

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
JULY 13, 2021**

1. Call to Order

A. Mayor Shalhoub called the meeting to order at 6:53 PM.

The following officials were present:

Paul R. Shalhoub, Mayor
Robert M. W. Shalhoub, Vice Mayor
Valentin Rodriguez, Jr., Council Member
Albert Pavon, Council Member

The following official was absent:

Gregory Freebold, President Pro Tem

B. Moment of Silence, Invocation, Pledge of Allegiance

Moved to the beginning of the Budget Workshop

2. Approval of Agenda

Motion made by Vice Mayor Shalhoub to approve the Agenda, seconded by Council Member Pavon; Motion approved (4-0).

3. Consent Agenda

- A. Approval of the Minutes of the June 8, 2021 Town Council Meeting.
- B. Approval of Resolution 2021-24 – Appointing Richard Hernandez as a member of the Zoning Board of Adjustment.
- C. Approval of Resolution 2021-25 - Strongly urging United States Army Corp of Engineers to accelerate completion of the re-evaluation of Lake Okeechobee operations and the implementation of the Lake Okeechobee System Operating Manual as soon possible.
- D. Approval of Resolution 2021-26 – Appointing Deborah (Deb) A. Moody and Deborah Ann Dobry Gregorian as members of the Code Enforcement Board.

Motion made by Vice Mayor Shalhoub to approve the Consent Agenda, seconded by Council Member Pavon; Motion approved (4-0).

4. Presentations

A. None

5. Quasi-Judicial Proceedings

A. None

6. Public Hearing

A. Imposing a non-ad valorem special assessment for nuisance abatement involving the property located at 7730 West Lake Drive, Lake Clarke Shores, FL 33406 – Daniel Clark

Mr. Clark noted that the property owner was issued notices to appear before the Code Enforcement Board because the property was not being maintained. The property remained in violation and liens were filed against the property. He stated that the Town followed procedures and declared the property a nuisance property. The property still remained in violation, so the Town mowed the lawn to bring it into compliance. He noted that the Town has continued to maintain the lawn on a monthly basis to keep the property up to code. Mr. Clark stated that the Town Council would need to impose a non-ad valorem special assessment for nuisance abatement in order to receive reimbursement for the money that the Town has spent maintaining the property.

Mayor Shalhoub opened the Public Hearing for comments.

1) Audience Comments

A. Emailed Questions/Comments - None

B. Written Questions/Comments - None

C. Verbal Questions/Comments - None

2) Council Comments

Council Member Rodriguez asked about the property owner. Mr. Clark noted that the property owner does not live in the house. Officer Dana Fisher tried to contact the owner or her representative, but was unable to locate anyone.

3) Adjournment

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

7. Unfinished Business

- A. Approval of Resolution 2021-23 – Imposing a non-ad valorem special assessment for nuisance abatement involving the property located at 7730 West Lake Drive, Lake Clarke Shores, FL 33406.

Motion made by Vice Mayor Shalhoub to approve Resolution 2021-23, seconded by Council Member Rodriguez; Motion approved (4-0).

8. New Business

- A. Presentation of Proposed Budget for Fiscal Year 2021/2022

- 2020/2021 Millage Rate – 6.2798
- Setting Tentative Millage Rate for Fiscal Year 2021/2022 – 6.2798
- Rolled Back Millage Rate – 5.9775
- Date for the First Public Hearing (September 13, 2021) on the proposed Millage and Budget
- Date for Second Public Hearing (September 28, 2021) to adopt Millage and Budget.

Mr. Clark reviewed the above information regarding the proposed 2021/2022 Budget. He also noted the change in the day of the week for the Town's First Budget Hearing. He noted that the PBC School District has their budget hearing on Tuesday, September 14th and since the Town cannot hold a Budget Hearing on the same day as PBC or the School Board, the Town moved the First Budget Hearing to Monday, September 13th.

The following motions were made and approved as noted:

Motion made by Vice Mayor Shalhoub to confirm the 2020/2021 Millage Rate of 6.2798, seconded by Council Member Pavon. Motion approved (4-0).

Motion made by Vice Mayor Shalhoub to set the Tentative Millage Rate for Fiscal Year 2021/2022 at 6.2798, seconded by Council Member Pavon. Motion approved (4-0).

Motion made by Vice Mayor Shalhoub to certify the Rolled Back Millage Rate of 5.9775 seconded by Council Member Pavon. Motion approved (4-0).

Motion made by Vice Mayor Shalhoub to set the date of the First Public Budget Hearing for Monday, September 13, 2021 at 6:30 PM and the date of the Second Public Budget Hearing for Tuesday, September 28, 2021 at 6:30 PM seconded by Council Member Pavon. Motion approved (4-0).

- B. First Reading of Ordinance 2021-03 – Amending Chapter 18 Elections to add the word “designee” to allow the Town Clerk or Town Clerk designee to perform election duties and to change the Town qualifying dates.

