

**MINUTES  
TOWN OF LAKE CLARKE SHORES  
REGULAR TOWN COUNCIL MEETING  
JANUARY 22, 2008**

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**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  
Valentin Rodriguez, Jr., Council Member  
Gregory Freebold, Council Member  
Joann Hatton, Town Administrator  
Jo Plyler, Town Clerk  
Wes Smith, Chief of Police  
Bill Thrasher, Finance Director  
Charles Schoech, Town Attorney

**(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 Minutes of the January 8, 2008 Council Meeting.
- B) Approval of Resolution #08-03 Expressing appreciation of Freda Defosse and Susan Collins for their dedication to the 50<sup>th</sup> Anniversary Committee.
- C) Approval of Resolution #08-04 Proclaiming Jim Tackett and Fran Carlton “2007 Volunteers of the Year” for their outstanding dedication to the Town.

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

#### IV. PRESENTATIONS:

- A) In response to the Council request at the January 8, 2008 meeting, Finance Director Bill Thrasher presented a list of the money market and CD rates obtained from local Qualified Public Depository (QPD) for possible reinvestment of the General Fund and the Regular Utility Fund.

Mr. Thrasher further referenced his recommended transfer of funds as indicated in his January 16, 2008 memorandum. Following discussion regarding a guaranteed CD rate of 4.85% annual percentage yield (APY) quoted by Margaret Parkinson, Sr. Vice President, Flagler Bank, **President Pro Tem Shalhoub made a motion to purchase a \$600,000 6-month CD from Flagler Bank from the General Fund Money Market account and a \$450,000 6-month CD from Flagler Bank from the Utility Fund Money Market account, seconded by Council Member Freebold; motion approved (5-0).**

Mr. Thrasher indicated that the investment market will be a moving target for at least the next twelve (12) months and recommended that the Council pass a resolution allowing Town Administrator Joann Hatton the authority, after consulting with the Mayor, to invest in other qualified public depositories if necessary. It was the consensus of the Council that Attorney Schoech prepare a draft resolution for consideration at the February 5, 2008 meeting.

#### V. TOWN ENGINEERS:

- A) Keith Jackson, SFRN, Inc., Town Consulting Engineer
- B) Jeffrey Renault, Boyle Engineering, Town Utilities Engineer

Mayor Lewis referenced the Status Reports submitted by the Engineers and stated that all projects are moving forward.

#### VI. UNFINISHED BUSINESS:

- A) Jeffrey Renault, Town Utility Engineer, reported that he had reviewed the request for a change order from David Brooks Enterprises in the amount of \$29,656.00 for the new Municipal Complex force main connection at Florida Mango Road. Mr. Renault explained that the bid was based on a standard 3 feet depth, however, the connection at Florida Mango and Barbados Road is an additional 3 feet deeper than initially planned.

**President Pro Tem Shalhoub made a motion to approve the change order as requested by David Brooks Enterprises in the amount of \$29,656.00, seconded by Vice Mayor Mayes; motion approved (5-0).**

- B) Town Council members discussed the possible dates of the Annual Barbecue and the estimated schedule of the Town Hall Complex completion/move in.

Banna Ghioto, 1605 Carissa Road, was of the opinion that the Council should make the Town Hall move in a priority over the Barbecue and focus on a special celebration of the Municipal Complex at a later date.

William Murphy, 1841 Evergreen Drive, stated that whatever date the Council chooses for the Barbecue, the volunteers and employees would be able to accomplish putting on the event.

**Council Member Freebold made a motion to postpone the Annual Barbecue until the Municipal Complex has been completed and occupied, seconded by Vice Mayor Mayes; motion approved (5-0).**

**VII. NEW BUSINESS:** None

**VIII. AUDIENCE COMMENTS:**

Carol & Jack Crozier, 6601 Pine Tree Circle, submitted a complaint letter and pictures of the property located next door (6600 Pine Tree Circle) to their home that was partially demolished two years ago and the owner has neglected to begin reconstruction.

Attorney Schoech responded that depending on the condition of the property, the Town may be able to take action to void the permit the owner currently has to reconstruct.

Chief Smith was instructed to have Code Enforcement investigate the complaint and provide information to Attorney Schoech.

Fran Eberhart, 7316 Venetian Way, thanked the Council for postponing the Annual Barbecue.

**TOWN ADMINISTRATOR:**

Town Administrator, Joann Hatton, referenced her Report dated January 16, 2008, and added that she had requested Council approve a Utility Renewal & Replacement (R&R) Resolution for \$500,000 that would be placed on the upcoming agenda. Mayor Lewis instructed Attorney Schoech to prepare an R&R resolution to restrict utility funds for consideration at the February 5, 2008 meeting.

## IX. REPORTS:

- A) Attorney Charles Schoech referenced his Status Report dated January 17, 2008 and added that he has submitted a date for mediation to the Attorney representing Jim Barby, 7011 Haden Road, and waiting for a reply.
- B) Chief Wes Smith reported that he received two (2) reports from residents that witnessed the landing of a seaplane in the lake on January 8, 2008 and stated that the pilot of the plane has been warned in the past and he is aware of the town's ordinance that prohibits the landing of seaplanes on Lake Clarke. It was the consensus of the Council that Chief Smith direct the Code Enforcement Officer to give the pilot a notice to appear before the Code Enforcement Board.
- C) Town Council:

Council Member Rodriguez: No comment

Vice Mayor Mayes reminded everyone of the "6K Loop Around the Lake" on Saturday, February 9, 2008. In response to question from Council Member Freebold, he stated that all proceeds from the event go to the Town.

President Pro Tem Shalhoub commented on the following:

1. Requested that the Police Department search for the ten (10) darkest areas in Town to determine where street lighting is needed. Chief Smith responded that he would have his officers update the list and submit to the Town Administrator.
2. Following discussion regarding the Housing Discrimination Complaint filed by Shane Weaver, Esq., representing James Barby, 7011 Haden Road, **Council Member Freebold made a motion to authorize President Pro Tem Shalhoub to represent the Town on the subject complaint, seconded by Vice Mayor Mayes; motion approved (5-0).**
3. **President Pro Tem Shalhoub made a motion that the Council authorize Attorney Schoech to review the five (5) change orders in the total amount of \$56,445 that were requested and approved by the Town Council for the Municipal Complex to determine accountability and possible recourse, seconded by Council Member Rodriguez; motion approved (5-0).**

Mayor Lewis reviewed and clarified the referenced five (5) change orders submitted to Council on January 17, 2008.

Council Member Freebold - No comment

**X. ADJOURNMENT:**

**President Pro Tem Shalhoub made a motion to adjourn the meeting at 8:37 p.m., seconded by Vice Mayor Mayes; Motion approved (5-0).**

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Malcolm K. Lewis, Mayor

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Jo H. Plyler, Town Clerk