

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
MAY 8, 2007**

(Immediately following the Public Meeting – Florida Land & Water Conservation Fund Program Grant)

I. (A) CALL TO ORDER, ROLL CALL:

Mayor Lewis called the meeting to order at 6:51 p.m.

The following members and officials were present:

Malcolm K. Lewis, Mayor
Tom Mayes, Jr., Vice Mayor
Robert M. W. Shalhoub, Pres. Pro Tem
Valentin Rodriguez, Jr., Council Member
Gregory Freebold, Council Member
Joann Hatton, Town Administrator
Jo H. Plyler, Town Clerk
Frank Palen, Town Attorney (Charles Schoech arrived at 7:15 p.m.)
Wes Smith, Chief of Police
Keith Jackson, Town Consulting Engineer
Mary Pinkerman, Permit/License Supervisor

(B) PLEDGE OF ALLEGIANCE:

Mayor Lewis led the assembly in the pledge of allegiance to the American Flag.

II. APPROVAL OF AGENDA:

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

III. CONSENT AGENDA:

A) Approval of April 24, 2007 Minutes.

B) Re-appointment of the following:

Town Administrator, Joann Hatton
Town Clerk, Jo H. Plyler

Chief of Police, Wes Smith
Town Attorney, Caldwell & Pacetti
Town Consulting Engineers, SFRN, Inc. Shalloway Engineering
Town Utilities Engineers, LBFH, Inc.

- C) Approval of Resolution #07-12 expressing appreciation for the goods, equipment and services rendered for the Town's 3rd Waterway Cleanup Project.
- D) Approval of First Amendment to Agreement with Palm Beach County for Radio Maintenance Services (\$12.50 monies).

Motion made by President Pro Tem Shalhoub to approve the consent agenda, motion died due to lack of a second.

Vice Mayor Mayes made a motion to approve the consent agenda, as amended, to remove the Town Attorney, Town Consulting Engineers and Town Utilities Engineers from B) Re-appointment, for considered under VII, New Business B), seconded by Council Member Rodriguez; Motion approved (5-0).

IV. PRESENTATIONS:

- A) Jim Tackett, Chairman, "50th Anniversary Executive Committee", presented the slate of events proposed by the Committee and requested Council approval:
 - 1. Flag Pole has been installed and the light will be connected when electrical is installed to the fountain.

Upon the request of Mayor Lewis, it was the consensus of the Council that the Flag Pole be designated as a 50th Anniversary Committee" project.
 - 2. Bass Fishing Tournament – Council Member Greg Freebold, Team Leader of the tournament has requested that the event take place on October 27th. Mr. Tackett indicated that the committee would be voting on the event date at their May 9th meeting.
 - 3. Street Festival – President Pro Tem Shalhoub, Team Leader for the festival suggested that the tournament and the festival be held on the same day. Mr. Tackett advised that he will take this matter to the committee for consideration.

- B) Bill Murphy, Project Manager, Lake Clarke Shores Community Park, referenced his status report dated May 8, 2007 advising that he has received a revised proposal from Whiteside Inc. on a Palm Beach County piggyback contract for \$124,672.75 for paving, drainage, grading, earthwork and general utilities. This reflects the removal of the costs of the silt fence, bollards and concrete pavers from the original proposal.
- C) **Council Member Rodriguez made a motion to approve the proposal from Whiteside, Inc. up to \$125,000 out of unappropriated funds, seconded by President Pro Tem Shalhoub; motion approved (5-0).** Clerks Note: \$47,072.75 is not reimbursable by the FRDAP grant Phase I.

Vice Mayor Mayes indicated that the Community Advisory Committee is exploring the possibility of having private donations to help defray the costs associated with the park.

V. TOWN CONSULTING ENGINEER:

- A) Town Consulting Engineer, Keith Jackson referenced his Status Report #125 dated May 3, 2007, and stated that Phase I of the asphalt overlay paving project has been completed.

Mr. Jackson reminded the Council members of the Lake Worth Lagoon Symposium on May 16th and encouraged their attendance.

VI. UNFINISHED BUSINESS:

- A) Second Reading Ordinance #07-03, amending Chapter 62 "Waterways" to provide for the issuance of owner/builder permits for the installation of certain bulkheads.

