

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

1. Call to Order

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

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. 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 members of the audience commented about Item 9. A. regarding the Sewer Petition and/or Sewers:

Ashok Kulkarni, 8131 West Lake Drive
Peter Hoderle, 6903 Pine Tree Lane
Ken Barker, 8260 Pine Tree Lane
Theresa Wible, 1407 Beta Court N

Timothy Daughtry, 1410 Keller Road – compared the millage rates of other municipalities to the Town's millage rate and noted that the Town's millage rate is higher than most other municipalities. He also discussed the condition of the roads in Town and the safety of those walking along the roadways in the early mornings and late evenings. He noted that the Town should repave the roads and provide reflective vests or flashers for residents to use while walking to stay safe.

Victoria Prinzi, 1411 Carandis Circle – noted the costs associated with the Police Department House Watch Program. She reiterated that the Town should be charging residents for this service instead of doing this for free. She also discussed the lack of street lights along Carandis Circle.

Kathryn Workman, 8031 Pine Tree Lane – disagreed with Ms. Prinzi’s suggestion that the Town charge for the House Watch Program. She also noted that she does not want the Town to use tax dollars to purchase safety equipment for residents.

Fran Carlton, 8031 Waterway Drive – noted that the Town needs to educate walkers so that they remain safe. She also discussed the House Watch Program and noted that it is a benefit of living in the Town.

Jennifer Chrzanowski, 7130 Pine Tree Lane – commented on Ms. Prinzi’s remarks regarding the costs associated with the House Watch Program. She acknowledged all of the hours Officer Manak donates to the Town Police Department and thanked him for his service to the Town.

Theresa Wible, 1407 Beta Court N – noted that her street is in very bad shape and needs repaired and/or repaved.

3. Approval of Agenda

Motion made by Council Member Gonzalez to approve the Agenda after postponing Item 8. A., Traffic Calming Study, to the January 16, 2024 agenda and removing Item 9. B., Creating a registry for surveillance cameras, from the agenda, seconded by Vice Mayor Shalhoub; Motion approved (5-0).

4. Consent Agenda

- A. Approval of the Minutes of the November 14, 2023 Town Council Meeting.
- B. Approval of Resolution 2023-33 - Approving Amendment 002 to Agreement R2022-1369 between the Town of Lake Clarke Shores and Palm Beach County to extend the construction completion date to May 31, 2024 and the date to submit reimbursement to June 30, 2024.
- C. Approval of the 5-year Officer Safety Plan for a total of \$153,990 or \$31,998 per year with Axon to continue regular usage of the Body Worn Cameras and Tasers contingent upon review and approval by the Town Attorney and to forgo the Town’s competitive bidding process due to not being advantageous to the Town.
- D. Approval of 2024 events and dates:

Event:	Date:
Valentine Food Truck Event	2/9
Annual Town BBQ	3/17
Children’s Movie Nights	3/15 & 10/25
Waterway Clean up	4/20
Annual Fishing Tournament	4/___ Date to be determined
Summer Food Truck Event	5/31
International Coastal Cleanup	9/___ Date to be determined
3 rd Annual Monster Mash Food Truck Event	10/25
Halloween Home Decorating Contest	10/29
Annual Triples Tennis Tournament	11/9

Annual "Holidays in Paradise" Parade	12/7
Jim and Judy Tackett Memorial Christmas Tree Lighting at the Lake	12/7
Annual Hanukkah Menorah Lighting	12/_ Date to be determined
Holiday Home Decorating Contest	12/_ Date to be determined

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

5. Presentations

A. Police Department Commendations – Chief Smith, Mayor Freebold

Officer Reynaldo Pulles
Officer Joseph Sanders

Mayor Freebold noted that Officer Pulles and Officer Sanders received the commendations for their efforts in saving the life of a person who was found unresponsive. They were first on the scene and assessed the situation. They administered Narcan and performed CPR to the male victim prior to the arrival of PBC Fire Rescue. Mayor Freebold noted that this happened on Officer Sanders' first day of training under the tutelage of Officer Pulles.

