

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
DECEMBER 14, 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
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 residents Dr. Spencer Meckstroth, William Piper Walton, Sr. and Delores Hernandez. Pastor Stan Snizek, Pastor of the New Life Alliance Church, gave the invocation, then led the Pledge of Allegiance.

2. Approval of Agenda

Vice Mayor Shalhoub noted that additional information would be needed to clarify the total costs associated with the lien before the Town Council makes a decision on the lien reduction request. The Council Members agreed. **Motion made by Vice Mayor Shalhoub to approve the Agenda after removing Item 7. A., seconded by President Pro Tem Freebold; Motion approved (5-0).**

3. Consent Agenda

- A. Approval of the Minutes of the November 9, 2021 Town Council Meeting.
- B. Approval of Resolution 2021-35 – Authorizing the Town Manager to make any necessary budget transfers between departments within a fund for fiscal year 2020/2021.
- C. Approval of Resolution 2021-36 – Authorizing the Town to execute the agreement between the Palm Beach County Supervisor of Elections and the Town of Lake Clarke Shores for vote processing equipment use and election services for the Town's March 2022 municipal elections and designating the Canvassing Board for the March Elections.
- D. Approval of Resolution 2021-37 – Authorizing a Budget increase of \$97,000 for fiscal year 2020/2021
- E. Acceptance of the Infrastructure Surtax Citizen Oversight Committee Annual Report.

- F. Approval of the Sewer Construction Agreement between the Town of Lake Clarke Shores and Murray Logan for Water Main Construction Lift Station 6 Pump Replacement and authorizing the Town Manager to sign said agreement once staff has finished negotiations with Murray Logan and the Town Attorney has approved the final version of the agreement.

Note: To save paper, Exhibits A, B & D have not been included. If needed, the exhibits can be reviewed at the Town Clerk's office.

- G. Approval of forfeiture expenditure in the amount of \$1,400 for the Police Department to purchase challenge coins & lapel pin giveaways for events.
- H. Approval to declare the following items from the Water Plant as surplus and allowing these items to be disposed:
- 2 Dell computer towers
 - Dell monitor
 - Miscellaneous computer parts

- I. Approval of Land Use License – Bridget Keating, 7205 Pine Tree Lane – Erosion Control Device

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 Awards – Mayor Shalhoub, Chief Smith, Asst. Chief Abruscato

Corporal Leonard Loiacono
Officer Antonio Gerena
Officer Michael Zarzycki

Mayor Shalhoub noted that while all of the Town's Officers do an amazing job, the quick thinking and actions of these three officers recently saved the lives of two people.

He noted on September 5, 2021 Officer Gerena and Officer Zarzycki had responded to a scene on Forest Hill Boulevard where they found an unresponsive 26 year old female who showed signs of an overdose. The officers administered two doses of NARCAN to the patient, thus saving her life.

Mayor Shalhoub, Chief Smith and Assistant Chief Abruscato presented Life Safety Awards to Officer Gerena and Officer Zarzycki.

Mayor Shalhoub noted on September 5, 2021 Corporal Loiacono responded to a scene where a driver had passed out behind the wheel of a running car at Lake Clarke Drive and Forest Hill Boulevard. He found a 39 year old male who showed signs of an overdose. After safely shutting off the vehicle, Corporal Loiacono administered a dose of NARCAN

to the patient, thus saving his life. Mayor Shalhoub noted that this is the forth Life Safety Award that Corporal Loiacono has received.

Mayor Shalhoub, Chief Smith and Assistant Chief Abruscato presented the Life Safety Award to Corporal Loiacono.

Mayor Shalhoub thanked Chief Smith for having all of his officers trained to administer NARCAN so they are able to quickly assess the situation and assist those in need.

