

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
SEPTEMBER 12, 2023**

Immediately following the CRA Meeting

1. Call to Order

A. Mayor Freebold called the meeting to order at 7:19 PM.

The following officials were present:

Gregory Freebold, Mayor
Robert M. W. Shalhoub, Vice Mayor
Valentin Rodriguez, Jr., President Pro Tem
Robert O. Gonzalez, Council Member
Jon Maples, Council Member

B. Moment of Silence, Invocation, Pledge of Allegiance

Note: This was moved to the beginning of the First Public Hearing 2023/2024 Town Budget

2. Approval of Agenda

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

3. Consent Agenda

A. Approval of the Minutes of the August 8, 2023 Town Council Meeting.

B. Approval of the revised Town Accounting Procedure Manual.

C. Approval to retain the following consultants for the 2023/2024 fiscal year:

Nowlen, Holt & Miner, P.A. – Financial Consultant – in an amount not to exceed \$39,000

William H. Murphy – Safety Inspection Services – in the amount of \$7,104

D. *Approval of Agreement with Daniel Clark as a consulting engineer for certain Town projects contingent upon legal review by the Town Attorney.*

E. Approval to extend the Agreement with Stormwater J Engineering Inc. for professional and engineering services (NPDES and CRS) through September 30, 2026 in the amount provided in the Agreement fee schedule.

- F. Approval of Agreement with My PR Guru, LLC in the amount of \$30,000 per year for media consultant services through September 30, 2025 contingent upon legal review by the Town Attorney.
- G. Approval of up to \$220,000 for the Town's Insurance Property and Casualty coverages and to allow the Town Manager to execute all necessary contracts.
- H. Approval of the distribution of \$322,342 of Federal Fiscal Year 2022 (County Fiscal Year 2023) Justice Assistance Grant Program funds for the Countywide Reentry Program and the equipment for law enforcement agencies within Palm Beach County.
- I. Approval of forfeiture expenditure in an amount not to exceed \$2,000.00 for the Police Department's purchase of miscellaneous items to use for safety and drug awareness at events.
- J. Approval of forfeiture expenditure in an amount not to exceed \$6,000.00 for the Police Department's purchase of 6 additional AR-15 rifles which would increase the Department's safety measures and will allow each officer and vehicle to be fully equipped.
- K. Approval of donation of unused soccer goals with damaged netting to the New Life Alliance Church.

Motion made by Vice Mayor Shalhoub to approve the Consent Agenda after removing Item 3. D. from the Consent Agenda, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

4. Presentations

- A. None

5. Quasi-Judicial Proceedings

- A. None

6. Public Hearing

- A. None

7. Unfinished Business

- A. Second and Final Reading of Ordinance 2023-03 – Amending Chapter 125 to adopt a new Division for Vacation Rentals

ORDINANCE 2023-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES FLORIDA, AMENDING CHAPTER 125, "ZONING," OF THE TOWN CODE OF ORDINANCES BY AMENDING ARTICLE VII, "SUPPLEMENTAL REGULATIONS," TO ADOPT A NEW DIVISION 16, "VACATION RENTALS;" PROVIDING FOR APPLICABILITY; PROVIDING FOR REGISTRATION AND INSPECTION; PROVIDING FOR VACATION RENTAL STANDARDS; PROVIDING FOR VIOLATIONS, ENFORCEMENT AND REMEDIES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1. Reading of Ordinance Title – Mary Pinkerman, Town Clerk

Ms. Pinkerman read the ordinance for the record.

2. Staff Presentation – Joseph Lo Bello, Town Manager

Mr. Lo Bello noted that First Reading of Ordinance 2023-03 was approved on July 11, 2023. He noted that there have been no changes made to the ordinance or registration form since then. He gave a brief history on the state statutes relating to vacation rental properties. He stated that not all vacation rental properties cause problems, but there are some that do. He noted that if Ordinance 2023-03 passes, residents will be able to contact the Police Department to remedy any issues stemming from the vacation rental property.

3. Audience Comments

Victoria Prinzi, 1411 Carandis Road – noted her displeasure with the ordinance regulating vacation rental properties and the costs associated with this. She also noted that while there may be problems with vacation rental properties, she did not think that there would be that many complaints to require an ordinance and all of the regulations. She discussed the property owners that do not live in town year-round that rent out their homes for a short period of time. She also noted the Town does not have the staff to handle this.