President Pro Tem Shalhoub made a motion to approve second reading of Ordinance #07-03, seconded by Vice President Mayes; motion approved (5-0).

- B) Second reading Ordinance #07-04 prohibiting sexual offenders and predators from living within 1500 feet of specified locations within the Town of Lake Clarke Shores.

President Pro Tem Shalhoub made a motion to approve second reading of Ordinance #07-04, seconded by Council Member Freebold; motion approved (5-0).

Upon the request of Council Member Rodriguez, it was the consensus of the Council that the activity of this ordinance be monitored to determine if at a later date amendments can be made to make the provisions less stringent on the limits of the specified locations for sex offenders.

C) Town Municipal Complex financial payment plan – Mayor Lewis

Clerk’s note: Referenced memorandums and charts referred to in this section are attached as Exhibit A.

Mayor Lewis addressed his Memorandum dated May 3, 2007 recommending that \$500,000 be retained in the General Fund Reserves for emergencies and that \$2,000,000 million be earmarked for the construction costs. The remaining costs of \$320,000 could be obtained by borrowing from the LCS “Enterprise” (Utility) Fund” with principal and interest repaid over an extended period. He further recommended that monies from the General Fund Reserves be allocated in four (4) increments as shown on the chart attached to his memorandum.

President Pro Tem Shalhoub stated that at the last meeting he made a motion to table signing the Municipal Complex contract until after the June special legislation session to determine how the tax reform will have an impact on town revenues. If this is passed as proposed there will be a shortage of dollars for emergencies with the possibility of cutting services and staff. He has had discussion with the Town Auditor who recommends that the town keep at least \$1,000,000 reserves in case of such emergencies. He proposed that the Town investigate the possibility of obtaining a line of credit to be available to use only when and if needed to cover expenses relating to the new complex.

Town Finance Director, William Thrasher referenced his memorandum dated December 31, 2006 regarding the following three (3) Options stating that the estimated cost at that time for the complex was \$2,000,000 and since that time the cost has increased:

1. Option 1, Outside financing 20 year 4% loan
2. Option 2, Paid from General Fund Reserves
3. Option 3, Partial Financing (Internal) Utilities

Mr. Thrasher was of the opinion that if the tax reform is approved, as predicted, the town will need reserves not less than \$1,060,000 for the transition period.

The following residents spoke on the subject of financing the Municipal Complex:

Ashok Kulkarni, 8131 West Lake Drive, expressed concern that the project is moving too fast and that both points of financing are confusing and would like assurance that there would not be any special assessments placed on the resident to pay for the complex.

Mayor Lewis assured Mr. Kulkarni that funds are available and the residents will not be assessed for the project.

Pat Boyer, 1437 Mediterranean Road, agreed with Mayor Lewis on his proposal.

Bernadette Shalhoub, 8429 West Lake Drive, stated that this Council has always been very responsible on their decisions and why would this issue be any different, they should not make a hasty decision on the financing of the Municipal Complex

John MacGregor, 8115 Pine Tree Lane, noted that from the last finance report, the Town has collected the percentage of taxes for the fiscal year and have already spent these dollars.

Panna Kulkarni, 8131 West Lake Drive, agreed with Mayor Lewis on his proposal.

Casey Boyer, 1437 Mediterranean Road, questioned when the project was put out for bid. Mayor Lewis responded that the request for bid was published February 2007.

Council Member Rodriguez made a motion to transfer unappropriated funds in the amount of \$500,000 for the first increment (June, July, & August) as shown on the recommended allocation of funds for contractor pay proposed by Mayor Lewis with staff investigating possible sources of funding i.e. line of credit for Council consideration, seconded by President Pro Tem Shalhoub; motion approved (5-0).

VII. NEW BUSINESS:

- A) Approval of Presentation of Florida Land and Water Conservation Fund Program Grant Application, FY 2006-2007, for Lake Clarke Shores Community Park, located at 1700 Carandis Road.

1. Resolution No. 07-13 Authorizing the Town to apply for the Florida Land and Water Conservation Fund Program Grant FY2006-2007 for the LCS Community Park.
2. Five-Year Capital Improvement Schedule.