5. Quasi-Judicial Proceedings

A. First Learning Academy II, Inc. –Special Exception Request for 1815 Forest Hill Boulevard

1. Presentation by Town of request and recommendation of ZBA – Charles Schoech

Mr. Schoech noted that the applicant is requesting a Special Exception to operate a Child Care Center located at New Life Alliance Church, which is in the Single Family Residential District. He noted that the Town Zoning Codes allow for child care facilities as special exceptions in the Single Family Residential District, if certain conditions are met. He also noted the Zoning Board of Adjustment heard the request for the Special Exception from First Learning Academy II, Inc. on November 17, 2021 and they recommend that the Town Council approve the Special Exception as requested.

2. Presentation by Applicant – Alex Bello

Mr. Bello noted that he operated a child care center at a prior location in Town for many years without any problems. He noted that he was given permission from the Town to open temporarily until he could receive the Special Exception. He thanked the Town Council for the opportunity to operate the day care center in its new location.

3. Public Hearing – No comments

4. Rebuttal by Applicant if Necessary – None

5. Council Comments - None

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

Motion made by Vice Mayor Shalhoub to approve the Special Exception requested by First Learning Academy II, Inc. for the Child Care Center at New Life Alliance Church as recommended by the Zoning Board of Adjustment, seconded by President Pro Tem Freebold; Motion approved (5-0).

B. New Generation Montessori –Special Exception Request for 1349 S. Florida Mango Road

1. Presentation by Town of request and recommendation of ZBA – Charles Schoech

Mr. Schoech noted that the applicant is requesting a Special Exception to operate a Child Care Center located at St. Mary's Orthodox Church, which is in the Single Family Residential District. He noted that the Town Zoning Codes allow for child care facilities by special exception in the Single Family Residential District, if certain conditions are met. He also noted that there was a child care facility in operation at this location when the church was annexed into the Town, but that facility has since moved to another location. He noted the Zoning Board of Adjustment heard the request for the Special Exception from New Generation Montessori on November 17, 2021 and they recommend that the Town Council approve the Special Exception as requested with the condition that the school use the existing building already on site and not construct a new building.

2. Presentation by Applicant – Arturo De La Mora

Mr. De La Mora noted that they will be using the existing building on site and will not be expanding the building. He thanked the Town staff for all of their assistance and noted that he believes that the Town's location will be an asset to their school.

3. Public Hearing

Brian Fuente, 2555 W. Carandis Road, West Palm Beach FL 33406 – had concerns with new construction taking place since he observed surveyors on the property.

Mr. Schoech noted that the issue of expanding the existing building was also brought up during the ZBA hearing. Mr. De La Mora noted that the child care facility will be utilizing the existing building on site. Father Perter Shportum, Pastor of St. Mary's Orthodox Church, noted that the surveyors were there due to the expansion of Florida Mango Road, not for the school.

4. Rebuttal by Applicant if Necessary - None

5. Council Comments

Vice Mayor Shalhoub noted that he is part of the legal counsel for St. Mary's Orthodox Church. Mr. Schoech noted that since Vice Mayor Shalhoub would not benefit from the child care center, he does not have a conflict of interest and is therefore able to participate in the discussion and the vote.

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

Motion made by Vice Mayor Shalhoub to approve the Special Exception requested by New Generation Montessori for the Child Care Center at St. Mary's Orthodox Church as recommended by the Zoning Board of Adjustment with the condition that the school use the existing building already on site and not construct a new building, seconded by President Pro Tem Freebold; Motion approved (5-0).

6. Public Hearing

A. Comprehensive Plan Amendments

There were no comments from the public or Town Council Members on this issue.

1. Second and Final Reading of Ordinance 2021-10 – Amending the Town of Lake Clarke Shores Comprehensive Plan by Revising Policy 3.10.1 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.

Motion made by President Pro Tem Freebold to approve Second and Final Reading of Ordinance 2021-10, seconded by Council Member Rodriguez; Motion approved (5-0).