Mayor Freebold noted that the Town has received complaints from numerous residents that live near vacation rental properties. He also noted the fees to register the vacation rental are minimal compared to the amount that the property owners can make from these rentals.

During Council Member Gonzalez' comments he read a portion of an email that he received from Thomas McGinnis, 1811 Antigua Road. Mr. McGinnis asked how vacation rentals benefit him, his neighbors and their safety, peace, privacy and quality of life. He noted that home owners and long term renters with families that have a stake in the Town is a better foundation for the Town. *Note: Council Member Gonzalez' response to Mr. McGinnis is included in his Council Comments on the issue.*

Michael Horwitz, 7810 Beta Circle – noted that he sees both the good and bad regarding vacation rentals. He noted that the "snow birds" pay more in taxes than those that live here year around and more than offsets any costs that the Town occurs for those properties. He

also noted that this should make it comfortable to add realistic and reasonable costs to help turn the vacation rental properties into productive assets to the community.

Note: Mr. Horwitz spoke after the Town Council Comments section of this item. The minutes reflect the order of the agenda.

4. Council Comments

Council Member Maples acknowledged Ms. Prinzi's issues and thanked her for her comments. He noted that the Town Council has spent a significant amount of time to get this ordinance right. He also noted that the Town needed to do something about the vacation rentals and this ordinance is what the Town came up with. He noted that while the ordinance may not be perfect, the Town Council can make changes to the ordinance in the future if it is not working out.

Council Member Gonzalez noted that he spoke to Ms. Prinzi over the phone regarding her concerns about this issue. He also noted that the vacation rentals in Town charge an average of \$400 - \$450 per night.

He noted that that he, along with a majority of residents, are not for vacation rentals, but there are State Statutes in place that prevent municipalities from prohibiting them. He noted that a few municipalities had laws in place prior to the statutes, but the Town did not, so the Town is limited on what can be done. He noted that this ordinance is the best way to insure the peace and paradise that the residents enjoy. He discussed the issues that Mr. McGinnis had with a vacation rental property near his home. He noted that those types of things would not be allowed under this ordinance.

He discussed the benefits of living short term in an area before making a decision to live there permanently. He noted all of the time spent of this issue and that he feels that this will be a good balance for the Town.

Vice Mayor Shalhoub noted that he also received a letter from Mr. McGinnis and thanked him for providing pictures of the incident. He noted that the Police Department went onsite to handle the problem.

He also noted that he on the Municipal Administration Board of the Florida League of Cities and their number one priority for the past several years has been short term rentals. He noted that the committee has been doing the best they can to get the State Legislators to return control to the municipalities

Mayor Freebold noted the importance of local governments being able to have control of local issues. He noted that Mr. Lo Bello and Mr. Clark have received the "Home Rule Hero" award a number of times from the League of Cities for fighting for the rights of the residents within municipalities.

He also noted that he has also seen the emails and received calls regarding the vacation rentals.

5. Council Action

Motion made by Vice Mayor Shalhoub; to approve second and final reading of Ordinance 2023-03, seconded by Council Member Gonzalez; Motion approved (5-0).

8. New Business

A. Approval of the creation of a Lake Clarke Shores Senior Club

Council Member Maples noted that some of the senior residents of the Town came to him asking for his help to create a place for them to gather so they could spend time together, learn and support each other as needed. He noted that he discussed this further with Mr. Lo Bello and they came up with the particulars for this club.

Mr. Lo Bello noted that the group would meet the 3rd Wednesday of the month from 11:00 AM – 2:00 PM in the Council Chambers for coffee and snacks, classes or training, have lunch then play board games or just enjoy each other's fellowship. He noted that two staff members from the Town would be involved at the beginning to arrange for speakers, pick up food and refreshments set up the area, etc. Once the club gets going, volunteers from the club could take over these duties. He noted that the club would be allocated \$1800 a year for the expenses involved with food, staff time, supplies, etc.

There was discussion on if this would limited to seniors only or would everyone be able to participate. It was noted that no one would be denied participation in the club.

Motion made by Council Member Gonzalez to approve the creation of the Lake Clarke Shores Senior's Club, seconded by President Pro Tem Rodriguez; Motion was approved (5-0).

