

**MINUTES  
TOWN OF LAKE CLARKE SHORES  
TOWN COUNCIL MEETING  
NOVEMBER 9, 2021**

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**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  
Valentin Rodriguez, Jr., Council Member  
Albert Pavon, Council Member

B. Moment of Silence, Invocation, Pledge of Allegiance

Mayor Shalhoub requested a moment of silence for resident Marilyn Leclaire; Charles H. Damsel, father of resident Chip Damsel; Stuart “Stu” Liberman, former Town Manager from 1983-1999; and Wallace Anthony, husband of Riveria Beach City Clerk Claudine Anthony. Pastor Hunter, Pastor of Emmanuel Baptist Church, gave the invocation, then led the Pledge of Allegiance.

**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 October 12, 2021 Town Council Meeting.
- B. Approval of Resolution 2021-33 – Adopting a Schedule of Penalties for Illicit Discharges and providing a description of the penalties.
- C. Approval of Proclamation proclaiming November 13 – 21, 2021 as National Hunger and Homeless Awareness Week.
- D. Approval to declare the following items from the Water Plant as surplus and allowing these items to be disposed:
  - Miscellaneous fittings, air release valves, backflow devices, meters and pumps
  - Lawn mower
  - Self-Contained Breathing Apparatus

- E. Approval of Land Use License – James Walton, 7320 West Lake Drive – New Dock

**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**

- B. None

#### **6. Public Hearing**

- A. None

#### **7. Unfinished Business**

- A. Lien – 1621 Carandis Road

Council Member Rodriguez noted that this was brought back to the Town Council because additional information was needed to clarify events that took place when this case went before the Code Enforcement Board. He noted that he was glad Lt. Fisher was in attendance to help explain the circumstances surrounding the violations.

Council Member Rodriguez asked Lt. Fisher various questions about the events that took place regarding the loose dirt violation. He also asked if she ever went back to see if the violation was corrected prior to clearing the case in November 2020 and if she ever discussed the liens with Mr. Whitaker while she was at his property issuing other notices of violations.

Lt. Fisher noted she issued the original violation based on the loose dirt that was found on the property. She noted that Mr. Whitaker put down sod along the side of one street but not the other, so the property was still in violation. She also noted that Mr. Whitaker was present at the meeting when the Code Enforcement Board found that he remained in violation for having loose dirt. She noted that the loose dirt could be seen in the pictures of other violations throughout the years and that she never discusses prior liens or lien amounts when she issues new notices of violations to a resident.

Council Member Rodriguez and Mayor Shalhoub asked Mr. Whitaker various questions concerning the violation.

Mr. Whitaker noted that he put in the sod and thought that he was in compliance. He also noted that “loose dirt” is very vague and needed clarification. He noted that he put a lot of time and money into his property over the 22 years that he has lived there. He noted the lien in the amount of \$170,000 is excessive for not having mulch around his plantings. He asked the Town Council to reduce the lien.

President Pro Tem Freebold noted that this has been an ongoing issue from 2011 through 2020. He noted that there had been 17 other violations issued against this property over that period of time that came into compliance, but the issue with the loose dirt remained in violation.

Vice Mayor Shalhoub noted the dates of the various Code Enforcement Board hearings. He noted that the Board found Mr. Whitaker to be in violation, continued the case twice to give him additional time to comply, imposed a penalty of \$50.00 per day for each day the violation remained and then imposed the lien during the course of these meetings. He noted Mr. Whitaker was present during the first three meetings, but not the final two meetings. He asked Mr. Whitaker how he became aware of the liens against the property.

Mr. Whitaker noted that he was unaware of the liens until he received a letter from a collection agency regarding the liens. He noted that he worked with the collection agency for a while to try and resolve the issue, then decided to come directly to the Town Council to take care of it.

Council Member Pavon asked Mr. Whitaker if he would be willing to offer a different amount to settle other than the \$10,000 that he offered during the last Town Council Meeting.

Mr. Whitaker noted that he would like the Town Council to come up with a reasonable amount. He noted that there was a lot of time spent on this and that it would be fair for the Town to be compensated on the expenses incurred.

There was continued discussion regarding when Mr. Whitaker found out about the lien, the lien reduction requests from other property owners over the years and the amount that the Town Council would be willing to accept to settle this lien.

It was noted that additional staff time has been spent on this issue over the past few months and this time should also be taken into consideration.

