

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
FEBRUARY 28, 2023**

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
Robert O. Gonzalez, Council Member

B. Moment of Silence, Invocation, Pledge of Allegiance

Mayor Shalhoub requested a moment of silence for residents Dale May and Joseph Bobrowski and for Police Chief Derrick Diggs, Chief of Police of the City of Fort Myers.

The Most Reverend Father Peter Sphortun of St. Mary's Orthodox Church of West Palm Beach 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 February 7, 2023 Candidate Forum.

B. Approval of the Minutes of the February 7, 2023 Town Council Meeting.

C. Approval of Resolution 2023-01 - Approving Amendment 001 to Agreement R2022-1369 between Palm Beach County and the Town of Lake Clarke Shores, to increase the amount of Community Development Block Grant (CDBG) funds for the rehabilitation of the existing Sanitary Sewer System bound by Seminole Manor and Maralago Cay neighborhoods from \$224,882 to \$737,000; to delete the Project Performance Requirement to award the Construction Contract by December 31, 2022 and replace it with Award the Construction Contract by February 28, 2023.

D. Approval of Resolution 2023-02 – Expressing appreciation to Taylor Materio for her service on the Code Enforcement Board.

E. Approval of Resolution 2023-03 – Appointing Nicholas Spinelli as a Regular Member of the Code Enforcement Board.

- F. Approval of a Proclamation proclaiming the week of March 6 – 12, 2023 as Flood Awareness Week.
- G. Approval of Third Amendment to the Employment Agreement of Daniel P. Clark, P.E., Lake Clarke Shores Town Administrator.
- H. Awarding and approval of the contract to Creative Consulting Group in the amount of \$163,900.00 for construction of Community Park Pickle Ball Court Project LCS-P-2023-01.
- I. Approval of Task Order 23-01 with Jones Edmonds for the preparation of a complete Vulnerability Assessment consistent with the recently approved FDEP Resilient Florida Grant and the Grant requirements. The value of the proposal is \$153,500 which reflect the grant amount of \$123,500 and the utility contribution of \$30,000.
- J. Approval of a proposal from R.A. Haines Landscape to stump grind 2100 square feet of Oleander stumps and roots, and furnish and install ten 15' tall Foxtail Palms along the Causeway in the amount of \$7750.

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

4. Presentations

- A. Palm Beach County Commission on Ethics – Rhonda Giger, General Counsel

Mayor Shalhoub introduced Ms. Giger and welcomed her to the meeting.

Ms. Giger noted that the Commission on Ethics is available to answer any questions and that they prefer to be pro-active instead of re-active. She also noted that they provide PBC Ethics Training to municipal staff and elected officials.

- B. Presentation of 2021/2022 Fiscal Year Audit – Christine Noll-Rhan, CPA – Carr, Riggs Ingram

Ms. Noll-Rhan noted that the Town had a “clean” audit, meaning that there were no adverse issues within the audit. She stated that all of the findings from last year were addressed and that there were no findings in this audit. She noted the increase in General Fund revenue was generated from various taxes and permit fees. She also noted that the money located within the CRA, ARPA, Utility and Surtax funds are allocated to those areas and the remaining Town expenses come out of the General Fund. She noted that the Town is financially stable.

- C. Police Department Commendations –

Mayor Shalhoub noted that while all of the Lake Clarke Shores Police Officers have been very busy and do a great job for the Town, he was proud to recognize Corporal Rogel Dominguez, Officer Reynaldo Pulles and Officer Michael Sigelakis for the following actions:

Corporal Rogel Dominguez – observed suspicious activity by an intoxicated individual while on Special Duty in the Village of Palm Springs. He disarmed the suspect and prevented what could have been a potentially deadly incident.
Officer Reynaldo Pulles and Officer Michael Sigelakis – arrested armed narcotic distributors, during routine traffic stops.

Mayor Shalhoub, Chief Smith and Village of Palm Springs Police Chief Ceccarelli presented Corporal Dominguez with his commendation and pin.

Mayor Shalhoub and Chief Smith presented Officers Pulles and Sigelakis with their commendations and pins.

Mayor Shalhoub thanked Chief Smith and the Police Department for their commitment to protecting the residents of the Town.

Chief Ceccarelli noted that the Lake Clarke Shores Police Officers cover special details in Palm Springs, which gives Palm Springs extra coverage. He stated that Lake Clarke Shores and Palm Springs have a great working relationship, due in part to Chief Smith. He noted that Chief Smith has been a great resource for him and thanked him for this.