9. Audience Comments

Debra Tendrich, Founder, of non-profit Eat Better Live Better – noted that more teachers have begun contacting her agency for food support because they can no longer afford to purchase food. She discussed their program called "Teachers-giving" where they surprise the teachers and other staff at the school with turkeys at Thanksgiving. She noted that the only person at the school that knows that they will be recipients is the principal, so that the organization knows how many turkeys are needed. She noted that this year FPL has become involved and is asking for nominations for the school that will receive the turkeys. She noted that she would like the municipalities to get involved by letting the community know about the nomination process so that their local schools could get nominated. She explained the nomination process and encouraged everyone to get involved. She noted that people can go to their website at www.EBLB.org for more information and to nominate a school. She also encouraged people to become a sponsor so that they can help teachers and school staff obtain the turkeys.

Bernadette Shalhoub, 8429 West Lake Drive – noted that Eat Better Liver Better's is a marvelous idea and asked Ms. Tendrich how the Town and residents could be more involved.

Ms. Tendrich noted the various sponsorship levels. She noted that their website has more information on the program.

Timothy Daughtry, 1410 Keller Road – he discussed his displeasure with various issues regarding code enforcement, electronic permitting and the inspection process.

Victoria Williams, 7525 Alpha Court E – noted that she received a notice of violation for parking her boat in the same area that it has been for 19 years. She noted that she has a circular driveway and the boat is behind the front building line. She stated she was not aware of the new parking ordinance as she has missed some of the Council Meetings and does not receive the monthly Buzz newsletter.

Lt. Fisher noted that she familiar with the property. She noted that she will meet with the Code Enforcement Officer to discuss the situation and let Ms. Williams know if she is in compliance with the code.

Bernadette Shalhoub, 8429 West Lake Drive – commended the Police Department on the work that they do even while short staffed. She noted the extra things that the officers do such as waving at the residents and the house watch program. She discussed the house Watch Program and noted that all residents pay taxes, so everyone should receive the same benefit of having peace of mind that their house is being watched by the Police Department while they are away.

She noted that the Town offers numerous events for the community and stated that she would like to see more of them, but knows that the Town is short staffed. She discussed the various events that the Town provides to residents and how this helps keep the community strong. She noted that staff is needed to help with these events and she is all for the Town to have the staff needed to accomplish this.

She thanked the staff and the Police Department for all that they do for the Town and residents.

Fran Carlton, 8432 Waterway Drive – thanked the Town for making the repairs to the wall at the entryway into Town from Arabian Road

Shawn Roman, 1415 Keller Road – asked for the status of the proposed Montessori School located at 1501 Forest Hill Boulevard.

Mr. Lo Bello noted that he will address this in his status report.

10. Status Report

Chief Smith – provided statistics on the number and types of calls his Department responded to during the month. He noted the number of arrests made, the number of traffic stops and the number of citations issued for the month. He provided the statistics from the cameras throughout the Town and the number of code violations that were found.

He also noted that a speed sign was moved to Travis Road at the request of the residents in the area.

Council Member Maples thanked Chief Smith for this. He stated it reminds residents to slow down and watch out for the children in the area.

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

Mr. Lo Bello – noted the meeting schedules and upcoming events. He also noted that bids will be coming in soon for the Pine Tree Bridge replacement, which should start next year.

He discussed the annexation of Edgewater Park, the lighting for the pickle ball courts and that the draft traffic study report will be discussed during the October 10th Council Meeting.

He noted that receiving a notice of violation for your boat or trailer does not mean that you are being fined. He explained that the Town will be working with residents to find solutions.

He discussed the entryway wall on Arabian Road and stated that the Town will be trying to get fully reimbursed for the cost of the repairs.

He noted that the Town is still working on issues with electronic permitting, but things are becoming smoother as everyone gets used to the new program.

He discussed the need for a dedicated water line for the fire suppression system that is needed for the Montessori School to be located at 1501 Forest Hill Boulevard. He noted that there may need to be an easement in Community Park for the placement of this water line.

He also noted that the construction along Florida Mango Road is ongoing, but a concrete shortage is causing a slight delay.

President Pro Tem Rodriguez asked to change the date for the Triples Tennis Tournament to November 12, 2023 instead of November 18th. He also noted that this event will be self-sustaining this year. He also noted the color pictures included in Mr. Lo Bello's Status Report. Mr. Lo Bello thanked him for his comment about the pictures and noted the new date for the tournament.

