

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
APRIL 24, 2007**

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

Mayor 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
Valentin Rodriguez, Jr., Council Member (arrived 6:32 PM)
Gregory Freebold, Council Member
Joann Hatton, Town Administrator
Jo H. Plyler, Town Clerk
Charles Schoech, Town Attorney
Wes Smith, Chief of Police
Keith Jackson, Town Consulting Engineer

(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 (4-0).

III. CONSENT AGENDA:

A) Approval of April 10, 2007 Minutes.

B) Approval of Resolutions:

1. Resolution #07-09, appointing a representative and an alternate representative to the Board of Directors of South East Risk Management Association (SERMA).
2. Resolution #07-10, appointing representative and alternate representatives to the Palm Beach County League of Cities, Inc.
3. Resolution #07-11, authorizing a budget transfer for fiscal year 2005-2006 within the general fund in the amount of \$17,000.

Motion made by President Pro Tem Shalhoub to approve the consent agenda, seconded by Vice Mayor Mayes; Motion approved (4-0).

Council Member Rodriguez arrived at 6:32 PM.

IV. PRESENTATIONS:

A) Fran Carlton, Co-Chair, “50th Anniversary Executive Committee”, presented the slate of events proposed by the Committee and requested Council approval:

1. Street Festival to commemorate the Town’s 50th Anniversary and invited President Pro Tem Shalhoub to be the Team Leader of the event. President Pro Tem Shalhoub responded that he would not be able to accomplish organizing this event within her suggested time frame of June 23 or June 24. A Sept. or Oct. date was discussed that she will take back to the committee for consideration.
2. Bass Fishing Tournament in area waterways and invited Council Member Freebold to be the Team Leader of the event. Council Member Freebold accepted and agreed to begin organizing. The tournament committee will determine a date and bring back to the Council.
3. Resident Block Parties scheduled for December 8th.

Following discussion, it was the consensus of the Council to support the 50th Anniversary Committee events as presented by Fran Carlton.

V. TOWN CONSULTING ENGINEER:

A) Town Consulting Engineer, Keith Jackson referenced his Status Report #124 dated April 19, 2007, and stated that he had nothing further to report.

VI. UNFINISHED BUSINESS:

- A) Bill Murphy, Project Manager, Lake Clarke Shores Community Park, referenced his status report dated April 27, 2007 stating that SFRN is currently working with Whiteside Inc. on an estimated Palm Beach County piggyback contract of \$135,797.75. This amount exceeds the budget by \$58,197.75, noting that the budget for the park did not include the approximate cost of \$58,500.00 for Engineering, Architectural, and Utilities Services.

Vice Mayor Mayes suggested that we consider bidding the excavating, grading, asphaltting, drainage, etc. Mr. Jackson explained to Council that Whiteside Inc. has been competitive bid with the County for the best prices and performance.

Council Member Rodriguez made a motion to allocate unappropriated funds not to exceed \$60,000.00 to cover these services, seconded by President Pro Tem Shalhoub; motion approved (5-0).

- B) Approval of contract with David Brooks Enterprises for the Town Municipal Complex in the amount of \$2,320,000.

President Pro Tem Shalhoub made a motion to table approval of the contract until the present Legislative Session in Tallahassee is completed the first week of May, as recommended by Bill Thrasher, Consulting Finance Director. Motion died due to lack of a second.

Upon the request of John MacGregor, 8115 West Lake Drive, for explanation of Mr. Thrasher's recommendations, President Pro Tem Shalhoub read excerpts from Mr. Thrasher's memo dated April 20, 2007, and requested that documents relating to this issue be made a part of these minutes as Exhibit A.

Council Member Rodriguez made a motion to approve the contract with David Brooks Enterprises for the Town Municipal Complex in the amount of \$2,320,000. seconded by Council Member Freebold; Motion approved (5-0).

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

Following discussion, **President Pro Tem Shalhoub made a motion to approve first reading of Ordinance #07-03, as amended, seconded by Council Member Rodriguez; motion approved (5-0).**

- D) Second Reading – Ordinance #07-02 amending Chapter 58 “Utilities”, Division 2 “Conservation” by adopting water restrictions as declared by South Florida Water Management District.