5. Quasi-Judicial Proceedings

A. None

6. Public Hearing

A. None

7. Unfinished Business

A. Discussion of Venetian Way speed table – Council Member Robert O. Gonzalez

Council Member Gonzalez noted that he wanted to address the speed table request for Venetian Way. He noted that the petition for the speed table was signed by residents on Venetian Way prior to the Town's decision to make changes to the speed table policy. He noted that he would like the Town Council to approve the placement of a temporary speed table along Venetian Way.

The Town Council discussed the need for a traffic study to evaluate all of the roadways in Town - not just Venetian Way, the difference between a temporary and a permanent speed table and the associated costs, the possibility of placing a speed trailer on Venetian Way to check the speed of the vehicles before installing a speed table and where the speed table would be located. PBC Fire Chief Adams noted that the Town may want to contact the Town of Haverhill since they had the same speeding issues.

Peter Rossi, 7200 Venetian Way – stated that they followed the rules when requesting the speed table and would like to have one in place before someone gets injured.

Adrienne Rossi, 7200 Venetian Way – noted the number of children that live on Venetian Way and the additional vehicular traffic from the vacation rental on Venetian Way.

Mayor Shalhoub read from a note from Evelyn Spencer, 7209 Venetian Way, stating that while she does not have any problem with the installation of a speed table, she does not want it installed in front of her property.

Motion made by Council Member Gonzalez to approve the placement of a temporary speed table for a cost not to exceed \$7500 on Venetian Way with Town administration to determine the location, seconded by President Pro Tem Freebold; Motion approved (5-0).

It was noted that the Town has ordered another speed trailer that should be delivered shortly. This trailer could be placed along Venetian Way to monitor the traffic and the speed of the vehicles as they go by.

Mr. Clark noted the need for the Town to conduct a traffic study that will address traffic issues throughout the Town.

Motion made by Vice Mayor Shalhoub to have staff prepare a Request for Proposal for a traffic calming study that would include various traffic calming measures, seconded by President Pro Tem Freebold; Motion approved (5-0).

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

Mayor Shalhoub noted that the Town is seeking \$3.7 million from the state to finance the septic to sewer conversion and are waiting to find out if the funding will be approved. He reminded residents that the Town will not proceed without having funding in place. He noted that there are a lot of questions about the septic to sewer issue. He reminded residents they should discuss issues directly with the Town Council or Town staff to receive accurate information.

8. New Business

- A. Approval of Interlocal Agreement between the Town of Lake Clarke Shores and Palm Beach County for joint participation and project funding for construction of utility adjustments for Lawrence Road from South of Ponza Place to Lantana Road – Palm Beach County Project NO. 2014506 – Daniel Clark

Mr. Clark noted that since Palm Beach County is widening Lawrence Road, the Town's old water pipes along Lawrence Road will need to be removed. Palm Beach County's utility contractor will remove the pipes as part of the roadway project. The Town will be reimbursing Palm Beach County for the costs associated with the removal of the pipes. He noted that the Town's portion of the money will come from the rest of the ARPA funds and the remaining money in the utility loan.

It was noted that this is just for Phase 1 of the overall Lawrence Road widening project. Additional Town water pipes will need to be moved during Phase 2. Mr. Clark also noted that the Town has begun placing its utility lines in areas other than the road right-of-ways to alleviate this situation in the future.

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

- B. Approval of an Agreement for Cross-Connection Control Program Management between the Town of Lake Clarke Shores and HydroCorp, Inc. by piggybacking the City of Cooper City Agreement – Daniel Clark

Mr. Clark noted that HydroCorp, Inc. has been performing backflow testing for the Town for many years, but their contract ends at the end of March. This will extend the contract through September 12, 2023.

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

9. Audience Comments

Kelly Heyniger, 1811 Lin Mar Drive – noted that she received a NOV from Code Enforcement for placing vegetation debris on the roadway for pickup by Waste Management. She noted that she works hard to keep her yard looking nice and does not want it damaged by the machinery used by Waste Management when they pick up the debris.

Jon Maples, 6401 Travis Road – discussed police presence in Town and ways to help slow down the traffic along the roadways.

Dina Schmidt, 1811 Antigua Road – noted that she would like the Town to keep the 6900 West Lake Drive property as green space or used for a single family home instead of selling it for commercial use.

Bernadette Shalhoub, 8429 West Lake Drive – thanked the Town Council for all of the time that they spend on Town issues, not just during Town Council Meetings. She also thanked Chief Smith for keeping the Town safe and noted that the Police Department is a true asset to the Town.

Debbie Piescik, 7209 Clarke Road – noted a dog attack that took place in December. She noted that the dog owners still walk their dog off-leash. She asked if a Police Officer could speak to the owners to let them know that they are required to leash their dog when the dog is off of their property.