B. Notice of Intent for collection of Non-Ad Valorem assessments for waste water facilities

Public Comment –

Timothy Daughtry, 1410 Keller Road – asked if the Town was going to schedule Public Hearings or Workshops to give residents the availability to discuss the septic to sewer conversion. He noted that residents should have input on this before it happens.

Mayor Shalhoub noted that approval of Resolution 2021-34 authorizes the Town to begin the process to use the Uniform Method for levying non-ad valorem assessments for the waste water facilities.

Mr. Clark noted that the Department of Environmental Protection will soon mandate that all areas close to bodies of water convert to sewer systems to prevent impurities from seeping into the waterways. The Town is trying to stay ahead of this by applying for various state and federal grants to help pay for the conversion, so that the residents do not have to pay the full amount. The Town should have more information on the costs involved by March 2022.

1. Approval of Resolution 2021-34 – Stating the intent of the Town to use the Uniform Method for levying, collection and enforcement of non-ad valorem assessments for waste water facilities.

RESOLUTION NO. 2021-34

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES STATING THE INTENT OF THE TOWN TO USE THE UNIFORM METHOD, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR THE LEVY, COLLECTION, AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS; ADOPTING FINDINGS; PROVIDING FOR ADVERTISING FOR A PUBLIC HEARING, FOR HOLDING A PUBLIC HEARING, AND FOR MAILING OF THIS RESOLUTION; STATING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS FOR THE FINANCING, CONSTRUCTION AND OTHER RELATED COSTS OF WASTEWATER AND WATER FACILITIES; PROVIDING A LEGAL DESCRIPTION OF THE REAL PROPERTY WITHIN THE TOWN'S NORTHERN UTILITY SERVICE AREA SUBJECT TO THE LEVY OF NON-AD VALOREM ASSESSMENTS FOR WATER AND SEWER FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by President Pro Tem Freebold to approve Resolution 2021-34, seconded by Council Member Pavon; Motion approved (5-0).

7. Unfinished Business

~~A. Lien—1621 Carandis Road~~

Item 7. A. removed from agenda.

8. New Business

A. Palm Beach County Fire Rescue Report – Chief Adams

Chief Adams thanked the Town Council for giving her the opportunity to provide her report. She noted that they responded to 20 calls within the Town limits in November. She stated that it takes approximately 55 seconds from the time that they receive the call to head to the scene. She noted that she has no control of the traffic situations so the drive time varies, but she is able to control how fast the crew leaves the station. She also noted that the 2020/2021 annual report is being printed at this time and that she will provide copies of the report to the Town Council when they are ready.

She wished everyone a safe and Happy Holiday.

Mayor Shalhoub thanked Chief Adams for her attendance and report.

9. Audience Comments

A. Emailed Questions/Comments – None

B. Written Questions/Comments – None

C. Verbal Questions/Comments –

Robert Gonzalez, 1420 South Lake Court – noted that he is a candidate for Town Council Group 4 in the March election. He gave a brief background on his family's time in Lake Clarke Shores. He noted that he is tremendously grateful to the Town for all that it provides for its residents and thanked the Town Council for all they do.

Timothy Daughtry, 1410 Keller Road – noted the decision to remove the lien reduction from the agenda, He noted an article from the Palm Beach Post that stated that Palm Beach County had a program where they removed all liens from properties when the property owner brought the property into compliance and paid a preset administrative fee. He noted that Riviera Beach also did this. He stated that he would like the Town to look into this and do the same.

Mr. Daughtry also noted a blog regarding the proposed boatlift at Spillway Park. The blog noted that surveyors were hired by the Town to survey the park in Lake Worth Beach. He wanted to know why the Town would be spending Town money to hire surveyors for a project that was not in the Town. He also noted that a number of Lake Worth Beach residents do not want the boat lift built in the park.

Mr. Clark noted that Blueway Trails, Inc. paid for the surveyors. He also noted that the survey was ordered after discussions with Lake Worth Beach. It was determined that the surveying would not take place until after the November Lake Worth Beach Commission Meeting. The Commission postponed their discussion on the boat lift during the meeting, but no one contacted the surveyors to cancel the job.

