

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
AUGUST 10, 2021**

1. Call to Order

A. Mayor Shalhoub called the meeting to order at 6:30 PM.

The following officials were present:

Paul R. Shalhoub, Mayor
Robert M. W. Shalhoub, Vice Mayor
Gregory Freebold, President Pro Tem
Albert Pavon, Council Member

The following official was absent:

Valentin Rodriguez, Jr., Council Member

B. Moment of Silence, Invocation, Pledge of Allegiance

Mayor Shalhoub requested a moment of silence for resident Ellie Cooper. The Most Reverend Father Peter Sphortun of St. Mary's Orthodox Church of West Palm Beach, gave the invocation then led the Pledge of Allegiance.

2. Approval of Agenda

Motion made by Vice Mayor Shalhoub to approve the Agenda after removing Item 8. B. for further research, seconded by President Pro Tem Freebold; Motion approved (4-0).

3. Consent Agenda

- A. Approval of the Minutes of the July 13, 2021 Budget Workshop.
- B. Approval of the Minutes of the July 13, 2021 Town Council Meeting.
- C. Approval of Resolution 2021-27 – Supporting the 2013 Lake Worth Lagoon Management Plan.
- D. Approval of Resolution 2021-28 – Authorizing the Mayor to request Florida Department of Transportation to amend the Reversionary Clause in the Public Purpose Quitclaim Deed for North Park.
- E. Approval of Proclamation proclaiming August 2021 as Florida Water Professionals Month.

F. Approval to retain the following consultants for the 2021/2022 fiscal year:

Engenuity Group - Engineer
Land Research Management – Planning

G. Approval of Interlocal Agreement between Palm Beach County and the Town of Lake Clarke Shores to receive a CBDG Grant for a sewer connection located at 1475 Forest Hill Boulevard.

H. Approval of Land Use License – Diana Mcmiled, 7951 West Lake Drive – new seawall and dock.

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

4. Presentations

A. Legislative Update – Representative David Silvers

Representative Silvers thanked the Town Council for giving him time to give an update on Legislative matters.

He noted that SB 90 passed which, among other things, makes the Supervisor of Elections personally responsible for the election in their respective counties. He stated that due to the passage of this bill, various Supervisor of Elections throughout the State have decided not to seek re-election.

He noted the passed legislation regarding genetic counseling and the legislation that will notify the victim of a sexual assault when the sexual attacker has been arrested and imprisoned.

He also noted the special session on gaming where a 30 year compact with the Seminole Tribe was approved that guarantees that the State will receive money from sports wagering and gaming. He noted that this compact would also allow sports wagering to take place in other facilities such as the Palm Beach Kennel Club.

Vice Mayor Shalhoub thanked Representative Silvers for the update. President Pro Tem Freebold noted that it was a pleasure to have him at the meeting.

B. Utility Rate Study – Joe Williams, Raftelis

Mr. Williams attended the meeting virtually. He noted that he worked with Mr. Clark and staff to update the Rate Study according to the comments made during the April 13th Town Council Meeting. He noted the adjustments made to the water and wastewater revenues and what they would be if using the recommended rates. He noted the Fund Balance forecasts and the proposed new rates for the South Service Area. He also reminded Town staff of the need for the proper notices to be included in the utility bills and the advertising requirements for any ordinances pertaining to rate increases.

Motion made by President Pro Tem Freebold to allow staff to move forward with the recommendations of the Rate Study, seconded by Council Member Pavon; Motion approved (4-0).

5. Quasi-Judicial Proceedings

A. None

6. Public Hearing

A. None

7. Unfinished Business

- A. Second and Final 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 President Pro Tem Freebold to approve Second and Final Reading of Ordinance 2021-03, seconded by Council Member Pavon; Motion approved (4-0).

8. New Business

- A. First Reading of Ordinance 2021-04 – Amending Chapter 125 Zoning to change the side setback for the water’s edge of swimming pools that are not roofed or enclosed from 20 feet to 10 feet.

ORDINANCE NO. 2021-04

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 VII. SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 12 SWIMMING POOLS, TO CHANGE THE SIDE SETBACK FOR SWIMMING POOLS THAT ARE NOT ROOFED OR ENCLOSED TO HAVE THE WATER'S EDGE OF THE POOL TO BE 10 FEET FROM THE SIDE PROPERTY LINE; 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 Freebold to approve First Reading of Ordinance 2021-04, seconded by Council Member Pavon; Motion approved (4-0).

B. *Item 8. B. Removed for further research.*

C. First Reading of Ordinance 2021-06 – Amending Chapter 34 Nuisances and Noise.

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CHAPTER 34 – NUISANCES AND NOISE, ARTICLE III. – NOISE IN PART TO DELETE AND ADD PROVISIONS REGARDING NOISE CAUSED BY LANDSCAPE WORK; TO REVISE THE LOCATION WHERE THE NOISE IS MEASURED; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

It was noted that this ordinance will clarify where the noise level will be measured.

Motion made by President Pro Tem Freebold to approve First Reading of Ordinance 2021-06, seconded by Council Member Pavon; Motion approved (4-0).