**Motion made by President Pro Tem Freebold to table this discussion until the December 14, 2021 Town Council Meeting to allow Mr. Clark time to get a valid amount that reflects all expenses incurred with this case including the time spent on the case, seconded by Council Member Rodriguez; motion approved (3-2).**

Mayor Shalhoub noted that Mr. Whitaker should attend the December 14, 2021 Town Council Meeting in case there are further questions from the Town Council

## **8. New Business**

A. None

## **9. Audience Comments**

A. Emailed Questions/Comments – None

## B. Written Questions/Comments –

Wesley Cook, 7105 Pine Tree Lane – had questions about Mr. Clark’s status report regarding the matching funds for Pine Tree Bridge and removing vegetation from Lake Clarke. He also asked about estimates for the Town’s portion of the septic to sewer conversion, the Blueway Trail and the lake cleanup.

Mr. Clark noted that the match for the \$600,000 that the Town needs would come from the loan that the Town acquired for the replacement of Pine Tree Bridge. He noted that the loan is being paid with funds from the Infrastructure Surtax proceeds.

He noted that the match for the \$350,000 for the vegetation removal will come from the sale of the 6900 West Lake Drive property and any lien revenues that the Town receives this year. This match with the state grant will give the Town \$700,000 towards the lake cleanup.

Mr. Clark noted that the Town does not have any estimates for the septic to sewer yet, but hopes to obtain an engineer’s opinion of costs by the end of March and money for the Blueway Trail will be from County, State and Federal funds, which has always been the plan.

Timothy Daughtry, 1410 Keller Road – noted that the Town Council phone numbers have been removed for the website and asked about the Infrastructure Surtax Citizen Oversight Committee Meeting.

It was noted that Palm Beach County requires oversight of the Town’s expenditures from the Infrastructure Surtax Fund. The Committee meets to verify the expenditures.

*Note: Mr. Daughtry was self-muted and unable to ask his questions verbally. He ended up writing his comments instead. The minutes reflect the order of the agenda.*

## C. Verbal Questions/Comments –

Ann Warren, 7524 Edgewater Circle – discussed setback requirements and asked if neighbors receive notice when permits are pulled.

It was noted that notices are mailed to property owners within 100 feet of a property when a variance or special exception is being requested, not each time that a permit is pulled.

## 10. Status Report

Assistant Chief Abruscato – noted that the missing posts will be replaced at the railroad tracks at Forest Hill Boulevard and I-95 to prevent drivers from mistakenly turning onto the railroad tracks.

Vice Mayor Shalhoub asked about traffic control at the light on Pine Tree Lane and Forest Hill Boulevard. It was noted that officers cannot direct traffic at the intersection against the light. Traffic should be stopping when the light is red.

Mr. Schoech – Council Member Rodriguez asked Mr. Schoech if the Town reduces a lien, does the payment have to be made right away? Mr. Schoech noted that the Town can put a condition in the motion that the payment must be made by a certain date.

Mr. Lynch – did not have any comments at this time.

Mr. Clark – noted that Governor DeSantis did not award wastewater grant program funds to any of the Palm Beach, Broward or Miami-Dade County projects. He stated that Palm Beach County has grant money available for septic to sewer conversion, so the Town will be applying for this.

He noted that a Palm Beach County grant could also be used to remove silt trapped in the C-51 Canal. He noted that the Town should notice a difference in Lake Clarke if the silt is removed from the canal.

He noted the absence of Chief Smith and stated that he should be back by Monday.

## **11. Council Comments**

Council Member Pavon – wished everyone a Happy Thanksgiving.

Council Member Rodriguez – noted the upcoming Tennis Tournament on December 5<sup>th</sup>.

President Pro Tem Freebold – wished everyone a Happy Thanksgiving and reminded everyone to stay safe.

Vice Mayor Shalhoub – noted that the Town will apply for other grants to help with the septic to sewer conversion project.

He also noted that he will be attending the Legislation Action days in Tallahassee in January.

Mayor Shalhoub – thanked everyone for attending the meeting tonight.

## **12. Adjournment**

**Motion made by Vice Mayor Shalhoub to adjourn the meeting at 8:50 PM, seconded by President Pro Tem Freebold; Motion approved (5-0).**

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Paul R. Shalhoub, Mayor

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Mary Pinkerman, Town Clerk