

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
AUGUST 8, 2023**

1. Call to Order

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

The following officials were present:

Robert M. W. Shalhoub, Vice Mayor
Robert O. Gonzalez, Council Member
Jon Maples, Council Member

The following officials were absent:

Gregory Freebold, Mayor
Valentin Rodriguez, Jr., President Pro Tem

B. Moment of Silence, Invocation, Pledge of Allegiance

Vice Mayor Shalhoub requested a moment of silence for residents Judge Ronald Alvarez and Arthur Pumpian.

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 Coouncil Member Gonzalez to approve the Agenda, seconded by Council Member Maples; Motion approved (3-0).

3. Consent Agenda

- A. Approval of the Minutes of the July 11, 2023 Budget Workshop.
- B. Approval of the Minutes of the July 11, 2023 Town Council Meeting.
- C. Approval of Resolution 2023-29 – Updating User Fees and Charges Schedule.
- D. Approval to renew the Agreement with Akerman LLP for State of Florida Governmental Affairs Representation from September 1, 2023 – August 31, 2024 in the amount of \$3,000.00 per month
- E. Approval of the Grant Agreement between the Florida Department of Environmental Protection and the Town for the Comprehensive Vulnerability Assessment Project, contingent upon approval of the agreement by the Town Attorney.

F. Approval of remaining 2023 events and dates:

| Events | Dates |
|---|--------------|
| Children's Movie Night | 8/18 |
| International Coastal Cleanup | 9/23 |
| Monster Mash Food Truck Event | 10/27 |
| 6th Annual Triples Tennis Tournament | 11/18 |
| 24th Annual "Holidays in Paradise" Parade | 12/2 |
| Jim and Judy Tackett Memorial Christmas Tree Lighting | 12/2 |
| 3rd Annual Hanukkah Menorah Lighting | 12/7 |
| Holiday Home Decorating Contest | 12/14 |

Motion made by Council Member Maples to approve the Consent Agenda, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

4. Presentations

- A. International Institute of Municipal Clerks (IIMC) Certified Municipal Clerk (CMC) Certification awarded to Emilie Pearson-Moore – Renee Basel, President, Palm Beach County Municipal Clerks Association

Ms. Basel gave a brief history of the International Institute of Municipal Clerks (IIMC), the Florida Association of City Clerks (FACC) and the steps needed to become a Certified Municipal Clerk. She noted that Ms. Pearson-Moore achieved her Certified Municipal Clerk designation by attending 120 hours of various classes and conferences offered by FACC. She presented Ms. Pearson-Moore with a plaque on behalf of the IIMC and FACC.

The Town Council and Mr. Lo Bello joined Ms. Basel in congratulating Ms. Pearson-Moore for her well-deserved designation.

5. Quasi-Judicial Proceedings

- A. 7114 Venetian Way – Variance Request

1. Swearing in of Witnesses

Mr. Schoech swore in the witnesses

2. Disclosure of Ex Parte Communications

Mr. Schoech explained how the proceedings take place. He asked if anyone on the Council had any communication with the applicant concerning the variance request. Vice Mayor Shalhoub stated that he wanted to note for the record that he is a good friend of Mr. Swinarski and had thought that this would cause a conflict, but found out otherwise. Mr. Schoech noted that since there is no benefit or personal gain to Vice Mayor Shalhoub, he would just need to disclose his friendship with Mr. Swinarski then he would be allowed to participate in the variance hearing. Vice Mayor Shalhoub noted that he has spoken to Mr.

Swinarski about his variance request. Council Member Gonzalez and Council Member Maples did not have any contact with Mr. Swinarski.

3. Staff Presentation and Zoning Board of Adjustment Recommendation – Charles Schoech.

Mr. Schoech noted that Mr. Swinarski is requesting an 8 foot variance to construct a swimming pool that will be 2 feet from the rear property line. He noted that there is a large South Florida Water Management District (SFWMD) easement between the rear property line and the C-51 Canal. He noted that the Zoning Board of Adjustment heard the variance request on July 19, 2023 and unanimously recommended that the Town Council approve the variance as requested.

4. Presentation by Applicant – Donald & Sherry Swinarski

Mr. Swinarski noted that he is a 24 year resident of the Town. He noted that he has spoken to his neighbors about his variance request and has received positive feedback from most of them. He noted the other neighboring properties that have received the same type of variance from the Town in the past. He noted that there is 75' between his rear property line and the C-51 canal. He asked the Town Council to approve his request for a variance to construct his pool 2 feet from his rear property line.

