

**MINUTES
TOWN OF LAKE CLARKE SHORES
REGULAR TOWN COUNCIL MEETING
OCTOBER 17, 2006**

(IMMEDIATELY FOLLOWING THE LOCAL PLANNING AGENCY (LPA) HEARING)

I. A) CALL TO ORDER, ROLL CALL:

Mayor Kelley called the meeting to order at 7:19 p.m.

The following members and officials were present:

Mayor H. David Kelley, Jr.
Vice Mayor Robert M. W. Shalhoub
President Pro Tem Malcolm K. Lewis
Council Member Valentin Rodriguez, Jr.
Council Member Tom Mayes, Jr.
Town Administrator Joann Hatton
Town Clerk Jo Plyler
Mary Pinkerman, Permit/License Supervisor
Chief Wes Smith
Attorney Charles Schoech
Town Consulting Engineer, Keith Jackson

B) PLEDGE OF ALLEGIANCE:

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

II. APPROVAL OF AGENDA:

Vice Mayor Shalhoub made a motion to approve the agenda; Seconded by Council Member Mayes; Motion approved (5-0).

III. CONSENT AGENDA:

- A) Approval of Minutes:
 - 1. September 26, 2006 Second Public Budget Hearing
 - 2. September 26, 2006 Regular Council Meeting

- B) Approval of Resolutions:
 - 1. Resolution #06-22 – Adopting the Evaluation and Appraisal (EAR) report for the Comprehensive Plan.
 - 2. Resolution #06-23 – Recognizing those who participated in the 50th Anniversary Committee’s “Movie on the Lake” event.

- C) Establishing the April Consumer Price Index (CPI) date for all future preparations.

- D) Approval of past Mayors as Grand Marshals for the “Holidays in Paradise” Parade.

Vice Mayor Shalhoub made a motion to approve the consent agenda, seconded by President Pro Tem Lewis; motion approved (5-0).

IV. PRESENTATIONS:

- A) Bob Hill – Dow Howell Gilmore Associates, Inc. – Town Municipal Complex.

Mr. Hill gave a power point presentation on the changes and adjustments made to the plans since his July 11, 2006 presentation. Mr. Hill further described the proposed construction-phasing plan with Phase I being Town Hall/Town Chambers, lift station and utilities. Phase II will be Police Department remodeling (current Town Hall Building).

President Pro Tem Lewis questioned the addition of the five (5) foot block wall to separate the Police Department from the playground and was of the opinion that it requires too much green space. Chief Smith responded that this area is needed to hold impounded vehicles and to perform DNA analysis when needed.

Council Member Rodriguez expressed desires to get the project moving and would like to have a groundbreaking ceremony at the March 25, 2007 50th Anniversary Town Barbecue.

Vice Mayor Shalhoub stated that none of plan options A-D as proposed at the May 16, 2006 meeting included an impound lot. Vice Mayor Shalhoub expressed his concern that an impound lot would require too much green space and he would like to meet with Chief Smith and Mr. Hill to further discuss this issue.

Council Member Mayes questioned Chief Smith if the impound area is a requirement for accreditation and that as proposed it could become an eyesore. Chief Smith responded that a secure area is required.

Mayor Kelley indicated that he would like to meet with Mr. Hill to further review the proposed plans.

Mr. Ashok Kulkarni, 8131 West Lake Drive, suggested that the Town Hall be located in the most prominent location and that all plans submitted by the Architects be dated so that residents know which are the most current.

V. TOWN CONSULTING ENGINEER:

Keith Jackson, SFRN, Inc., referenced his status report No. 115 dated October 12, 2006 and stated that he had nothing further to report.

VI. UNFINISHED BUSINESS:

None

VII. NEW BUSINESS:

A) Telecommunication Tower

Vice Mayor Shalhoub referenced his letter to the Mayor and Council Members dated October 10, 2006 advising that he met with Mr. Jim Snay, Property Specialist for SBA Network Services for the purpose of looking into the feasibility of erecting a cell tower on town property that could bring in additional revenues of \$25,000 per year. Vice Mayor Shalhoub suggested the northwest section of the Town Hall property or possibly incorporating an impound lot with a cell tower in one of the Town parks.

Mayor Kelley briefed the 2001 opposition to a cell tower that led to the adoption of Ordinance 01-02 that eliminates Pine Tree Park as a location for a tower. Mayor Kelley further suggested the possibility of utilizing the Carandis Park area since it has not been developed.

Council Member Rodriguez stated that the Town Hall does not appear to have the required 100'x100' area for a cell tower but he is open for ideas on location.

President Pro Tem Lewis referenced a site map illustrating the 100'x100' footprint of the cell tower and stated that the Carandis Park area might not be a good location either.

Council Member Mayes questioned if the residents in the Carandis Park area would want a cell tower in that park.

- B) First Reading Ordinance #06-09 - Changing section 10-70 from double the building permit fee to quadruple the building permit fee for work started without a valid building permit.

Motion was made by Vice Mayor Shalhoub to approve first reading of Ordinance #06-09, seconded by Council Member Rodriguez; motion approved (5-0).

- C) Resolution #06-24 – Adopting a “Fees and Charges” Schedule for various Town services and permits.

Motion was made by Vice Mayor Shalhoub to approve Resolution #06-24, seconded by President Pro Tem Lewis; motion approved (4-1), Mayor Kelley opposed.

- D) Off-Duty Special Detail by LCS Police Officers outside the Town Limit.