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CHAPTER 18 “ELECTIONS” BY AMENDING SECTION 18-1, “TOWN CLERK DESIGNATED AS SUPERVISOR OF ELECTIONS” AND SECTION 18-5 (B), ‘CONDUCT OF ELECTIONS AND NOTICE OF GENERAL ELECTION REQUIRED’ TO INCLUDE TOWN CLERK OR TOWN CLERK DESIGNEE; SECTION 18-7, “CANDIDATE QUALIFICATIONS, PROCEDURE FOR BECOMING CANDIDATE” BY AMENDING THE QUALIFYING PERIOD; SECTION 18-9 “APPOINTMENT OF INSPECTORS AND CLERK” TO REPLACE THE DUTY OF THE TOWN MANGER WITH THE DUTY OF THE TOWN CLERK OR TOWN CLERK DESIGNEE, AND REPLACE THE WORD INSPECTORS WITH POLL WORKERS; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Vice Mayor Shalhoub to approve First Reading of Ordinance 2021-03, seconded by Council Member Pavon; Motion approved (4-0).

- C. Discussion and approval of Interlocal Agreement between My Government Online and the Town of Lake Clarke Shores for Building Permit software pending legal review.

Mr. Clark noted that a new bill will go into effect October 1st that will require the Town to utilize electronic submission of building permits. He noted that the Town looked at four different companies to compare their products and costs. My Government Online is a government agency that provides services to other government agencies. The cost for their services will be approximately \$1,000 per month. Mr. Clark noted this program will allow for online permitting and ADA compliant forms would need to be provided by the applicants in order to meet ADA requirements. He also noted that Mr. Schoech has reviewed the agreement and found it sufficient.

Motion made by Vice Mayor Shalhoub to approve the Interlocal Agreement between My Government Online and the Town for Building Permit software, seconded by Council Member Pavon; Motion approved (4-0).

9. Audience Comments

Note: Ms. Martine Davis was present in the Council Chambers, so Mayor Shalhoub allowed her to speak first. The minutes reflect the order of the agenda.

A. Emailed Questions/Comments

Dena Schmidt, 1811 Antigua Road – asked about the status of 6900 West Lake Drive. She noted that she would like the zoning of the property to remain as single family and that the Town should put the property on the market.

Mr. Clark noted that the Town is looking to change the comp plan to allow the lot to be used for single family residential or professional office use only. He noted that an appraisal was done on the vacant lot in 2020. The appraised value of property would be three times higher if the property was used for a professional office instead of a single family home.

Sarah Davie, 1802 Antigua Road – asked when the Town was going to put the hoops back on the basketball courts. Mr. Clark noted that there is a continued rise in COVID cases in our census tract. He noted he would like to keep the basketball courts closed a little longer while monitoring the situation.

B. Written Questions/Comments – None

C. Verbal Questions/Comments –

Martine Davis, 7931 West Lake Drive – noted that she applied for a pool permit, but it was denied due to setback issues. She asked why there was a difference in the setback requirements for a pool with an enclosure and one without an enclosure.

Mr. Clark noted that structures are setback 10 feet from the side property line and if someone wanted to enclose a pool, the enclosure would be setback 10 feet from the side property line. He also noted that the side setback for a swimming pool that is not roofed or enclosed is 20 feet from the water's edge. He stated that he read the code, but does not understand why it was written in that manner. It was noted that staff could work on changing the code to have the side setback for the water's edge of swimming pool that is not roofed or enclosed be at 10 feet, if directed to do so by the Town Council.

Motion made by Vice Mayor Shalhoub to change the code to reflect that the water's edge of a swimming pool that is not roofed or enclosed be setback no closer than 10 feet from the side property line, seconded by Council Member Pavon; Motion approved (4-0).

10. Status Report

Chief Smith – noted that the cameras that are placed in various locations throughout the Town have processed over 80,000 tags.

Mayor Shalhoub thanked Chief Smith for all that he and his officers do for the Town.

Mr. Bill Doney sat in for Mr. Schoech, who was unable to attend the meeting – he had no comments at this time.

Mr. Clark – discussed noise complaints and the possibility of changing the Town codes to address the problem. Noise levels, having all Police Officers issue citations and having the violator appeal to the Code Enforcement Board for citations instead of the court was also discussed. It was noted that the citation system would also be used for certain other infractions of the Town Codes.

It was noted that any changes made to the way that the Town approaches noise would need to be dealt in the same manner for everyone and that the residents would need to be educated before citations are issued. Town Council approved staff moving forward with code changes.

Mr. Clark noted that the Town may begin holding events in December. He noted that this will be discussed further during the September meeting.

11. Council Comments

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

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

Vice Mayor Shalhoub – noted that he, the Mayor and Mr. Clark will be going to Orlando to participate in the Florida League of Cities Municipal Administration Committee meetings. He also noted a letter that was received concerning the excessive traffic in Town. It was noted that a lot of residential construction is going on in Town as people are upgrading their homes. This could be causing the larger trucks to deliver materials to the sites that are under construction.

Mayor Shalhoub – welcomed the new appointees to the Code Enforcement Board and the Zoning Board of Adjustment.

12. Adjournment

Motion made by Vice Mayor Shalhoub to adjourn the meeting at 7:37 PM, seconded by Council Member Pavon; Motion approved (4-0).

Paul R. Shalhoub, Mayor

Mary Pinkerman, Town Clerk