Chief Smith, Assistant Chief Abruscato and Mayor Freebold presented them with their commendations. Mayor Freebold congratulated the Officers for behalf of the Town Council.

6. Quasi-Judicial Proceedings

A. 8330 Waterway Drive – Variance Request

1. Swearing in of Witnesses

Mr. Schoech swore in the witnesses

2. Disclosure of Ex Parte Communications

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

Mr. Schoech noted that Pat and Kristine Goins are requesting an 8'8" rear variance with relief from the 25' rear setback as required in Sec. 125-477 (a) of the Town Code of Ordinances and a 3'11" side variance with relief from the 10' side setback as required in Sec. 125-295 (2) of the Town Code of Ordinances for an existing tiki hut that is 16'4" from the rear property line and 6'1" from the side property line. He noted that the Zoning Board of Adjustment heard the variance request on November 15, 2023 and unanimously recommended that the Town Council approve the variance as requested.

4. Presentation by Applicant – Pat and Kristine Goins

Ms. Goins noted that they were told that a permit was not needed for the tiki hut since it was built by the Seminole or Muscogee Tribe of Indians. She stated that they built the tiki hut using the same side setback as their shed. She stated that her neighbors do not have any problems with the tiki hut where it is located.

5. Open Public Hearing

6. Public Comments

Albert Pavon, 8323 West Lake Drive – noted that he has known the Goins since they purchased the house. He stated that they have applied for permits for all of their other projects and would have done the same for the tiki hut if they were told that a permit was needed. He asked the Town Council to consider approving the variance.

Fran Carlton, 8331 Waterway Drive – noted that the tiki hut has been there for quite some time and would like to see it remain.

Timothy Daughtry, 1410 Keller Road – noted that he has worked on various projects with the Goins for many years. He noted the tiki hut is built very nicely and is hidden from view from the street. He asked the Town Council to approve the variance as requested.

Mr. Schoech noted that the Town's position is that a permit is not required for tiki huts as long as they are built by Native American Indians, but the structure still must meet the Town's setback requirements. The variance request is to meet the setback requirements.

7. Close Public Hearing

8. Council Comments

Council Member Maples noted that the members of the Zoning Board of Adjustment do a great job and the preparation for this case was well done.

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

Motion made by Council Member Gonzalez to accept the recommendation from the Zoning Board of Adjustment and to grant the 8'8" rear variance and the 3'11" side variance for the existing tiki hut that is 16'4" from the rear property line and 6'1" from the side property line as requested by the applicant, seconded by Council Member Maples; Motion approved (5-0).

7. Public Hearing

A. None

8. Unfinished Business

A. *Traffic Calming Study – Bryan Kelley P.E. (item moved to the January 16, 2024 agenda since an update is needed to the study due to changes in the construction to replace Pine Tree Bridge)*

9. New Business

A. Sewer Petition – Council Member Jon Maples

Council Member Maples noted that 18 years ago the Town held a workshop for residents to discuss the installation of a sewer system in Town. He noted that experts from various agencies were in attendance to answer questions. He also noted that after the workshop the Town sent letters to the residents asking them if they wanted sewers and the majority of residents were against it.

He noted his desire for another workshop to take place to allow open conversation between the Town and the residents and to have the experts provide their opinions on the subject. He stated that residents need their questions answered.

The Town Council discussed the following issues:

The cost increase since 2005; the various water service providers that cover the Town and the fact that PBC Water Utility customers in Town already have sewer service; If the residents of the Town that are on Palm Springs Utilities would have any say if Palm Springs decides to install sewers within their residential area; who would be paying for the installation of the sewers; the pros and cons of installing sewers; the other factors that contribute to the problem with water quality of the lake; and the need for the Town to be “shovel ready” in order to obtain grants to help defer the costs of the sewer system.