Chief Smith and Village of Palm Springs Chief Jay Pickens, discussed the Off Duty Lake Clarke Shores Police Officers who have assisted the Village of Palm Springs on special assignment police duties using the Town's vehicles, equipment and uniforms since August 2005. It was Chief Smith's understanding that this procedure was allowed under the Palm Beach County Law Enforcement Mutual Aid Agreement signed by the Town on January 5, 2005.

Attorney Schoech stated that the Mutual Aid Agreement could be construed as applicable to this situation, but not necessarily. This activity is a little different since our Police Officers are going into another jurisdiction with Town vehicles and equipment while doing off-duty detail. Attorney Schoech indicated that the Town Council will need to determine if they wish to enter into an agreement with Palm Springs to pay Lake Clarke Shores for the use of the their Officers, vehicles and equipment.

Following further discussion, it was determined by the Council that Attorney Schoech work out the details for an agreement with Palm Springs for Council consideration at the November meeting.

VIII. AUDIENCE COMMENTS:

Panna Kulkarni, 8131 West Lake Drive, expressed her concerns that Chief Smith allowed the activity of the Officers working off duty for Palm Springs without the knowledge of the Town Administrator of Town Council.

George Caras, 6511 Lake Clarke Drive, stated that the Town should oppose the Insurances Companies practice of not issuing fire protection policies and the costs associated with coverage. Council suggested Mr. Caras contact Representative Shelley Vana, who is currently working on this issue.

Banna Ghioto, 1605 Carissa Road, felt that there was a lack of communication between Chief Smith and the Town Administrator in reference to the off-duty Police Officer details.

Fran Eberhardt, 7316 Venetian Way, making reference to the activity of the Officers working detail for Palm Springs, stated that mutual aid means help when needed while on Town duty, not off duty detail. She also agreed that residents should ban together and approach Shelley Vana for assistance on the insurance issue.

William Murphy 1841 Evergreen Drive, indicated that he hopes that the Town will allow the officers to continue off duty details.

Casey Boyer, 1437 Mediterranean Road, stated that the Town needs to give the Police Officers the opportunity to continue with off duty details or we will loose them to other jurisdictions.

Mr. Boyer further questioned why Code Enforcement is issuing citations for dirty roofs when there are other roofs that are in need of repair from hurricane damage. Chief Smith responded that the Town code requires that residents clean their roofs and it is the responsibility of the Code Enforcement Officer to enforce these codes.

Ashok Kulkarni, 8131 West Lake Drive, addressed the Communication Tower issue discussed earlier in the meeting inquiring on the type and height of tower and that the Town needs to consider the revenues from the tower compared to residents feelings. Vice Mayor Shalhoub responded that the Council needs more information on the tower before make a sound decision.

Sam Schooley, 1915 Laurel Lane, thanked Chief Smith for the assistance rendered by the Police Department during his recent medical emergency. Mr. Schooley stated that the Town should provide parking at Pine Tree Park and Memorial Park. Mayor Kelley

explained that the parking areas were removed some years ago to prevent a problem of people parking and drinking. However, the new park on Carandis will have parking.

IX. TOWN ADMINISTRATOR:

Town Administrator, Joann Hatton, referenced her status report dated October 10, 2006, and stated that due to the Election and Thanksgiving Holiday, there will be only one meeting in November, which will be announced when a quorum has been determined.

X. REPORTS:

A) Attorney Charles Schoech, stated he had no additional comments to his status report dated October 11, 2006.

B) Police Chief Wes Smith

No Comment

C) Town Council

Council Member Mayes

No Comment

President Pro Tem Lewis

Upon the request of President Pro Tem Lewis, **Vice Mayor Shalhoub made a motion to amend the September 12, 2006 First Budget Hearing Minutes to include a detailed account of Audience Comments, seconded by Council Member Rodriguez; motion approved (5-0).**

Vice Mayor Shalhoub

Vice Mayor Shalhoub stated the he realizes that Chief Smith made the decision concerning off duty detail for the Police Officers, now that we are aware of the potential liability, we need to determine the process required to make it work.

Council Member Rodriguez

Council Member Rodriguez addressed Ms. Kulkarni's comments to Chief Smith earlier in the meeting regarding the issue of off duty Officers working details at Palm Springs, and stated that he did not appreciate her personal attack on the Chief and that she should take note of the "Pledge of Civility" posted on the podium.

Mayor Kelley

Mayor Kelley submitted a report on the Palm Beach County Okeechobee Road CRALLS Point System to Town Administrator Joann Hatton for her review, indicating that his report is similar to the work to be done on Forest Hill Boulevard.

XI. FUTURE AGENDA ITEMS: TENTATIVE, SUBJECT TO REVISION

- A) Comcast Franchise Agreement –November 2006
- B) Municipal Complex - Ongoing
- C) Personnel Policy

XII. ADJOURNMENT:

Vice Mayor Shalhoub made a motion to adjourn at 9:35 p.m.; Seconded by Council Member Rodriguez; Motion approved (5-0).

H. David Kelley, Jr., Mayor

Jo H. Plyler, Town Clerk

Notice: If an individual decides to appeal any decision made by the Town Council with respect to this meeting, he/she will need a record of the proceedings and for this purpose, he/she needs to ensure that a verbatim record of the proceedings is made (F.S. 286.0105). The Town of Lake Clarke Shores does not prepare or provide such verbatim record.

Pursuant to the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting, please advise the Town at least two (2) calendar days before the meeting by contacting Joann Hatton at (561) 964-1515, Ext. 12.