President Pro Tem Shalhoub made a motion to approve the Florida Land and Water Conservation Fund Program Grant Application, seconded by Vice Mayor Mayes; motion approved (5-0).

D) Re-appointment of the following:

Town Attorney, Caldwell & Pacetti
Town Consulting Engineers, SFRN, Inc. Shalloway Engineering
Town Utilities Engineers, LBFH, Inc.

In response to question from Vice Mayor Mayes, President Pro Tem Shalhoub clarified the procedures for Request for Qualifications (RFQ) for selection of Town professionals. In reply to Vice Mayor Mayes question regarding the length of time of the Town consultants have been serving the Town, Keith Jackson (SFRN) responded that his firm had served since 1992, Charlie Schoech (Caldwell & Pacetti) responded that his firm had served since 1991 and it was determined by staff that Jeff Renault (LBFH) had served since 2003.

President Pro Tem Shalhoub made a motion to re-appoint Caldwell & Pacetti, SFRN, and LBFH, seconded by Council Member Freebold; motion approved (5-0).

VIII. AUDIENCE COMMENTS:

John MacGregor, 8115 Pine Tree Lane, commented on the agenda and stated that all upcoming topics should appear on the future agenda items in order for residents to be prepared prior to each meeting.

Panna Kulkarni, 1831 West Lake Drive, requested that the Council consider starting the Council meetings at 7:00 pm as suggested by the residents at previous meetings.

Richard Hasbrouck, 7825 West Lake Drive, requested clarification of the Town's Land Use Permit Application regarding the cost of engineering to be paid by the applicant. Attorney Schoech responded that he would have the information for Mr. Hasbrouck in several days.

IX. TOWN ADMINISTRATOR:

In addition to her status report dated May 3, 2007, Town Administrator, Joann Hatton, requested that the Town Council schedule a date and time for a ceremonial groundbreaking for the Town Municipal Complex.

President Pro Tem Shalhoub made a motion to have the ceremonial groundbreaking on May 22nd, at 6:00 p.m., prior to the regular Council Meeting, seconded by Council Member Rodriguez; motion approved (5-0).

X. REPORTS:

- A) Town Attorney Schoech referenced his status report dated May 4, 2007 regarding the Barby property, 7011 Haden Road, and advised that a report is forthcoming.
- B) Chief Smith advised that his monthly report, along with a report on water violations would be disseminated to the Town Council later in the week.
- C) Town Council:

Council Member Rodriguez thanked the residents for attending the meeting.

Vice Mayor Mayes commented on the following topics:

- 1 Thanked Chief Smith for stepping up security at the Blanton property on Florida Mango Road and that he has not been able to contact the owner but will continue to monitor this situation to determine if it is feasible to annex this property into the Town.
2. He requested that the Sediment Removal Project presentation by Keith Jackson be placed on the Town's Website.
3. Requested that Bill Murphy provide the Town Council with detail expenditures on the LCS Community Park. Mr. Murphy responded that as soon as project progresses and expenses occur, he would submit a report.
4. Questioned the status of the commercial kitchen hood for the new complex. Joann Hatton responded that the Building Official is looking into modifying the cost by retrofitting the existing hood to meet the Fire District requirements.

President Pro Tem Shalhoub commented on the following:

1. Recognized the letter dated May 2, 2007 informing Chief Smith that Corporal William Howell has been selected by the Traffic Safety Committee to receive a Distinguished Service Award for Enforcement.

2. He has been working with staff regarding formulating a questionnaire to be given residents upon the submittal of a building permit to obtain their opinions on the building permit process.

Council Member Freebold

Council Member Freebold commented that he would be attending the May 16th Lake Worth Lagoon Symposium. He also commended the Chief on Corporal Howell's Distinguished Service Award.

Mayor Lewis

No report

XII. FUTURE AGENDA ITEMS: TENTATIVE, SUBJECT TO REVISION

- a. Comcast Franchise Agreement
- b. Municipal Complex – Ongoing
- c. Personnel Policy

XIII. ADJOURNMENT:

President Pro Tem Shalhoub made a motion to adjourn the meeting at 9:05 p.m.; seconded by Council Member Rodriguez; Motion approved (5-0).

Malcolm K. Lewis, Mayor

Jo H. Plyler, Town Clerk