The following audience members spoke

Jennifer Chrzanowski, 7130 Pine Tree Lane – reiterated her desire to allow the residents to have a vote on the installation of sewers instead of having the Town Council make the decision.

Pamela Mara, 1825 Gregory Road – voiced her concerns with the cost of the sewers and agreed that the residents should be allowed to vote on the issue.

Angelique Contreras, resident of Lake Worth – noted her observation of Town meetings and noted that the Town Council should be listening to the residents that voted them into office.

Christian Maasbach, 7071 Pine Tree Lane – asked if there have been any studies done to verify that septic tanks are causing the problem with the water quality of the lake.

Howard Goldfarb, 7150 West Lake Drive – noted his desire for the residents to vote on the issue.

Debra Moody, 7510 Pine Tree Lane – noted that she is in favor of sewers. She stated that it would cost over \$35,000 to replace her septic system and she would rather spend that much towards the sewer and have a permanent fix instead of continuously paying to upkeep her current septic system.

Bernadette Shalhoub, 8429 West Lake Drive – noted that the workshop in 2005 did not turn out very well. She noted that the residents were arguing with the professionals and would not listen to them when they spoke. She stated that she would hope the residents will be more courteous if the Town Council holds another sewer workshop.

Ashok Kulkarni, 8131 West Lake Drive – asked if there is any coordination between the water service providers in Town regarding the installation of sewers.

Kathryn Workman, 8031 Pine Tree Lane – asked that the Town have charts, graphs and FAQ available for the residents to review prior to a workshop.

Timothy Daughtry, 1410 Keller Road – noted that he is in support of sewers but the lake is being polluted by various other factors that also need to be addressed. He noted more needs to be done to find ways to help finance the costs of sewer system.

Victoria Prinzi, 1411 Carandis Circle – wants information on how much the Town has spent on the sewer thus far and how shovel ready the Town is to be added to the information provided prior to a workshop.

Fran Carlton, 8432 Waterway Drive – asked for information on the number of homes in each of the water service areas. She also asked for information on the number of homes in the Town's South Service Area. She asked for clarification on the meaning of "shovel ready".

Theresa Wible, 1407 Bata Court N – asked for clarification on the number of homes in the Lake Clarke Shores service area that will be affected by the installation of sewers.

Council Member Maples thanked the audience for their comments.

Motion made by Council Member Maples to allow the 702 residents that will be affected by the sewer to vote on the installation of the sewer system after the Town holds a workshop, seconded by Council Member Gonzalez; Motion failed (2-3) with Mayor Freebold, Vice Mayor Shalhoub and President Pro Tem Rodriguez opposed.

B. *Creating a registry for surveillance cameras – Vice Mayor Shalhoub – item removed from agenda*

C. Discussion on Council Vacancy(ies) –Town Council

Note: Item C. moved to the conclusion of the Status Reports – the minutes reflect the order of the agenda

Mr. Lo Bello noted that there will be a vacancy in April for the Group 4 Council seat, since no one filed for the seat during the November qualifying period. He also noted that a number of Town Officials are resigning all over the State due to the new requirement that, as of January 1st, Council Members need to complete Form 6 instead of Form 1 that they filed on a yearly basis.

Council Member Gonzalez asked Mr. Lo Bello for permission to speak as he had an important announcement to make regarding this issue.

After noting that Ms. Bridget Keating a retired Lieutenant and Flight Training Officer who ran unopposed for Town Council Group 3 was in the audience, Council Member Gonzalez stated that it was with mixed emotions that he was tendering his resignation as a Council Member effective immediately to give enough time for the remaining Council to appoint an interim Council Member.

