deliver the supplies to the resident's house so that they can collect debris during the week and place the debris collected in the dumpster located at the boat ramp.

## **12. Adjournment**

**Motion made by Council Member Freebold to adjourn the meeting at 7:40 PM, seconded by President Pro Tem Shalhoub; Motion approved (4-0).**

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Valentin Rodriguez, Jr., Mayor

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Mary Pinkerman, Town Clerk