She also noted that some people are using vacation rental properties to hold large parties. She would like the Town to restrict vacation rental properties so this will stop.

Jennifer Chrzanowski, 7130 Pine Tree Lane – noted that in the past residents were told that sewers were being mandated by the State, now the residents are being told that the sewers may be mandated. She asked why the change was made.

Louise Brandenburg, 1890 Carissa Road – noted that speeding cargo trailers continue to be a problem in her area.

10. Status Report

Chief Smith – noted that he will have his March Status Report ready for the April 11th meeting.

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

Chief Adams, PBC Fire Rescue – no report (unable to stay for duration of meeting).

Mr. Clark – noted that he was appointed to the Florida City County Managers Association Ethics Committee two years ago and that the committee has not had to conduct any investigations during that time.

He noted that there has been comments made during the past few Council Meetings about the Town's financial state. He noted that the audit presented by Ms. Noll-Rhan shows that the Town's finances are in good shape and that there is money in reserves for emergencies, if needed. He also noted that he is proud to have Mr. Lo Bello take over as Town Manager with the Town's finances in this shape.

11. Council Comments

Council Member Rodriguez – noted Ms. Heyniger's comments on placing debris in the roadways. He read excerpts from the Town Code regarding the size and placement of vegetative debris and stated that the Town Council may want to review the code to possibly change the area where debris should be placed.

He noted the Triples Tennis Tournament that took place on February 25, 2023 was a success. He stated there were 21 participants in the tournament and they received enough in donations to cover the costs, so they did not need to use any of the Town's funds.

He reminded everyone of the BBQ and invited them to attend Movie Night on the Friday before the BBQ. He noted Movie Night is a wholesome event for the entire family to enjoy.

He thanked Mayor Shalhoub for his work on putting the septic to sewer information together, and noted the time that the Town Council spends in Tallahassee is to try to obtain funding for the various Town projects. He noted that the Council does this to get the best for the Town.

Council Member Gonzalez – discussed the problems associated with vacation rental properties. He noted that the State regulates those types of rentals but would like the Town to look into having those properties be registered and/or obtain a Local Business Tax Receipt from the Town. It was noted that Juno Beach has an ordinance that requires registration of rental properties for the safety and welfare of its residents. Mr. Lo Bello will provide information on this.

He discussed the pavilion and the use of the pavilion by event planners. He noted that event companies should not be allowed to run their events at the Town's pavilions or have people rent the pavilion on their behalf. He suggested that the Town may want to increase the rental fees and deposits and change the application so there would be an area for renters to include the names of any companies that they hire for the party. He would also like those companies be required to register with the Town.

Mayor Shalhoub asked Mr. Clark if the Town had any additional information about placing noise meters at the edge of the property. Mr. Clark noted that he was still looking into this. Council Member Gonzalez noted the type of meters used at vacation rental properties and stated that he would send the information to Mr. Clark.

Council Member Gonzalez noted the increase in the number of solicitors in Town. He also discussed the streetlights in Town and asked if FPL made the upgrades or if the Town asked for the lights to be upgraded. Mr. Clark noted that FPL asked the Town to change to LED lights to save on the electric bills.

He also noted that the Town has not made any determination regarding the property at 6900 West Lake Drive.

Vice Mayor Shalhoub – noted the Chief's information on the number of vehicles that were driving 26 to 50 mph was missing from his report.

He noted that there is a number of people who would like to see 6900 West Lake Drive remain as green space. He stated that no decisions have been made on what to do with this property.

He noted the BBQ on March 26th. He stated that more volunteers are needed for the event.

President Pro Tem Freebold – noted there is a lot of misunderstanding, misinformation and rumors going on regarding septic to sewer issues. He noted that some residents want sewers and some do not. He noted that it is a very complex issue, but it is the Town's fiduciary responsibility to residents to have a plan in place, whether it is used or not. He reiterated that no decision has been made on the sewers.

He noted the Annual Fishing Tournament taking place on April 8th and the Captain's meeting will be held on Friday, April 7th under the pavilion. He invited everyone to participate in the tournament.

Mayor Shalhoub – he responded to Ms. Chrzanowski's sewer question. He also noted that information regarding sewers can be found on the Town's website.

He discussed the dangers of having debris placed on roadways and noted that placing the debris in the swale area is safer for golf carts, vehicles and those that are walking or riding bikes.

He noted that the installation of the pickle ball courts at Community Park is moving forward and should take approximately 4 months to complete. He thanked everyone for their participation in the meeting.

12. Adjournment

Motion made by Council Member Rodriguez to adjourn the meeting at 8:55 PM, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

, Mayor

Mary Pinkerman, Town Clerk