He explained that it was a very difficult decision and expressed his sincere gratitude for the privilege to serve the wonderful community of Lake Clarke Shores. He noted that he made the decision to step down with a heavy heart and a choice that he made in consultation with his family. He also noted that he had every intention to complete his term on the Council, but unforeseen circumstances particularly in changes in the legislative landscape have lead him to reconsider his role in public service. He noted that his decision came particularly due to Senate Bill 774 that was enacted by the Florida Legislature which imposes significant changes to financial disclosure requirements. Starting January 2024, the new law requires Mayors and Council Members to complete the more fully detailed Financial Disclosure Form 6 instead of the simple Form 1. He stated that he understands that the change was made to allow greater transparency, but the information that would be included in Form 6 is too intrusive. He noted that the extensive nature of these disclosures would compromise his responsibility to safeguard the interests of his clients and his family.

He noted that he wanted to express his deep gratitude for the support and collaboration that he experienced while serving on the Town Council. He also stated that it was an honor and privilege to contribute to the progress and positive development of Lake Clarke Shores. He noted that during his tenure, intergovernmental relationships have been strengthened between Palm Beach County and neighboring communities. He noted that although he is stepping down, he will remain an informed and engaged member of this community.

At the conclusion of his speech (at 9:05 PM), Mr. Gonzalez stepped down from the dais. He attended the remaining portion of the meeting as an audience member.

President Pro Tem Rodriguez noted that, after serving 9 consecutive terms on the Town Council, he will be resigning from his position as a member of the Town Council as of December 30, 2023. He noted that changes to the financial disclosure forms played a part in his decision to resign.

He noted that he will miss being a part of the Town Council, but will continue to be available for consultation and to volunteer, whenever he is available.

Vice Mayor Shalhoub also announced his resignation from the Town Council effective December 30, 2023. He read from his resignation letter that noted compliance with Form 6 will require him to disclose confidential information about his clients, which will force him to compromise his ethics with the Florida Bar Rules of Professional Conduct, to which he is bound and took an oath to preserve.

He noted that it had been an immense honor and privilege to serve the residents of the Town for almost 32 years and that he is deeply grateful for the trust and support of the community throughout his tenure on the Council. He noted the experience has been both rewarding and

fulfilling and that he is grateful for the relationships, experiences and memories that will stay with him always.

Vice Mayor Shalhoub then noted that the Town Council has some decisions to make regarding the immediate vacancy in the Group 5 seat and the vacancies that will take place as of December 30th for Groups 3 and 4.

President Pro Tem Rodriguez noted that Bridget Keating qualified and ran unopposed for Group 3, so she will be a part of the Town Council once she is sworn into office. He noted that he had been speaking to various residents asking them if they would be interested in serving on the Town Council because he was trying to decide if he wanted to run for another term for Group 5. He made the decision not to run for office after going to various banks to try to open a campaign account. He noted that one of the people he spoke to was Ms. Taylor Materio, who thought about running for office in 2022, but decided not to run at that time. He noted that she is now interested in serving on the Town Council and is seated in the audience.

Mr. Schoech noted that the Town Council needs to appoint someone to fill the vacancy in Group 4 for the remaining term of Council Member Gonzalez in order to have enough Council members to have a quorum. He noted that this must be done before the end of December when the two additional Council Members will be stepping down. He explained that the Council would then need to reappoint that person for Group 4 or appoint other people to fill the vacancies in Groups 4 & 5 until the next Town election takes place in 2025, where Group 4 & 5 would also be on the ballot. Those winning the election for Groups 4 & 5 would hold the office for only one year. In 2026, the seats for Groups 3, 4 & 5 would be on the ballot but this time the people would serve a full two year term.

Note: Section 5 of the Town Charter states that the terms for Groups 1 & 2 are up for election in odd numbered years and Groups 3, 4 & 5 are in even years.

Motion made by President Pro Tem Rodriguez to appoint Taylor Materio to complete the remaining term for Group 4, seconded by Vice Mayor Shalhoub for discussion.

Council Member Maples stated he would like to hear from Ms. Materio before he voted on this.