5. Open Public Hearing

6. Public Comments

Ashok Kulkarni, 8131 West Lake Drive – asked if the swimming pool would be enclosed. It was noted that the pool would not be enclosed.

7. Close Public Hearing

8. Council Comments

Council Member Maples noted that he was the Chairman of the Zoning Board of Adjustment (ZBA) prior to being on the Town Council. He noted that the ZBA does a great job and does their due diligence before making their determination. He thanked Mr. Swinarski for his work on the variance request and noted that he does not have any problem with approving the request for the variance.

Council Member Gonzalez wanted to verify that SFWMD has given their approval for the swimming pool to be 2 feet away from their easement. He noted that there is minimal amount of room for the pool in the rear yard. He noted the existing 75 foot SFWMD easement provides additional open space between the C-51 Canal and his property. He also noted his approval for the request.

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

Town Council of the Town of Lake Clarke Shores agreed with the Zoning Board of Adjustments, adopted the Zoning Board of Adjustment's Findings of Fact and found that the applicants' request for the variance was consistent with the requirements of Sec.125-68.

Motion made by Council Member Gonzalez to accept the recommendation from the Zoning Board of Adjustment and to grant the 8' variance to construct a swimming pool that will be 2' from the rear property line as requested by the applicant, seconded by Council Member Maples; Motion approved (3-0).

6. Public Hearing

A. None

7. Unfinished Business

A. None

8. New Business

A. Discussion on using a Special Magistrate for Code Enforcement – Joseph F. Lo Bello

Mr. Lo Bello noted that the Code Enforcement Board does a great job and that he is grateful to all of the Code Enforcement Board members. He stated that staff did a survey of the 39 municipalities in Palm Beach County and found that only 4 of the municipalities still use a Code Enforcement Board and 2 of those 4, use both a Special Magistrate and a Code Enforcement Board. He noted that it can be difficult at times for Code Board members to pass judgement to their friends and neighbors. He also noted the pros and cons between utilizing a Special Magistrate and a Code Enforcement Board. Mr. Lo Bello asked the Town Council for consensus to change the Town Code to allow the use of a Special Magistrate for Code Enforcement hearings.

Vice Mayor Shalhoub asked for audience comments prior to hearing from the Town Council.

The following residents spoke against using a Special Magistrate or offered ideas on what to do instead:

Gerard Sanchez, 8360 West Lake Drive – Code Enforcement Board Member
Timothy Daughtry, 1410 Keller Road – Prior Code Enforcement Board Member
Kathleen Booth, 7519 Clarke Road

Council Member Maples – noted that it is helpful to hear the resident comments on this issue. He asked about the costs associated with the Code Enforcement Board versus the Special Magistrate. He also wanted to know if the Town would be able to go back to using a Code Enforcement Board if the Special Magistrate does not work out and what the steps would be for a resident if there was a disagreement with the Special Master's findings.

Mr. Schoech noted that the Special Magistrate would follow the same requirements as the Code Enforcement Board when hearing a case and the appeal process would remain within the circuit court system.

Vie Mayor Shalhoub noted the cost for the Special Magistrate can be recouped. He also noted that this item is on the agenda for discussion purposes only, no decisions will be made tonight.

Council Member Gonzalez – noted that he was on the Code Enforcement Board prior to being on the Town Council and that the Board has been a type of training program for future Town Council Members.

He verified with Mr. Schoech that the Town could go back to using the Code Enforcement Board if the Special Magistrate did not work out. He then provided his thoughts on the pros and cons of using a Special Magistrate.

He noted that he would like to try using a Special Magistrate within certain parameters but is still considering all the options at this time.

Vice Mayor Shalhoub – noted that it may be a good idea for the Council to talk to a Special Magistrate and the Code Board Members to see how they feel about the situation. He noted that to get a better perspective, he would like to hear the comments from the Council Members that were unable to attend the meeting so he asked to have this item put on the September 12th agenda for further discussion.

Mr. Lo Bello asked Town Council if staff can use resources from Mr. Schoech to research changes to the codes in the meantime. The Town Council members present gave their approval for this.

9. Audience Comments

Timothy Daughtry, 1410 Keller Road – noted that the Town should follow Palm Beach County and lower the millage rate. He discussed items in the proposed budget and noted that he will be reviewing the budget prior to the September budget hearings.

He also discussed natural ground cover and the need to preserve the Town's waterways.

10. Status Report

Chief Smith – provided statistics of the Police Department activity for the month and noted the installation of a radar sign on Palm Road in response to neighbor complaints.

Council Member Maples thanked Chief Smith for the job that the Police Department is doing.

