

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
OCTOBER 10, 2023**

1. Call to Order

A. Mayor Freebold called the meeting to order at 6:35 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

Mayor Freebold requested a moment of silence for all of the victims of senseless war throughout the world. Pastor Stan Sniezek, Pastor of the New Life Alliance Church, gave the invocation, then led the Pledge of Allegiance.

2. Audience Comments

Mayor Freebold noted that the Audience Comments section of the meeting has been moved to the beginning of the meeting instead of at the end of the meeting. He noted that the audience will still be able to ask questions during the course of the meeting, if needed.

The following residents of Edgewater Park spoke in opposition to the Town's annexation of the Edgewater Park enclave:

Vernon Lehto, 2347 Palm Road
Carolyn Bell, 2254 Edgewater Drive
Gail Arbour, 2278 Edgewater Drive
Michael Delong, 2395 Edgewater Drive
Mike Banim, 2398 Palm Road
Arnie Brannan, 2310 Palm Terrace
Sally Pessagno, 2275 Edgewater Drive
David McCampbell, 2425 Palm Road
Charles Musgrove, 2432 Edgewater Drive
John Eades, 2275 Edgewater Drive

Julia Hirsch, 2476 South Florida Mango Road – noted that she was happy with everything so far, but had concerns with the widening of Florida Mango Road.

Gerard Sanchez, 8360 West Lake Drive – noted that Broward County is trying to eliminate all unincorporated areas and asked if this was the reason behind the Town's annexation of Edgewater Park.

3. Approval of Agenda

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

4. Consent Agenda

- A. Approval of the Minutes of the September 27, 2023 Second and Final Budget Hearing.
- B. Approval of forfeiture funds not to exceed \$3,400.00 for the purchase of standard items for department rifles.
- C. Approval of the purchase of tactical shields using forfeiture funds not to exceed \$3,000.00.

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

5. Presentations

- A. None

6. Quasi-Judicial Proceedings

- A. None

7. Public Hearing

- A. Annexation of Edgewater Park – Joseph F. Lo Bello, Town Manager

Mr. Lo Bello explained that in 2022, the State Legislators adopted Chapter 2022-232, Laws of Florida which declared Edgewater Park as an enclave of the Town of Lake Clarke Shores. He noted the various benefits of being a resident of the Town. He noted that while the property owners in Edgewater Park would be paying Town taxes, those that are long time owners with homestead exemptions may see a decrease in their property tax bill since the Town would pay for their solid waste pick up, He also noted that the Town does not charge residents FPL franchise fees, so their monthly FPL bill would be lower.

The Town Council discussed the issues noted by the residents of Edgewater Park. They noted that they have heard their concerns and listened to their comments regarding this issue. The Council Members noted the importance for the residents of the area to attend the November 21st Palm Beach County Board of County Commissioner's meeting, where they will make their determination on the annexation. The Town Council Members thanked the residents of Edgewater Park for attending the meeting and voicing their opinions and concerns.

Mr. Lo Bello noted that if the annexation takes place, the resident's homestead exemptions will remain with the property. It was also noted that if annexed, Town staff will go into the area

to inspect the infrastructure (sidewalks, roadways, street signs, etc.) as the Town would be responsible for maintaining the infrastructure in the area. Staff will also inspect the properties for life safety issues, with the Resident being notified if any of those issues are found. Staff will work with the resident on other code violations such as boat and trailer parking, outside storage, etc. to bring them into compliance. The Town Council has the option to grandfather some violations if needed (until the property changes ownership).

Michael Delong, 2395 Edgewater Drive – asked who would be responsible for the area if the Town proceeds with the annexation. It was noted that it would be the Town's responsibility.

Sally Pessagno, 2275 Edgewater Drive – noted that it was the Town that requested that the area be declared an enclave in the first place.

Resident, 2680 Palm Road – noted that she thought West Palm Beach provided the police service to the area. It was noted that the PBC Sheriff's Office currently responds to the area.

Carolyn Bell, 2254 Edgewater Drive – asked if the annexation would be immediate upon approval by Palm Beach County. It was noted that while the annexation would be immediate, the property taxes will not be affected until the 2024 tax year.

