

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

Immediately following the Community Redevelopment Agency Board Meeting

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
Gregory Freebold, President Pro Tem
Valentin Rodriguez, Jr., Council Member
Albert Pavon, Council Member

B. Moment of Silence, Invocation, Pledge of Allegiance
Moved to the beginning of the First Public Hearing 2021/2022 Town Budget

2. Approval of Agenda

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

3. Consent Agenda

- A. Approval of the Minutes of the August 10, 2020 Town Council Meeting.
- B. Approval of Interlocal Agreement between the Town of Lake Clarke Shores and the Palm Beach County Tax Collector for the implementation and collection of the abatement of public nuisances and curing of code violations on the property located at 7730 West Lake Drive, Lake Clarke Shores, as noted in Resolution 2021-23 adopted by the Town Council on July 13, 2021.
- C. Approval of agreement with Clarke Aquatics to provide aquatic weed and algae services from October 1, 2021 through September 30, 2022.
- D. Approval to retain the following consultants for the 2021/2022 fiscal year:

My PRGuru – Media Consultant
William H. Murphy – Parks and Recreation Services
Nowlan, Holt & Miner – Financial Consultant
Akerman LLP – Florida Legislative and Executive Branch Advocacy
Representation (September 1, 2021 – April 30, 2022)

- E. Approval of the Florida Recreation Development Assistance Program (FRDAP) Grant for Pickleball Courts at Community Park.
 - a. Resolution 2021-29 – Authorizing the Town Manager to apply for the FRDAP Grant for the Pickleball Courts at Community Park

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

4. Presentations

A. Life Safety Award Recipients – Corporal Loiacono and Officer Walker

Mayor Shalhoub noted that on July 4, 2021 while Ofc. Walker and Cpl. Loiacono were on duty, they received a call regarding an unresponsive male. Ofc. Walker arrived on site first and realized that the male was overdosing on drugs. He asked Cpl. Loiacono to bring the NARCAN that all of the officers have in their vehicles. Cpl. Loiacono applied two doses of NARCON and within seconds, the victim began to breathe. Without the quick actions of the officers, the victim would have died. Mayor Shalhoub noted that these two officers are great assets to the Town.

Chief Smith and Mayor Shalhoub presented the Life Safety Award to Cpl. Loiacono. Assistant Chief Abruscato and Mayor Shalhoub presented the Life Safety Award to Ofc. Walker.

President Pro Tem Freebold commended both officers, on behalf of the Town Council.

B. Annexation – Richard Pinsky

Mr. Clark noted that Mr. Pinsky was unable to attend the meeting, but Jon Carter, aide to Representative Rick Roth, was in the audience if the Town Council had any questions for him.

Mr. Clark stated the draft Local Bill that will be presented by the Palm Beach County Legislative Delegation to the Florida Legislature, will declare the unincorporated area within the Town boundaries as an enclave. He noted that all supporting documents have been completed and a draft letter has been prepared for the Mayor to sign in order to move the Local Bill forward. Mr. Clark noted that Representative Roth was very instrumental in putting the Local Bill together and getting it before the PBC Delegation.

Motion made by Council Member Rodriguez to move forward with the Local Bill pursuant to the letter that has been drafted for the Mayor's signature, seconded by Council Member Freebold; Motion approved (5-0).

The Council Members thanked Mr. Carter for attending the meeting and asked him to convey their thanks to Representative Roth for his work on the bill.

5. Quasi-Judicial Proceedings

A. None

6. Public Hearing

A. None

7. Unfinished Business

- A. Second and Final 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.

Mayor Shalhoub asked for any questions or comments from the audience and Council Members. No one had any questions or comments.

Motion made by President Pro Tem Freebold to approve Second and Final Reading of Ordinance 2021-04, seconded by Council Member Pavon; Motion approved (5-0).

- B. Second and Final 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.

Mayor Shalhoub asked for any questions or comments from the audience and Council Members. No one had any questions or comments.

Motion made by President Pro Tem Freebold to approve Second and Final Reading of Ordinance 2021-06, seconded by Council Member Pavon; Motion approved (5-0).

- C. Second and Final 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.

Mayor Shalhoub asked for any questions or comments from the audience and Council Members. No one had any questions or comments.

Motion made by President Pro Tem Freebold to approve Second and Final Reading of Ordinance 2021-07, seconded by Council Member Pavon; Motion approved (5-0).

8. New Business

- A. First Reading of Ordinance 2021-05– Amending Chapter 2 Administration Article IV. Code Enforcement.

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CHAPTER 2 – ADMINISTRATION, ARTICLE IV. – CODE ENFORCEMENT IN PART TO REVISE THE JURISDICTION OF THE CODE ENFORCEMENT BOARD AND THE BOARD MEMBERS VACANCY AND ATTENDANCE; TO REVISE THE CITATION

SYSTEM BY PROVIDING FOR HEARING IN FRONT OF CODE ENFORCEMENT BOARD INSTEAD OF COUNTY COURT; TO ADD OPTIONS OF PERSON CITED; TO INCLUDE HEARING PROCEDURE BEFORE THE BOARD, COLLECTION AND RECOVERY OF CIVIL PENALTIES; TO REVISE THE CIVIL PENALTY SCHEDULE; TO PROVIDE FOR APPEAL; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Shalhoub asked for any questions or comments from the audience and Council Members. No one had any questions or comments.

Motion made by President Pro Tem Freebold to approve First Reading of Ordinance 2021-05, seconded by Council Member Rodriguez; Motion approved (5-0).