10. Status Report

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

Chief Smith – noted that the Police Department disposed of over a quarter million dollars in drugs from more than 1000 cases that had accumulated over the past 10 years. He also noted that they will be receiving two additional speed cameras which will be set up at various locations in Town. He noted the number of vehicles that have been recorded on the current cameras and stated that most of the drivers are driving with the speed limits.

Mayor Shalhoub noted that Assistant Chief Abruscato's reports are very informative.

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

Mr. Clark – noted changes in the dates for the next few Council Meetings - the February Town Council Meeting will be held February 1st due to Legislative Days in Tallahassee

taking place from February 7th through February 9th and since there will be a Town election on March 8th, the March Town Council Meeting will be held on March 1st instead.

He also noted that Governor DeSantis will be giving all State employees an extra day off for New Years as a thank you for their work during the past year during the pandemic. He asked if the Town Council would consider doing the same for the Town Employees by giving them December 30th off as a paid holiday.

Motion made by President Pro Tem Freebold to provide the employees with December 30th off as a paid holiday, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

Mr. Clark discussed the Florida Mango Road widening project. He noted that there are four phases to the project. The area north of Arabian Road to Edgewater Drive will take place first. The Gregory Road to Forest Hill Boulevard phase has been delayed for approximately one year due to right-of-way issues. Some of the properties south of Forest Hill have drain fields located in the area needed, so those issues will need to be addressed before the work can start.

Council Member Rodriguez asked Mr. Clark to remind the Town Council the process for lien reductions. Mr. Clark noted that the Town was working on an ordinance that would have allowed the Town Manager to negotiate lien reductions, then have the Town Council approve or disapprove the final amount during Council Meetings, but the Town did not have second reading on the ordinance. The Council hired ARI to negotiate and settle liens with them receiving a percentage of the money collected. There was further discussion regarding ARI receiving money if the Town negotiated a lien reduction instead of them.

11. Council Comments

Council Member Rodriguez – noted that all of the December events went well. He noted that the Tennis Tournament was a smaller event, but everyone enjoyed themselves. He noted that he is looking forward to the BBQ starting up again.

He thanked Robert Gonzalez and Timothy Daughtry for attending the meeting and wished everyone a Happy New Year.

Council Member Pavon – wished everyone Happy Holidays and a Happy New Year. He also noted that there were a lot of toys collected during the resident boat parade and thanked Mike Wade for his involvement in putting the parade together.

President Pro Tem Freebold – noted that he was looking forward to 2022 and that lots of things will be going on during the year. He wished everyone a Merry Christmas, Happy Hanukah, Happy Kwanza and Happy New Year.

Vice Mayor Shalhoub – asked if any roads were going to be closed during the golf cart parade that some of the Town residents will be participating in. Chief Smith noted that this is not a Town sponsored event. He noted that there were about 15 to 20 golf carts

participating in last year's parade and Police Officers stopped traffic to allow the golf carts to cross Forest Hill Boulevard safely. There was further discussion regarding the golf cart parade. It was noted that the Town will be treating this in the same manner as the boat parade – it is not a Town sponsored event, but the Town will be there for safety.

Vice Mayor Shalhoub noted the Menorah Lighting event was well received. The Holidays in Paradise Parade, the Tree Lighting and other holiday events went well.

It was noted that there will be a BBQ meeting taking place on January 10th at 8 AM.

Mayor Shalhoub – congratulated Council Member Rodriguez for running unopposed and wished good luck to all of the candidates. He also wished everyone a Happy Hanukah, Merry Christmas, Happy Kwanza and a Happy New Year.

12. Adjournment

Motion made by Vice Mayor Shalhoub to adjourn the meeting at 7:40 PM, seconded by President Pro Tem Freebold; Motion approved (5-0).

Paul R. Shalhoub, Mayor

Mary Pinkerman, Town Clerk