

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
FEBRUARY 7, 2023**

1. Call to Order

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

He noted that Candidate Jon Maples had been delayed, so the Candidate Forum originally scheduled to be held at 6:30 PM would be held at the conclusion of the Town Council Meeting to give him time to arrive.

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
Robert O. Gonzalez, Council Member - *Attended virtually from 6:37 PM to 6:50 PM (times approximate)*

B. Moment of Silence, Invocation, Pledge of Allegiance

Mayor Shalhoub requested a moment of silence for Dottie Coutu, Council Member Valentin Rodriguez' mother and PD Administrative Assistant Susannah Smith's grandmother; resident Judge Arthur (Art) Wroble; and for Hank Gonzalez, Past President of the Board of Directors of the Young Singers of the Palm Beaches.

Pastor Stan Snizek, Pastor of the New Life Alliance 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 (4-0).

3. Consent Agenda

- A. Approval of the Minutes of the January 10, 2023 Town Council Meeting.
- B. Approval of Proclamation recognizing the week of February 19 - 25 2023 as Engineer's Week.
- C. Acceptance of the Infrastructure Surtax Citizen Oversight Committee Annual Report.
- D. Approval of Agreement between Building Up Sports Academy, Inc. and the Town of Lake Clarke Shores to hold a summer fishing camp for children during the week of June 5 – June 9, 2023.

- E. Approval of forfeiture expenditure in an amount not to exceed \$5,000.00 for the Police Department to sponsor “Drug Awareness & Anti-Bullying Education” during the March 26, 2023 Town BBQ. The money will be used toward the rental of play equipment, activities and refreshments for the children of the Town and their guests.
- F. Approval to Terminate the COVID-19 Telecommuting policy.

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

4. Presentations

Mayor Shalhoub recognized Reserve Officer Edward Manak for the many hours that he donates to the Town. He thanked Officer Manak and presented him with a Mayor’s Award for his service. Officer Manak received a standing ovation and additional thanks from the residents in the audience.

Mayor Shalhoub also recognized the following Lake Clarke Shores Police Department personnel for the number of years they have been working for the Town:

Lieutenant. Dana Fisher – 16 years of service
Sergeant William Howell – 20 years of service
Corporal Antonio Gerena – 12 years of service

5. Quasi-Judicial Proceedings

A. 8170 West Lake Drive – Variance Request

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

Mr. Schoech noted that the applicants are requesting a 13’3” rear variance to enclose an existing pool with a screened enclosure, with relief from the 25’ setback as required in Section 125.477 (a) of the Town Code of Ordinances. He noted that the Zoning Board of Adjustment heard this request on January 18, 2023 and recommended that the Town Council approve the variance as requested.

2. Presentation by Applicant – Thomas and Elizabeth Spencer

Mr. Spencer noted that they are requesting the variance to put a screen enclosure around the swimming pool that was already there when he purchased the home in 1990.

3. Public Hearing – No comments from audience members present.
4. Rebuttal by Applicant if Necessary
5. Council Comments

The Council Members discussed the design of the enclosure, which does not restrict the neighbor’s view of the lake. They noted their support of the variance.

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

Motion made by President Pro Tem Freebold to accept the recommendation from the Zoning Board of Adjustment and to approve the 13.3' variance as requested by the applicant, seconded by Council Member Rodriguez; Motion approved (5-0).

Note: Council Member Gonzalez participated during the presentation and discussion portion of the Spencer variance request to make the 5-0 vote.

B. 6760 Escondida Drive – Variance Request and Special Exception

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

Mr. Schoech noted that the applicants originally requested a 7.5' rear variance to build a swimming pool on the rear easement line, with relief from the 7.5' setback as required in Section 125-891 (3) of the Town Code of Ordinances and a special exception to build the pool in the side yard as required by Section 125-292 (6) of the Town Code of Ordinances.

He noted that the Zoning Board of Adjustment heard these requests on January 18, 2023 and recommended that the applicant change their variance request to build the pool 2' away from rear easement line. The applicant agreed to this. The Zoning Board of Adjustment voted 2-1 to recommend that the Town Council approve the variance as amended, but the vote failed due to the need for a unanimous vote of approval. The Zoning Board of Adjustment also heard the request for the special exception to build the swimming pool in the side yard. They voted 3-0 to recommend that the Town Council approve the special exception.

It was noted that the Town Council will hear the testimony for the variance and special exception at the same time, but will vote separately on each request.

2. Presentation by Applicant – Juan and Lily Carcheri, Jr.

Mr. Carcheri noted that his lot is the only lot in the subdivision that has side and rear easements, which prohibits him from having a usable swimming pool without requesting a variance and special exception. He noted that he has received approval from the HOA to construct the pool in this area.

3. Public Hearing – no comment from audience members present

4. Rebuttal by Applicant if Necessary

5. Council Comments

The Town Council noted the applicant's willingness to amend their application for the variance and stated that pools increase the property's value.

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

Motion made by Vice Mayor Shalhoub to approve the variance to place the swimming pool 2' away from the rear utility easement line, seconded by Council Member Rodriguez; Motion approved (4-0).

Motion made by Vice Mayor Shalhoub to accept the recommendation from the Zoning Board of Adjustment and approve the special exception to place the swimming pool in the side yard, seconded by President Pro Tem Freebold; Motion approved (4-0).

6. Public Hearing

A. None

7. Unfinished Business

- A. Second and Final Reading of Ordinance 2023-01 – Extending the temporary moratorium imposed by Ordinance 2022-01 on enforcement of Section 125-767 (a), (b) and (d) for an additional period of six months.