11. Council Comments

Vice Mayor Shalhoub – confirmed that Lt. Fisher was going to assist Ms. Williams with the violation notice she received for her boat.

He asked Mr. Lo Bello to check to see about getting a quote from Davco for the lighting at the pickle ball courts. Mr. Lo Bello noted that he would look into this.

He discussed reinstating the "House of the Month" program and holding a Halloween decorating contest for residents that decorate their properties for Halloween. Mr. Lo Bello noted that staff will be able to work on these if Town Council gives their approval. The Town Council approved these events.

He noted that the Town will need to choose a date for the 2024 BBQ. He asked that BBQ take place after the Town election which will be on March 19, 2024.

He noted the various audience comments and thanked them. He also thanked the Chief and Mr. Lo Bello for all of their hard work.

President Pro Tem Rodriguez – noted that when he was elected to the Town Council he had five children at home. They are all grown and now only has one living at home. He discussed the Town events and stated that those events that his children grew up with are still going on. He noted the Town's events are good for the residents and they help residents get to know one another.

He also commented on the invocation given by Pastor Snizek.

Council Member Gonzalez – thanked Ms. Carlton for her gratitude for the work that was done to the entry wall. He noted that he appreciates the fact that residents have the opportunity to voice their opinions, both good and bad, during the meetings. He noted that he wants to invite criticism and thoughtful, honest, and open dialog during the meetings, but it should be done with care and love.

He discussed the staff and noted the work that staff does for the Town.

He noted the golf cart tracks on the Town property located at 6900 West Lake Drive and stated that it seems as though they are using the property as a safe alternative instead of having to drive along Forest Hill Blvd.

He noted that he, Mayor Freebold, Council Member Maples and Mr. Lo Bello went to the Florida League of Cities conference last month. He thanked them for going on behalf of the Town and noted that he is honored and humbled to be able to be working with them on the Council. He also noted the various vendors that attended the conference and the items that they had on display.

He thanked everyone for their participation, for sharing their opinions and their comments and noted that the podium is a place where everyone should be considerate to each other. He stated that the Town Council listens to all of the comments made during the meeting, even though they may not be able to respond to them immediately, and takes what is said into consideration.

Council Member Maples – noted those residents that have been faithfully coming to the meetings each month. He thanked the audience for their attendance, their comments and their opinions. He noted that it takes courage to stand before the Town Council to share their values and opinions. He noted that the while the Town Council may not agree with everything that is being said, we do not take these things lightly, and we do listen to what is being said.

He thanked the Council for supporting the senior group and opening it up to everyone. He noted that the House of the Month and the other Town events is about bringing the community together and is what makes Lake Clarke Shores.

He noted the budget and stated that he is excited about the budget and the interest that the Town is making on the money. He noted the amount in the contingency fund and stated that it is good to have that in case of emergencies. He noted the lower millage rate and said that this is a start. He thanked Mr. Lo Bello for his work on the budget.

He thanked the audience for staying for the duration of the meeting and thanked the Council for all the things accomplished during the meeting.

Mayor Freebold – thanked the Police Department for all they do. He noted that the Lake Clarke Shores Police Department has a good reputation throughout the State and the Department should be proud of that distinction. He noted that it is known that the department is generally a stepping stone to other departments but the Council strives to do the best we can to make the salaries competitive in order to retain the officers. He also noted the hiring of a dedicated code enforcement officer instead of using one of the officers to enforce codes.

He discussed water condition of Lake Clarke and noted that the Town has been charged with the maintenance of the lake. He noted the herbicides that are in the lake and the amount of debris in the lake. He noted that the Town needs to do what we can to clean the lake. He noted the meetings that he attends with the League of Cities where they continue to discuss water quality and water quantity

He noted that the Town Council is striving to get better and to learn, so that we can do better for the Town. He noted that the Town is moving in a good direction and continues to do so. He noted that the Council receives calls from residents and meets with Town staff on those issues. He noted that the members of the Council are all residents of the Town and know that the reputation of the Town is important.

He noted that he is a big Jimmy Buffett fan and as such, closed the meeting with a quote from him “Take it all in, it is as big as it seems, count all your blessings, remember your dreams”.

12. Adjournment

Motion made by Council Member Gonzalez to adjourn the meeting at 8:50 PM, seconded by President Pro Tem Rodriguez; Motion approved (5-0).

Gregory Freebold, Mayor

Mary Pinkerman, Town Clerk