Motion was made by President Pro Tem Shalhoub to adopt Ordinance #07-02, seconded by Council Member Rodriguez; motion approved (5-0).

- E) Consulting Engineer, Keith Jackson, gave a 30-minute PowerPoint presentation on the feasibility of a Sediment Removal project in LCS Waterways and the process for dredging Lake Clarke. The project could take 3-7 years to complete, depending on funding from available sources.

Mr. Jackson suggested that Council Members and residents attend the Lake Worth Lagoon Symposium on May 16th that will provide information on research and restoration projects.

Following discussion, President Pro Tem Shalhoub took an opinion poll of the Council Members to determine if they wish to move forward on the potential project. Lewis, Rodriguez, Mayes, Freebold were in agreement to move forward. Mayor Lewis said the project would be costly and he wants to make sure any decisions made are carefully considered.

VII. NEW BUSINESS:

- A) First 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 first reading of Ordinance #07-04, seconded by Council Member Rodriguez; motion approved (5-0).

VIII. AUDIENCE COMMENTS:

Fran Eberhardt, 7316 Venetian Way, advised Council that her house is along the South Florida Water Management District (SFWMD) C-51 Canal dredging project and it does not appear to have cleaned the water, therefore, she is of the opinion that a project for Lake Clarke is not feasible.

Bernadette Shalhoub, 8429 West Lake Drive, stated that the Council should have a workshop on a cleanup project and invite experts in water quality to speak. Mayor Lewis agreed that a workshop should be held before further action is taken.

Richard Hasbrouck, 7825 West Lake Drive, requested clarification of the Town's Land Use Permit Application, and was instructed to give his questions in writing to the Town Attorney

IX. TOWN ADMINISTRATOR:

In addition to her status report dated April 17, 2007, Town Administrator, Joann Hatton, reported that the May meetings are scheduled for the 8th and 22nd.

X. REPORTS:

- A) Town Attorney Schoech referenced Item #2 of his status report dated April 19, 2007 regarding the Barby property, 7011 Haden Road, and advised that he will issue a report following the re-inspection of the property by GFA International.
- B) Chief Smith advised that his report would be disseminated to the Town Council later in the week. He further advised that he has been audited by South Florida Water Management District (SFWMD) on the number of warnings that the Police Department has issued on the water restriction program.
- C) Town Council:

Council Member Rodriguez:

Council Member Rodriguez commented on the success of the April 21st Earth Day Waterway Cleanup.

Vice Mayor Mayes commented on the following topics:

1. Earth Day was a great success and appreciated the support of the staff. Further suggested that this be scheduled as an annual event.
2. Vice Mayor Mayes indicated that he has had communication with Mr. Blanton, owner of property on the west side of Florida Mango, located within the unincorporated area of Palm Beach County. Mr. Blanton appears to be having financial difficulties due to the code enforcement liens placed on the property by PBC. Vice Mayor Mayes will continue to monitor this situation to determine if it is feasible to annex this property into the Town.
3. He requested that the Sediment Removal Project presentation by Keith Jackson be placed on the Town's Website.

President Pro Tem Shalhoub commented on the following:

1. Reported that there were 17 boats and 72 volunteers at the Earth Day Cleanup and that 4.15 tons of trash and debris were collected. He also stated that resolutions were being sent to the volunteers and staff that worked the event.

2. **President Pro Tem Shalhoub made a motion to approve March 30, 2008 for the Annual Barbecue and April 20, 2008 for Earth Day, seconded by Council Member Rodriguez; motion approved (5-0).**

Council Member Freebold

Council Member Freebold commented that after experiencing the waterway cleanup, he is of the opinion that the town should make an effort to educate the residents on ways to keep the waterways clean.

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 8:45 p.m.; seconded by Vice Mayor Mayes; Motion approved (5-0).

Malcolm K. Lewis, Mayor

Jo H. Plyler, Town Clerk