ORDINANCE 2023-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM IMPOSED BY ORDINANCE 2022-01 ON ENFORCEMENT OF SECTION 125-767(a), (b), AND (d) FOR AN ADDITIONAL PERIOD OF SIX MONTHS; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1. Audience Comments –

Fran Carlton, 8432 Waterway Drive – asked for an explanation about the moratorium.

It was noted that the moratorium pertains to the parking of trailers on residential properties. Mayor Shalhoub also noted that there will be another workshop to get additional information and input from residents to come up with an ordinance that would work better.

2. Council Action

Motion made by Council Member Rodriguez to approve Second and Final Reading of Ordinance 2023-01, seconded by Vice Mayor Shalhoub; Motion approved (4-0).

It was noted that the temporary moratorium could end earlier than the six months noted in Ordinance 2023-01, if the Town Council adopts a new ordinance within that time that revises the requirements of Section 125-767(a), (b), and (d) regarding the parking of trailers in residential districts.

B. Ongoing Septic to Sewer Discussion – Mayor Paul R. Shalhoub

Mayor Shalhoub noted that he had talked to Representative David Silvers about sponsoring an appropriation for funding for the septic to sewer project. He noted that this will be brought back to the legislators during this year's legislative session.

8. New Business

A. None

9. Audience Comments

Jeffrey Sterling, 2310 Edgewater Drive (emailed comment) – noted the rumors of annexation of Edgewater Park and reminded the Town Council that the majority of residents do not want to be annexed into Lake Clarke Shores.

Mayor Shalhoub noted that HB 471, which passed through legislation and was signed by the Governor last year, made Edgewater Park an enclave. He noted that this area has not been annexed into the Town, but may be annexed in the future.

It was noted that Edgewater Park residents already receive services from the Town but do not pay towards them, which causes an extra burden on the Lake Clarke Shores tax payers.

10. Status Report

Chief Smith – reviewed the information contained in his report. He noted the number of arrests made, the number of traffic stops, the number of citations issued and the statistics from the LPR cameras.

There was discussion regarding the newly hired Police Officer and Code Enforcement Officer and how the presence of an officer at Pine Tree Lane and Forest Hill Boulevard helps keep the traffic flowing smoothly in the mornings.

Chief Adams, PBC Fire Rescue – noted the number of calls that PBC Fire Rescue responded to within Town. She also noted that they have been participating in active shooter drills, so that they are prepared to do everything they can to keep people safe, if the need ever arises.

There was discussion on the response times due to the Florida Mango Road detour. Chief Adams noted that they are aware of the road closure and that they will dispatch whichever unit is closest to the emergency location at the time of the call.

Mr. Schoech – did not have anything to add at this time.

Mr. Clark – noted that the Palm Beach County Board of County Commissioners approved the increased amount for the CDBG grant for the Seminole Manor area. He also read the comment from Jeffery Sterling (*see Item 9. Audience Comments*).

11. Council Comments

Council Member Rodriguez – noted the Triples Tennis Tournament that will be taking place on February 25, 2023 at the Tennis Courts in Town Hall Park. He noted that the registration fees cover some of the costs associated with the tournament, but he is asking the Town to contribute up to \$500 to cover costs associated with t-shirts for the tournament players.

There was discussion on whether the tournament was a Town sponsored event and if any Town residents will be participating in the tournament. It was noted that Town staff will be unable to assist with the tournament this year.

It was noted that the tournament was promoted and supported by the Town in the past. It was also noted that residents and Town Council Members have participated in past tournaments and residents, including Council Member Rodriguez, will be participating in the tournament this year.

Motion made by Council Member Rodriguez to make the Lake Clarke Shores Triple Tennis Tournament an annual Town event and approve the Town's contribution of up to \$500 for tournament t-shirts, seconded by President Pro Tem Freebold; Motion approved (4-0).

Council Member Rodriguez thanked the Town Council for their approval to make the tournament a Town event and for the money. He also noted his appreciation to the Town for their concern and compassion in the passing of his mother.

He noted that he is continuing his work on the anniversary book and will be talking to residents during the BBQ to gather more information for the book.

President Pro Tem Freebold – thanked the Town's utility and police department personnel for their assistance with his elderly neighbor. He also thanked Chief Adams for their assistance in the matter.

He noted the annual Fishing Tournament will be taking place in April.

Vice Mayor Shalhoub – discussed the proposed HB 401 which will increase the personal liability cap for municipalities from \$250,000 to \$2.5 million. He asked residents to reach out to the legislators to show their opposition to this bill.

Mayor Shalhoub – noted the BBQ on March 26th and asked for volunteers to register for this event. He also noted the Movie Night taking place on March 24th and the Food Truck event taking place on February 11th.

He noted that the March Town Council Meeting has been moved To February 28th due to PBC Days in Tallahassee on March 7th and to the Town Election on March 14th. He reminded everyone that the Town Council has never voted for or against the installation of sewers. The Town is doing its due diligence and working on finding funding to cover the cost of the conversion. More information will be provided after the funding becomes available. He noted that if funding does not become available, the Town will not go forward with sewers at this time.

12. Adjournment

Motion made by President Pro Tem Freebold to adjourn the meeting at 7:31 PM, seconded by Council Member Rodriguez; Motion approved (4-0).

Paul R. Shalhoub, Mayor

Mary Pinkerman, Town Clerk