

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
SEPTEMBER 28, 2021**

Immediately following the LPA Hearing

1. Call to Order

A. Mayor Shalhoub called the meeting to order at 7:10 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 Second 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 September 13, 2021 First Public Hearing 2021-2022 Budget
- B. Approval of the Minutes of the September 13, 2021 Town Council Meeting.
- C. Approval of Resolution 2021-30 – Approving 2020/2021 Budget Transfers

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

4. Presentations

- A. None

5. Quasi-Judicial Proceedings

- A. 7432 Pine Tree Lane Variance Request
 - 1. Presentation by Town of request and recommendation of ZBA – Charles Schoech

Mr. Schoech noted that the applicants are requesting a 2.5 foot variance to place a garage that will be set back 7.5 foot from the side property line instead of the required 10 foot side setback. He noted that the Zoning Board of Adjustment heard the request on July 21, 2021 and recommends that the Town Council approve the variance as requested.

2. Presentation by Applicant – Nicholas Octavi and Samantha Gallegos

Mr. Octavi noted their growing family and the need for a vehicle that will accommodate the family. He noted they are requesting the variance to construct a larger garage because the existing garage is not big enough to fit today's larger vehicles. He noted that the 12 foot garage addition would blend in with the existing structure and the roof line would not affect the line of site for the neighbors. He noted that one neighbor opposed the variance because he felt that allowing construction too close to the property line would lower his property value.

3. Public Hearing

John Shanks, 7430 Pine Tree Lane – attending the meeting virtually and had problems with the microphone so he typed that he objects to the granting of the variance.

It was noted that the Town Council had copies of his email that objected the granting of the variance and the Mr. Clark had read Mr. Shank's objection into the record.

4. Rebuttal by Applicant if Necessary

Mr. Octavi noted that he did not think that the addition of a larger garage on his property would negatively affect Mr. Shank's property value.

5. Council Comments

No Council Comments at this time.

6. Council Conclusion (Findings of Fact and Conclusion of Law)

Motion made by Council Member Rodriguez to accept the Zoning Board of Adjustment's recommendation to approve the variance as requested, seconded by President Pro Tem Freebold; Motion approved (5-0).

6. Public Hearing

A. None

7. Unfinished Business

A. Second and Final 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 Second and Final Reading of Ordinance 2021-05, seconded by Council Member Pavon; Motion approved (5-0).

- B. Second and Final 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. No one had any questions or comments.

Motion made by President Pro Tem Freebold to approve Second and Final Reading of Ordinance 2021-08, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

- C. Second and Final 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 Second and Final Reading of Ordinance 2021-09, seconded by Council Member Pavon; Motion approved (5-0).

8. New Business

- A. First Reading of Ordinance 2021-10 – Amending the Town of Lake Clarke Shores Comprehensive Plan by Revising Policy 3.10.1 of the Land Use Element and adding Element 13. Property Rights.

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, APPROVING THE FOLLOWING AMENDMENTS TO THE TOWN OF LAKE CLARKE SHORES COMPREHENSIVE PLAN: (1) THE REVISION POLICY 3.10.1 TO THE LAND USE ELEMENT TO PROVIDE FOR IMPROVED TRANSITIONAL USES ON FOREST HILL BOULEVARD; AND (2) THE ADDITION OF COMPREHENSIVE PLAN ELEMENT 13 PROPERTY RIGHTS;

PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Shalhoub asked for any questions or comments from the audience and Council Members. Mr. Schoech clarified that the Town Council would be approving First Reading of Ordinance 2021-10 with the revised Exhibit A.

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

9. Audience Comments

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

10. Status Report

There were no status reports to present at this meeting. Status Reports will be provided for the October 12, 2021 Town Council Meeting.

11. Council Comments

Council Member Pavon – asked if the Town was going to have the Holiday Parade or just the Tree Lighting Event the first Saturday in December. Mr. Clark noted that staff is working on the possibility for both.

President Pro Tem Freebold – asked about dates for other events. Mr. Clark noted the BBQ is scheduled for April 3rd but there is not a date for the Fishing Tournament as of yet. President Pro Tem Freebold stated that he will work on setting a date for the Fishing Tournament.

Vice Mayor Shalhoub – thanked everyone for their attendance during the meetings and appreciated the comments that were made by Mr. and Mrs. Faquir regarding the noise from Forest Hill Boulevard.

He noted the resident boat parade that will be taking place on December 11th and that the boat parade is not a Town sponsored event.

He commended Mr. Clark and Town staff for their work on the budget and reminded everyone to stay safe.

Council Member Rodriguez – noted that he is excited that things are moving forward. He noted that he has been receiving comments regarding the road resurfacing that has been taking place and the golf cart path to the shopping plaza is being used.

Mr. Clark noted that the parking lot at Town Hall was the resealed over the weekend but the sealant washed out by the rain. He noted that the company will be coming back to resurface the parking lot this weekend, if it does not rain.

Mayor Shalhoub – thanked everyone for attending and Mr. Clark and Town staff for the work that they do for the Town.

12. Adjournment

Motion made by President Pro Tem Freebold to adjourn the meeting at 7:32 PM, seconded by Council Member Pavon; Motion approved (5-0).

Paul R. Shalhoub, Mayor

Mary Pinkerman, Town Clerk