Council Member Gonzalez made a motion to approve Resolution 2023-32 authorizing the Mayor to execute an Interlocal Agreement by and between Palm Beach County and the Town of Lake Clarke Shores for the annexation of the enclave known as Edgewater Park, seconded by Council Member Maples; Motion approved (5-0).

After the vote, some of the residents of Edgewater Park started to leave. Mayor Freebold asked for a 5 minute recess. The meeting reconvened at 7:50 PM.

8. Unfinished Business

- A. Approval of a License Agreement within and bordering Community Park to KMR LLC owner of 1501 Forest Hill Boulevard – Charles F. Schoech, Town Attorney

Mr. Schoech noted that according to Palm Beach County Fire Rescue, the Montessori School is required to install a fire suppression system as part of the building remodel to bring the building up to current codes. The Town has agreed to allow the dedicated water line for the sprinkler system to go through the edge of a portion of Community Park. He noted that the property owner originally asked for an easement agreement, but this was changed to a non-revocable license instead. Mr. Schoech noted that both the easement agreement and the license would allow for the installation, repair and maintenance of the water line, but the license does not give them the ownership of the land where the water line is located.

Vice Mayor Shalhoub noted that he reviewed the license with Mr. Schoech and agrees that the license would be better than the easement agreement.

Council Member Gonzalez noted that he talked to Mr. Schoech and Mr. Lo Bello about the possibility of removing the water line if it becomes no longer needed.

Council Member Maples thanked the Town staff for showing pictures of the area so that residents can see where the water line will be located. He noted that he has concerns about

the superior rights to the water line. Mr. Schoech noted that the license limits this to the subsurface. He noted that the water line must be four feet below ground. The Town would still have the rights to all other aspects of the park. Ultimately it will be the Montessori School that would be making repairs to the water line and be responsible for putting the area back in the same condition.

Motion made by Council Member Gonzalez to approve the License Agreement within and bordering Community Park to KMR LLC owner of 1501 Forest Hill Boulevard, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

B. Continued discussion on using a Special Magistrate for Code Enforcement – Joseph F. Lo Bello, Town Manager

Mr. Lo Bello thanked each of the Code Enforcement Board Members for their work and dedication to the Board. He noted that most of the other municipalities in Palm Beach County are currently utilizing a special magistrate. He noted some of the reasons why a special magistrate would be better for the Town. He also noted that the special magistrate would take the time spent by the code enforcement officer and the Town attorney into consideration when issuing fines. The cost for the special magistrate would be paid from those fines.

Vice Mayor Shalhoub noted that Mr. Paul Hughes was in attendance. He asked Mr. Hughes how long he has been on the Code Enforcement Board. Mr. Hughes noted that he has been a member of the Code Enforcement Board for 27 years.

Vice Mayor Shalhoub noted that three of the current Town Council Members started on the Code Enforcement Board. He noted that the Code Board Members do what they are supposed to be doing to obtain compliance and that they are doing a fantastic job. He noted that he had doubts about making the change from a Code Enforcement Board to having a special magistrate.

President Pro Tem Rodriguez thanked Mr. Hughes for being at the meeting and for his time on the Code Enforcement Board. He noted that Mr. Hughes is very level-headed during the Code Enforcement Board meetings. He also noted that he has had some bad experiences with special magistrates in West Palm Beach.

Mr. Hughes noted that Code Enforcement Board members are residents of the Town. He stated that the Board takes all things into consideration when hearing a case. He noted that under certain circumstances, the Board may show sympathy for the homeowner but this helps the residents to come into compliance.

Council Member Gonzalez noted the he is not fully convinced about making the change to a special magistrate. He noted that a special magistrate would be consistent with results, but that may not be the best for the Town. He discussed the other municipalities that still use a Code Enforcement Board. He noted that maybe the Town could use a special magistrate on a temporary basis to see if it would work, and if not, the Town could go back to using the Code Enforcement Board. He also discussed the possibility of providing the Code Enforcement Board with the results from past cases so that they can use the information when determining the outcome of a case.