D. First Reading of Ordinance 2021-07 – Amending Chapter 46 Solid Waste regarding placement of bulk and vegetative waste.

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CHAPTER 46 – SOLID WASTE, SECTION 46-13. – BULK AND VEGETATIVE WASTE TO PROHIBIT THE PLACING OF VEGETATIVE AND BULK WASTE ON A NON-COLLECTION DAY WHEN A TROPICAL STORM OR HURRICANE WATCH IS ISSUED; 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 Freebold to approve First Reading of Ordinance 2021-07, seconded by Council Member Pavon; Motion approved (4-0).

9. Audience Comments

A. Emailed Questions/Comments - None

B. Written Questions/Comments –

Michael Horwitz, 7810 Beta Circle – asked about putting a cell Tower in Town Hall Park. Mr. Clark noted that the location of a cell tower is determined by the needs of the carrier, so it would be up to the carrier to make a request to the Town.

C. Verbal Questions/Comments –

Claudine Vasseur, 6904 Venetian Way – noted some landscape companies that work in Town do not remove the vegetation that they generate – they leave it on the property for Waste Management to pick up or they are bringing the vegetation from other sites to their homes for Waste Management to pick up. She also noted that vegetation is being put out on the wrong days and it remains there until the regular pickup day. She stated that she would like to have these issues addressed in Ordinance 2021-07.

Mayor Shalhoub noted that the Town is working on a different ordinance to address these issues.

James Knisley, 7009 Pine Tree Lane – asked about having email addresses of Town employees put on the website.

Mayor Shalhoub noted that the email addresses were removed from the website due to an increase in spam and phishing.

(Note: Mr. Knisley made these comments prior to the Council Comments portion of the meeting. Minutes reflect the order of the agenda.)

10. Status Report

Chief Smith – noted that the tag reader cameras processed over 65,000 tags this month. He noted that over 80 violations were issued, officers completed in-house training during the past month and that two of his officers will be receiving Life Saving Awards during the September 13th Town Council Meeting. He also noted the Fire Rescue report. There was also discussion on the number of vehicles that traveled along West Lake Drive on July 26th.

Vice Mayor Shalhoub thanked the Chief for the work that the Police Department does for the Town.

Mayor Shalhoub stated that Officer Manak took care of the problem with vegetation placed in the roadway within an hour after the call.

Mr. Schoech – had no comments at this time.

Mr. Clark – noted that he attended a Palm Beach County League of Cities Fire Rescue Subcommittee Meeting where they discussed the possibility of Palm Beach County Fire Rescue changing to an Independent Fire District which would eliminate the MSTU. He noted that there were a number of questions asked regarding this change including how municipalities would be charged, the how the Members of the Board would be determined and if residents would be able to vote in this. Mr. Clark noted that PBC wants to have this issue go before the Legislative Delegation for local approval this year, before going for a referendum with the voters instead of the other way around. It was noted that the concerns presented during the meeting should be vetted before it goes any further.

Mr. Clark noted that he will be doing a presentation to the Lake Worth Lagoon Initiative Legislative Funding Sub-Committee for assistance with the MICA West Water Quality Improvement Project. He noted that five other projects will be presented and ranked by the Sub-Committee.

11. Council Comments

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

President Pro Tem Freebold – noted that the COP program is being reinstated. He also noted the crime rates in Town are lower than most other areas in the state and congratulated Chief Smith on this achievement.

He noted the two Budget Hearings that will be taking place in September.

He also noted that he will be attending the League of Cities Conference later in the week. He noted that he is a member of the Utilities, Natural Resources and Public Works Committee where water quality is a very big issue. He noted a report regarding

the state of the planet and stated that there is great concern with the amount of garbage polluting the ocean and waterways. He noted that it is not too late to make a difference if everyone does their part to help.

Vice Mayor Shalhoub – noted an article on Facebook about the garbage and trash not being picked up as scheduled. He stated that he reached out to Waste Management regarding this issue. Waste Management told him that they have a shortage of drivers due to the COVID-19 pandemic, but they would send a truck to collect the garbage and trash. Vice Mayor Shalhoub asked if the phone number for Waste Management is included on our website. *Note: the number for Waste Management is listed on the website and a Complaint Form is also available for residents to complete if they have any problems.*

He also discussed the Blueway Trails project and noted that meetings will be continuing to get this project moving forward.

Mayor Shalhoub – stated that he appreciates the help from Representative Silvers on the Pine Tree Bridge replacement.

He noted that three Council Members and Mr. Clark will be attending the Florida League of Cities Conference in Orlando.

He also noted that he appreciates all of those that are involved with the Blueway Trails project and that the members of the Town Council are constantly working on this.

He thanked Palm Springs Mayor Bev Smith for her attendance at the meeting.

12. Adjournment

Motion made by Vice Mayor Shalhoub to adjourn the meeting at 7:40 PM, seconded by Council Member Pavon; Motion approved (4-0).

Paul R. Shalhoub, Mayor

Mary Pinkerman, Town Clerk