Taylor Materio, 7515 West Lake Drive –she stated that her grandparents lived on Mediterranean Road and she loved the time that she spent there with them while she was growing up. She noted that she always considered Lake Clarke Shores her home and after starting their family, she and her husband purchased a home in Town 2 years ago. She noted the various Boards and Committees that she is and has been involved in. She noted that she would be honored to serve the residents of Lake Clarke Shores, and if appointed, she would have an open-door policy so residents could contact her at any time.

The original motion was reiterated and voted upon - **Motion made by President Pro Tem Rodriguez to appoint Taylor Materio to complete the remaining term for Group 4, seconded by Vice Mayor Shalhoub; Motion approved (4-0).**

Mr. Schoech swore in Ms. Materio into office at 9:35 PM. Council Member Materio joined the remaining Council Members at the dais.

Mr. Schoech reminded the Town Council that there will be two additional vacancies on the Council as of December 30, 2023 so they will need to consider appointing two people to fill those vacancies until their terms expire after the March election.

Mayor Freebold noted anyone who is interested in filling one of those positions should contact Mr. Lo Bello. He also welcomed Ms. Materio to the Town Council.

10. Status Report

Note: The Status Reports were presented prior to New Business Item C. – the minutes reflect order of the agenda

Chief Craig Spiegelhalter, PBC Fire Rescue – commended the Town for recognizing the Police Officers for their efforts in saving the life of a person who was found unresponsive. He provided statistics for the Fire Rescue responses in the Town for the month of November and noted that 42 new recruits have been hired from the Fire Academy. He also noted the recent incidents that they covered within Palm Beach County.

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

Chief Smith – provided statistics regarding the number of calls, assists and citations that the Police Department handled during the last month. He also noted that the threat level is high for our area and reminded everyone to be careful when they are out and about during the holidays.

Mr. Lo Bello – noted the next Town Council Meeting will take place on January 16, 2024 and noted a few of the upcoming events for 2024. He thanked Town staff for their assistance with the December events. He noted that the Town Hall tennis court improvements have been completed, and the pickle ball courts at Community Park are now open. He noted that the pickle ball court grand opening event will take place in February or March, depending on when the basketball courts have been refinished.

11. Council Comments

Council Member Maples – wished everyone Happy Holidays. He thanked those in attendance for staying for the duration of the meeting. He noted the resignations of the three Council Members and the length of time that they served. He thanked them for their many years of service and noted that this “gem” that we all enjoy is based on their many hours of service.

He wished everyone a Happy Holiday and encouraged everyone to enjoy their family time together and get some rest during their time off.

Council Member Materio – thanked the Town Council for giving her the opportunity to serve and thanked the three Council Members that resigned for their many years of service and for all that they have done for the Town. She also wished everyone Happy Holidays.

President Pro Tem Rodriguez – thanked Council Member Materio for honoring the Town with her service. He noted that being on the Town Council it is a thankless position, that it is not easy, it is a lot of work and there are a lot of issues out there.

He noted the discussion on the sewers and stated that no one asked him what his position was on sewers. He noted the closure of Florida Mango Road and how long it took to complete the job due to problems with cost overruns and obtaining concrete. He noted the inconvenience of that road closure and stated that he would hate it if this would happen in Town during the sewer installation due to those same problems. He noted that he is not fully convinced that septic tanks are causing the problem with the water quality in the lake. He noted there are other things also contribute to this situation.

He discussed his position on having residents vote on the sewer and how those that are a part of the Palm Springs Water Utility will not have a say on the matter when Palm Springs decides to install sewers. He noted that it is a very strange situation.

He also noted that the Town Hall was built during his tenure on the Town Council. He also noted the changes made to the Police Building. He state that the Town Complex is something that the whole Town can be proud of. He noted that he is very proud of the Town's Police Department and of the hard work that the Police Officers do for the Town.

He noted that his wife Marti was in attendance for the meeting and thanked her for her support during the years that he has been on the Town Council. He noted that he decided to run for Council so that there would be things for the children of the Town. He noted he wanted better parks for them to play in and now the Town's parks are here for them all to enjoy. He also noted his involvement with the golf cart ordinance.