Council Member Gonzalez also commended the job that they are doing for the Town.

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

Mr. Lo Bello – noted that Mayor Freebold was at Town Hall this evening but was not feeling well, so he left prior to the meeting. He also noted that Town will need to change banks due to Flagler Bank being bought out by a credit union. He noted that the Town would like to open accounts at Seacoast Bank and asked for approval to sign the resolution from Seacoast Bank that is required to open the account.

Motion made by Council Member Gonzalez giving approval to sign the Seacoast Bank resolution, seconded by Council Member Maples; Motion approved (3-0).

Mr. Lo Bello noted the Budget Hearing dates and reminded everyone of the events taking place in September and October. He also reminded residents that the height of hurricane season is in August and September and asked everyone to have their plans in place in case of a hurricane.

He noted that the Town is still waiting on the State for one funding agreement for the Pine Tree Bridge replacement and that the draft Traffic Calming Study is almost complete. He noted that the Town will hold a public meeting where the engineer will be available to discuss the results of the study.

He noted that education on the new trailer parking ordinance is going well and stated that residents have until August 28, 2023 to come into compliance of the new regulations. He encouraged the residents to contact the Town's Code Enforcement Officer if they need assistance to comply. He also noted that the electronic permitting is up and running so permits can be applied for at any time.

He discussed the annexation of Edgewater Park and noted that a draft of the annexation resolution is under review with Palm Beach County at this time. He noted the steps that will be taken prior to annexing the area.

He stated that it has been difficult to receive sealed bids for the lighting for the pickle ball courts and for the repairs to the entry wall at Arabian Road. He noted that contractors do not want to do a sealed bid for such a small project. He asked the Town Council to waive the bidding requirement for these two projects since it is not advantageous for the Town to do so for either one of the projects.

The Town Council Members discussed the bidding process. They also discussed the costs involved with the pickle ball lighting and the entry wall and where the money for each would come from. It was noted that the Town will try to recoup some of the money for the entry wall from the insurance company of the person that hit the wall. It was also noted that the Town received grant money for the pickle ball courts and since Community Park is within the LCS CRA and it serves a community purpose, the CRA will be paying for the lights for the pickle ball courts.

Motion made by Council Member Gonzalez to suspend the requirement for sealed bids for the entry wall and the pickle ball lights if under \$50,000 since it is not advantageous for the Town, seconded by Council Member Maples; Motion approved (3-0).

Clarification was made to note that projects over \$50,000 will still fall under the sealed bidding requirements. It was also noted that there should not be a transparency problem if the cost for projects are included in the Town Budget that the Council approves and adopts each year.

11. Council Comments

Council Member Maples – thanked the residents for their attendance and comments.

He noted that he would like to begin working with Mr. Lo Bello on the Senior Club. He stated that he would like to see this Club start in the fall with once a month meetings to keep the

senior community involved. It was noted that a motion was not necessary to pursue this – Council Member Maples would just need to work with Mr. Lo Bello on the particulars of the club, and then bring it back to the Town Council for approval.

He noted that he will continue his discussion with Mr. Lo Bello regarding the need for community involvement to help the elderly maintain their properties so they do not receive code violations.

He noted he is excited to work with Ackerman, LLP this year and knows that he will do extraordinarily well for the Town, but would like to see this go out for bid next year so that the Town can have the opportunity to see what else is available in the marketplace.

He noted that he is looking forward to continually working for and with the community.

Council Member Gonzalez – noted the passing of Judge Alvarez and hopes that his family finds closure and peace with his passing.

He noted that the pipe replacement along Palm Road and Clarke Road is being done by the Village of Palm Springs Utilities, not the Town.

He discussed the Police Department and stated that he wants to make sure that they have the equipment that they need to get the job done. He noted that he is thankful for the Town staff's work to make the Town run as good as it does. He also thanked the residents for their attendance and reminded everyone of the upcoming events.

Vice Mayor Shalhoub – noted that he had known Judge Alvarez and Arthur Pumpian for many years and that his thoughts and prayers are with their families.

He noted that he would like to have the person that hit the wall be responsible for any amount over what his insurance will pay to fix the wall.

He noted that the Special Magistrate option needs more conversation before a decision can be made.

He noted Mr. Bill Murphy's 80th birthday and wished him the best.

12. Adjournment

Motion made by Council Member Gonzalez to adjourn the meeting at 8:00 PM, seconded by Council member Maples; Motion approved (3-0).

Robert M. W. Shalhoub, Vice Mayor

Mary Pinkerman, Town Clerk