- B. First Reading of Ordinance 2021-08 – Amending various sections of Chapter 125 Zoning to include day care as a special exception in the Single-Family Residential (SF) District.

ORDINANCE NO. 2021-08

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; ARTICLE VI. DISTRICTS, DIVISION 2. SINGLE-FAMILY RESIDENTIAL (SF) DISTRICT, SECTION 125-292. SPECIAL EXCEPTIONS, SECTION 125-300. MINIMUM OFF-STREET LOADING AND PARKING REQUIREMENTS AND SECTION 125-301. LIMITATION ON SIGNS TO INCLUDE PROVISIONS FOR DAY CARE FACILITIES, CHILD OR ADULT; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Shalhoub asked for any questions or comments from the audience and Council Members.

Vice Mayor Shalhoub noted that St. Mary's Orthodox Church is located in the Single-Family Residential District and will be requesting approval for a day care center if this ordinance passes second reading. He noted that he is a member of St. Mary's Church and is also their legal counsel. He asked Mr. Schoech if there would be a conflict of interest for him to vote on the ordinance. Mr. Schoech stated that he does not believe that there would be a conflict that would prohibit Vice Mayor Shalhoub from voting on the ordinance since nothing in the

ordinance would inure to his personal gain. Mr. Schoech noted that since Vice Mayor Shalhoub noted the potential issue regarding the church, what he has already stated is sufficient, and there is no need to abstain from this vote or to complete Memorandum of Voting Conflict Form 8B.

Motion made by President Pro Tem Freebold to approve First Reading of Ordinance 2021-08, seconded by Council Member Pavon; Motion approved (5-0).

- C. First Reading of Ordinance 2021-09 – Amending Chapter 125 Zoning and Chapter 121 Vegetation to make definitions consistent in both chapters and to clarify that grass would include artificial turf.

ORDINANCE NO. 2021-09

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, AND AMENDING CHAPTER 121 VEGETATION, ARTICLE II. LANDSCAPING, SECTION 121-19 DEFINITIONS, TO MAKE THE DEFINITIONS CONSISTENT IN BOTH CHAPTERS AND TO CLARIFY THAT GRASS INCLUDES ARTIFICIAL GRASS; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Shalhoub asked for any questions or comments from the audience and Council Members. No one had any questions or comments.

Motion made by President Pro Tem Freebold to approve First Reading of Ordinance 2021-09, seconded by Council Member Pavon; Motion approved (5-0).

9. Audience Comments

- A. Emailed Questions/Comments – None
- B. Written Questions/Comments – None
- C. Verbal Questions/Comments – None

Mr. Clark noted that seven people were attending the meeting virtually.

10. Status Report

Chief Smith – noted that all of the officers are wearing new body cameras that utilize advanced technology.

Mayor Shalhoub noted that it is good to know that the officers are doing a great job keeping the Town safe.

Mr. Schoech – had no comments at this time.

Mr. Clark – noted that Palm Beach County Fire Rescue has dropped their local bill to create an Independent Fire District.

He also noted that the US 2020 Census information will be available at the end of September. It was noted that the Town of Lake Clarke Shores ranked third highest in the state for Census responses from the residents.

He noted that Lake Clarke will be declared an impaired water body because the lake does not meet water quality standards. He noted that the Town will need to establish a TMDL program for the lake. He stated that the state has been monitoring the lake since 2009, and the lake water is now above the required levels for certain nutrients. It was noted that in addition to the proximity of the septic tanks to the waterways, the yard vegetation that is being deposited into the lake and canals is also contributing to the higher nutrient problems.

President Pro Tem Freebold noted that he would like additional information to be provided to the residents on the importance of not depositing yard waste into the lakes and canals. He noted that the higher amount of nutrients in the water, the more problems there are with blue green algae.

Vice Mayor Shalhoub agreed that the residents need more information in this issue so they will not throw the vegetation into the waterways.

11. Council Comments

Council Member Rodriguez – noted that he and other members of the Town Council attended the League of Cities conference in August. He noted that they were able to network with officials from other municipalities throughout the state.

He noted that he was contacted by a resident regarding an outstanding lien. He asked the Town Council to review the information that was provided by the resident.

He also noted that the golf cart path to the shopping plaza has been completed.

Council Member Pavon – noted that Jo Bistro has almost completed the expansion of their restaurant in the plaza.

President Pro Tem Freebold – congratulated the Police Department for doing a great job.

Vice Mayor Shalhoub – noted that he was glad to see that Town events are back in the budget. He noted that BBQ plans are on hold for now, but hopes that things will get better so that the BBQ can still take place in March.

He noted the Town history on the website should be updated. He thanked Mr. Clark for explaining during the Budget Hearing that the ARPA funds could not be used to reduce taxes.

Mayor Shalhoub – noted that the Finance and Taxation Committee met during the League of Cities conference and some of the issues that they are working on including protecting the ability to collect local business tax receipts. He noted that he gave a presentation on revenue that is lost by not collecting taxes on streaming services. He also noted the Blueway Trail project is still being worked on.

He reminded everyone that the second budget hearing will take place on Tuesday, September 28, 2021.

12. Adjournment

Motion made by Vice Mayor Shalhoub to adjourn the meeting at 7:33 PM, seconded by Council Member Rodriguez; Motion approved (5-0).

Paul R. Shalhoub, Mayor

Mary Pinkerman, Town Clerk