He stated that he will miss everyone and that he will continue to help wherever he can. He noted that he will remain in Town because he does not know of a better place to live. He noted that he has visited many different places but he loves coming back to the friends, the families and the people in the Town that make this a happy place to be.

Vice Mayor Shalhoub – explained that he voted no the resident vote on the sewer because he did not know exactly how the motion was supposed to be articulated. He noted that he does not know what will come out of the charrette, he does not know the information either pro or con, but he does know that education is the key to making an informed decision. He noted that he learned so much from Mr. Rodger Hoofenagle. He stated that he did not know anything about phosphate and nitrogen levels and Mr. Hoofenagle sat down with him and taught him a lot. He noted that people need to listen to the professionals as they explain the pros and the cons of the situation in order to learn about the issues. He noted the cost for the sewer is a big issue and that the Town Council has been doing their best to try and get funding to help the 702 homes that are affected by the sewers. He noted the time that the Town Council spent in Tallahassee and in front of other funding sources was spent with the residents in mind. He noted that the Town was able to receive some funding from assistance that was outside our legislative district, which was due to the relationships made while talking to others.

He also noted the costs associated with the repair of Pine Tree Bridge. He noted that the Town budgeted \$1.2 million for the replacement of the bridge, but the received bid was for over \$3 million. He stated that a change in the design and the construction is needed to bring the cost of the job down. It will be up to the new Town Council to decide.

He noted that the roadways in some areas have not been resurfaced because of the possible installation of a sewer system. The Town was not willing to repave those roadways then have them torn up for the sewer.

He discussed the installation of sewers and the costs involved with this. He also discussed the 2005 Sewer Workshop. He noted that people want sewers, but do not want to have to pay for them. He also noted the resident request for a referendum and how the question on the ballot would be limited to 75 words. He noted that it would be hard to choose those 75 words for the ballot.

He read a quote that said that if you accept a call to leadership you must be prepared to be misunderstood, criticized, opposed, accused, and even rejected. He noted that people should treat each other with respect and civility. He noted the civility code that is posted on the podium that everyone should abide by. He noted that everyone does not need to agree on everything, but everyone should respect each other's viewpoint.

Mayor Freebold – noted that Vice Mayor Shalhoub and Mr. Dan Clark were pretty much responsible for the CRA, which was a huge endeavor and turned the area around. He noted the installation of sewers along Forest Hill Boulevard and stated that residents of the Town did not pay for any part of that installation, the businesses paid for it without objection. He noted that the sewer system along Forest Hill has been a huge advantage to the Town and it is only the beginning.

He noted that he is interested in hearing what the residents think and that he goes out and talks to them to get their input. He noted that the other Council Members do the same thing.

He noted that he is one of the homeowners within the 702 homes slated for sewer. He noted that he and his wife are on a fixed budget and have made sacrifices just the same as everyone else, so he wants to help find solutions for the residents.

He discussed the community building relationships that the Council has forged and the events that the Town does for the residents.

He noted that the Town Council will need to appoint two Council Members. He noted that there will be a change of views, but hopes that whomever sits on the Council will have the best interests of everyone in the Town at all times.

He noted that he will miss having Vice Mayor Shalhoub, President Pro Tem Rodriguez and Council Member Gonzalez on the Council. He noted the changes in the Council since he started in 2007 and that the Town will continue to change and move forward. He noted that he will continue to work for the Town and those that put him into this position for as long as they will have him do so

He wished everyone a Merry Christmas, Happy Hanukah, Happy Kwanza, Happy Festival of Lights and a Happy New Year.

12. Adjournment

Motion made by President Pro Tem Rodriguez to adjourn the meeting at 9:55 PM, seconded by Vice Mayor Shalhoub Council Member Gonzalez; Motion approved (5-0).

Gregory Freebold, Mayor

Mary Pinkerman, Town Clerk