

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
OCTOBER 9, 2007**

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

Mayor Malcolm Lewis called the meeting to order at 6:30 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
Gregory Freebold, Council Member
Joann Hatton, Town Administrator
Jo Plyler, Town Clerk
Charles Schoech, Town Attorney
Keith Jackson, Town Consulting Engineer
Wes Smith, Chief of Police

The following officials were absent:

Valentin Rodriguez, Jr., Council Member

(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 Council Member Mayes; Motion approved (4-0).

III. CONSENT AGENDA:

A) Approval of Minutes:

- a. September 18, 2007 Second Public Budget Hearing
- b. September 18, 2007 Town Council Meeting

B) Approval of "Key to Town" for Betsy (Harrison) de Parry.

- C) Approval of Proclamation declaring November 2007 as “Hospice by the Sea” Month.
- D) Approval of contract with Anderson Telecom, LLC in the amount of \$8,388.50 for Computer and Phone Wiring Installation for the new Town Hall facility.
- E) Approval of contract with J. C. White in the amount of \$29,876.39 for furniture for the New Town Hall facility.
- F) Approval of Change Order Request No. 1 - Option 2 for Water System Improvements at Seminole Manor by Capital Contracting Group in the amount of \$24,640.

Motion made by President Pro Tem Shalhoub to approve the Consent Agenda, seconded by Council Member Mayes; Motion approved (4-0).

IV. PRESENTATIONS:

- A) Mayor Lewis introduced Palm Beach County Commissioner Robert J. Kanjian who was appointed by Governor Charlie Crist on August 17, 2007 to complete the term for District III of the Palm Beach County Board of County Commissioners and sworn into office by Judge Robin Rosenberg on August 23, 2007.

Commissioner Kanjian expressed his pleasure in having the opportunity to serve the Town of Lake Clarke Shores and that it was a wonderful community. He indicated that he would be out of Town on the date of the Town’s 50th Anniversary Street Festival celebration and on behalf of the Board of County Commissioners he presented to Mayor Lewis a Proclamation in observance of the 50th Anniversary of the Town of Lake Clarke Shores.

- B) Jim Tackett, Chairman, 50th Anniversary Committee, gave a brief update on the events that the Committee has been working on for the past 18 months including the upcoming October 27th Street Festival.

In response to question from Vice Mayor Mayes, Mr. Tackett responded that the employees are not required to work the event and that the budget would not include overtime. Clerk’s note: Two (2) employees have been approved and scheduled to work the event for compensatory time. Also, the Town Administrator Joann Hatton and Police Chief Wes Smith will work, they are salaried employees and will are not entitled to compensatory time.

Mr. Tackett thanked the staff and Council members who have assisted the committee in making the events a success.

- C) William Murphy, Project Manager, Lake Clarke Shores Community Park, addressed his status report dated October 4th, 2007 and presented a time line report, site plan, budget, and photographs on the progress of the park.

Mr. Murphy and Town Engineer Keith Jackson advised the Council that the Lake Worth Drainage District (LWDD) has requested that the Town relinquish 20 feet of the LCS Community Park property for additional right-of-way adjacent to the L7 Canal. Mr. Jackson stated that counter proposal of 15 feet has been offered to the LWDD. Attorney Schoech indicated that LWDD should justify their need for additional right of way along the canal.

The Town Council had a lengthy discussion on the LCS Community Park budget as submitted by Mr. Murphy. It was the consensus of the Council that staff clarify the budget and bring back to the Council.

V. TOWN CONSULTING ENGINEER:

- A) Keith Jackson, SFRN, Inc., Town Consulting Engineer, referenced his Status Report #133 and stated that he had nothing further to report.

Mayor Lewis informed Council that he recently met with Town Administrator, Joann Hatton, and Engineer Keith Jackson, to discuss the possibility of having the Engineer attend the Council Meetings only on an as-needed basis.

Following discussion regarding the current cost per month to the Town for the Engineer's attendance, it was the consensus of the Council that Engineer Jackson attend the Council meetings only when invited by the Town Administrator. When attending the meetings, upon completion of his report, he will be dismissed from the meeting unless by special need. This will be for a six (6) month trial period to determine if his presence is needed at each meeting and if there is a cost savings to the Town.

Mr. Jackson left the meeting at 7:40 p.m.

- B) In the absence of Jeffrey Renault, LBFH, Inc., Town Utilities Engineer, Mayor Lewis referenced Engineer Renault's Status Report # 14.

IV. UNFINISHED BUSINESS:

- A) Special Events

Vice Mayor Mayes indicated that the budget expenditures for Special Events has a balance of \$2,000 for the remainder for the 2007-2008 fiscal year and questioned what the Council Members suggest be done to meet the needs for the upcoming events.

It was determined by the Council that the Event Team Leaders identify the cost for each upcoming event for further consideration.

B) Timing at Keller Gate

Mayor Lewis requested that Council leave the opening delay of the Keller Gate at the current 15-18 seconds. This action will deter the breaking of the gates.

President Pro Tem Shalhoub advised that the agreement with Lake Worth was that the gates operation up to 30 second opening delay and that he feels that it should be set for a 25-30 second opening.