Council Member Maples asked Mr. Hughes if he thought that the Town would lose its “Home Town Appeal” by using a special magistrate. He also asked him if he thought it would be helpful if the Code Enforcement Board would have some type of guidelines to follow. Mr. Hughes stated that he thinks that the Town would lose the “Home Town Appeal” by going to a special magistrate. He also noted that the Board has something already in place to use when determining cases.

Council Member Maples noted that he is still not sure about going to a special magistrate. He noted that he would like to hear what the other Code Enforcement Board Members think about this.

Deb Moody, 7510 Pine Tree Lane, Code Enforcement Board Member – noted that she has been involved in Code Enforcement for many years while working in the Building Department for the Town of Palm Beach. She noted that she has been a resident of Lake Clarke Shores for approximately 6 years. She noted that the Code Enforcement Board does achieve compliance. The Board reviews cases, goes through the Town Codes and imposes fines which are sometimes reduced or waived when compliance is met. She noted that the Code Enforcement Board takes the time to educate the residents, which is important. She noted that if the Town decides to go with a special magistrate, residents would have to pay for the special magistrate, fines and for attorney representation at the meetings. She noted that she does not feel that this would be the right way to go. She noted that if the Town was much larger a special magistrate might work. She stated her preference to continue with the Code Enforcement Board.

The Town Council Members continued discussing the advantages and disadvantages of using a special magistrate and a Code Enforcement Board. They discussed waiving or reducing fines and fees, and noted that there is a process to follow when doing this. They further discussed the possibility of a data base for Code Enforcement Board cases and noted that this may not be feasible since each case must be heard on its own merit. They also discussed the number of people that are currently serving on the Code Enforcement Board.

Ashok Kulkarni, 8131 West Lake Drive – noted that the Town should check with other municipalities to see how they do things. He also wanted to know why the Town wants to make this change if the Code Enforcement Board is doing a good job.

Gerard Sanchez, 8360 West Lake Drive, Vice Chair, Code Enforcement Board – he noted that he is honored to serve on the Code Enforcement Board with Mr. Hughes, Ms. Moody and the rest of the Board. He thanked Lt. Fisher for her 16 years of service as the Town’s Code Enforcement Officer. He noted that Code Officer Richwagen has taken over the task and Mr. Palacios, Zoning Official from Hy-Byrd is assisting him, which has improved the way Code Enforcement is being handled. He noted that the Code Enforcement Board is made up of residents from a variety of different backgrounds. He discussed the various reason for the way that fines are assessed by the Board. He also noted that he would like the Town to consider keeping the Code Enforcement Board.

After continued discussion it was noted that Mr. Schoech would need consensus from the Town Council to explore the possibility of having a Hybrid special magistrate/Code Enforcement Board. The Town Council agreed to this, so Mr. Schoech will begin work on this

9. New Business

A. None

10. Status Report

Mr. Schoech – did not have anything new to report.

Lt. Fisher noted that Chief Smith was not present at the meeting. Mr. Hughes noted the speed of the traffic along Florida Mango Road now that it is reopened. He asked for additional police presence to slow the traffic down.

Mr. Lo Bello – noted the upcoming events and the Pine Tree Bridge bid opening on the 26th of October. He discussed the traffic at Forest Hill Boulevard and Pine Tree Lane and noted that FDOT will be putting up signs to let drivers know that they should “Not Block the Box”.

He noted Sgt. Howell will be retiring as of November 1st and thanked him for his many years of service.

He also noted that the pickle ball courts at Community Park are almost completed, He noted that the Town will have a soft opening first then hold a grand opening after the basketball court and the parking lot have been resurfaced.

11. Council Comments

Vice Mayor Shalhoub – did not have any comments at this time.

President Pro Tem Rodriguez – did not have any comments at this time.

Council Member Gonzalez – thanked Sgt. Howell for his service.

Council Member Maples – noted that the Footprints Senior’s Club will be holding their first meeting on October 18th. He thanked the Code Enforcement Board Members for their work and for advocating for additional members for the Board. He suggested that the Board not reduce fines to less than 25% of the original fee so that the Town can recoup some of the costs associated with the Hearings. He also thanked everyone for attending the meeting.

12. Adjournment

Motion made by Council Member Gonzalez to adjourn the meeting at 9:00 PM, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

Gregory Freebold, Mayor

Mary Pinkerman, Town Clerk