It was the consensus of the Council that more information is needed to determine a decision on this issue and that it be scheduled on the November 6th Agenda for further consideration.

Council Member Freebold agreed to poll the residents in the area of the Keller Gate regarding the timing of the gate.

C) Municipal Complex Change Orders

Town Administrator, Joann Hatton, reported that there has been one (1) change order approved in the amount of \$976.00 on the Municipal Town Hall, and a pending request for change order #2 in the amount of \$21,400 to cover five (5) items. The Architect, Building Inspector, and Town Administrator currently review and sign off on all change orders. She questioned if she can approve the change orders or should approval come from the Town Council. Mayor Lewis indicated that the process of Council approval would delay the project.

Building Official, Joe Iagrossi, explained his process of review and approval of each change order.

President Pro Tem Shalhoub made a motion that change orders that are approved by the Town Administrator in excess of \$5,000 be approved by the Town Council, motion died due to lack of a second.

President Pro Tem Shalhoub made a motion that change orders that are approved by the Town Administrator in excess of \$7,500 be approved by the Town Council, motion died due to lack of a second.

President Pro Tem Shalhoub made a motion that change orders that are approved by the Town Administrator in excess of \$10,000 be approved by the Town Council, seconded by Council Member Freebold; motion approved (3-1), Mayor Lewis opposed.

Clerk's note: The following motion was made later in the meeting under Town Council Comments:

Vice Mayor Mayes made a motion to approve Change Order #2 for the Municipal Town Hall as requested by Contractor David Brooks on September 27, 2007, in the amount of \$21,400,00 seconded by Council Member Freebold; motion approved (3-1), President Pro Tem Shalhoub opposed. Clerk's note: The amount of Change Order #2 was later reduced to \$20,210.00.

VII. NEW BUSINESS:

A) None

VIII. AUDIENCE COMMENTS:

Fran Carlton, 8432 Waterway Drive commented on the following:

1. Thanked the Council on their action for approval of change orders for the Municipal Complex
2. Suggested that Council keep the Keller Gate opening delay at 15 seconds.
3. Suggested that the approximate cost for individual special events be projected on future budgets at the actual cost including any and all contributions.

Ashok Kulkarni, 8131 West Lake Drive, stated that he was in agreement with the Town Council's action that they approve change orders in excess of \$10,000 for the Municipal Complex.

Carl Raulerson, 7711 Edgewater Drive, requested that the Town have the overhanging trees along the streets trimmed, in many areas they are brushing large trucks and his motor home. Town Administrator, Joann Hatton, responded that she would instruct Code Enforcement to survey the streets to determine which trees need to be cut back.

Bernadette Shalhoub, 8429 West Lake Drive, thanked the Council for their diligence in saving money for the Town. She further stated that the Special Events that have evolved over the years has brought the community together.

Shane Weaver, Attorney from the Legal Aid Society advised that his client, James Barby, 7011 Haden Road, has complied with all the code violations served on August 9, 2007, and requested that Mr. Barby be allowed to move back into the house. Attorney Schoech responded that as soon as he reviews the inspection report from the Town Building Official, a decision would be made on this request.

IX. TOWN ADMINISTRATOR:

Town Administrator, Joann Hatton, addressed on the following issues:

1. The next Town Council Meeting will be held on November 6, 2007 and that there would only be one Council Meeting in November.
2. Five bid packages have been given to Lending Institutions for the Municipal Complex Capital Improvement Loan (Town Hall/Police Department Project)
3. Due to budget restraints and the cost of overtime for Police Officers to work the Holiday Parade, does the Council wish to continue with plans for the December 1st "Holidays in Paradise" Parade that will cost approximately \$2,000.00?

President Pro Tem Shalhoub made a motion to proceed with the "Holiday in Paradise" parade as scheduled, seconded by Council Member Freebold; motion approved (4-0).

X. REPORTS:

- A) In addition to his Status Report dated September 27, 2007, Attorney Charles Schoech submitted a draft of a Waiver of Liability, Hold Harmless and Indemnification Agreement for Council review to be completed by the community service volunteers. Council agreed to have this agreement on the November 6th Agenda for further consideration.

- B) Chief – No comment

- C) Town Council:

Vice Mayor Mayes requested that the Police Department increase the use of the Police Boat to patrol the lake on weekends.

Council Member Freebold commented that the Bass Fishing Tournament is 30 days away (November 10, 2007) and the event planning is on schedule.

Mayor Lewis stated that a resident that recently visited Jim Barby, 7011 Haden Road, informed him that Mr. Barby is residing on the property.

Mayor Lewis further advised that a local resident has contacted him regarding making a \$1,000.00 donation in honor of Veterans.

President Pro Tem Shalhoub

President Pro Tem Shalhoub made a motion that the members of the Town's 50th Anniversary Committee as Grand Marshalls for the "Holidays in Paradise Parade" on December 1, 2007, seconded by Council Member Freebold; motion passed (4-0).

XI. ADJOURNMENT:

President Pro Tem Shalhoub made a motion to adjourn the meeting at 9:55 p.m.; seconded by Vice Mayor Mayes; Motion approved (4-0).

Malcolm K. Lewis, Mayor

Jo H. Plyler, Town Clerk