

**MINUTES  
TOWN OF LAKE CLARKE SHORES  
REGULAR TOWN COUNCIL MEETING  
NOVEMBER 20, 2006**

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

Mayor Kelley called the meeting to order at 6:30 p.m.

The following members and officials were present:

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

The following members and officials were absent:

Tom Mayes, Jr. Council Member  
Jo H. Plyler, Town Clerk

**(B) PLEDGE OF ALLEGIANCE:**

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

**II. APPROVAL OF AGENDA:**

**Motion made by Vice Mayor Shalhoub to approve the agenda, seconded by Council Member Rodriguez. Motion approved (4-0).**

**III. CONSENT AGENDA:**

**A) Approval of Minutes:**

1. October 17, 2006 Evaluation and Appraisal (EAR) Hearing
2. October 17, 2006 Regular Council Meeting

- B) Approval of Resolutions:
1. Resolution #06-25– Appointing Regular and Alternate members to the Code Enforcement Board.
  2. Resolution #06-26 – Expressing appreciation for the services rendered by the volunteers for the “Children’s Movie Night”. (**Moved to New Business item F**)
- C) Approval of proposal from Wayne Villavaso, Landscape Architecture, Inc. in the amount of \$4,860.00 – Carandis Park Phase I – Landscape Construction Documents.
- D) Approval of Holiday Dinner for Council Members, Town Employees, and their Spouse or Guest.

**Motion made by President Pro Tem Lewis to approve the consent agenda as amended by moving consent agenda item B) 2 to VII. New Business (F); seconded by Vice Mayor Shalhoub. Motion approved as amended (4-0).**

**IV. PRESENTATIONS:**

None

**V. TOWN CONSULTING ENGINEER:**

- A) Jeff Renault, Town Consulting Utilities Engineer, referenced his Status Report dated November 15, 2006 and further discussed the GIS mapping of the manholes and the future smoke testing of the gravity sewers at Maralargo Cay. Manhole repairs were also discussed. **Motion made by President Pro Tem Lewis to approve the proposal for Project 17 regarding Sanitary Manhole Top Repairs for Maralargo Cay, with the understanding that the cost does not exceed the estimated price of \$15,365.00; seconded by Vice Mayor Shalhoub. Motion approved (4-0).**

Potable water for the residents of Evergreen Drive was discussed. It was determined that a 50’ road right-of-way would also need to be obtained, to have room for the possible utility lines. **Motion made by Vice Mayor Shalhoub to authorize Mr. Renault to proceed to obtain costs associated with these items; seconded by President Pro Tem Lewis. Motion approved (4-0).**

- B) Keith Jackson, SFRN, Inc., Town Consulting Engineer, referenced his Status Report dated November 16, 2006. There was further discussion concerning the need for FPL to connect power to the lights on the bridges.

Dredging of the lake was also discussed. Mr. Jackson and Vice Mayor Shalhoub will meet with Mr. Bill Winters of the LWDD on December 1, 2006 to discuss funding for the surveying portion of this project.

#### **VI. UNFINISHED BUSINESS:**

- A) Second 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 made by Vice Mayor Shalhoub to approve Second and Final Reading of Ordinance 06-09; seconded by President Pro Tem Lewis. Motion approved (4-0).**
- B) Municipal Complex Site – The need and location for a secure impound area was discussed. It was determined that an impound lot is needed for accreditation, but the lot does not necessarily need to be at Town Complex location. Options discussed included the possibility of having the lot located at the Seminole Manor Water Plant site or having an agreement with another police agency or towing company to store vehicles at their location. Chief Smith will look into these possibilities and have a report ready for the December 12, 2006 Town Council Meeting.

#### **VII. NEW BUSINESS:**

- A) Draft Ordinance - Regulating any aircraft, seaplane, helicopter, glider, balloon, parachute or other aerial apparatus from taking off or landing within the limits of the Town of Lake Clarke Shores. Mayor Kelley asked the Town Council Members if they wanted to place the Draft Ordinance on the agenda for the December 12, 2006 Town Council meeting. The vote was 2 – 2, with Vice Mayor Shalhoub and Council Member Rodriguez in opposition. Mayor Kelley then asked if the Town Council would like to have Attorney Schoech contact Council Member Mayes to find out his position on whether or not to proceed, in order to break the 2 – 2 tie. The Town Council vote was the same. Vice Mayor Shalhoub wanted to make sure that the aircraft issue was kept “in the Sunshine”. After further discussion, Mayor Kelley stated that this issue will be brought up again during the December 12<sup>th</sup> meeting. And that in the meantime Town staff can do additional research and re-word the draft ordinance accordingly.
- B) Draft Ordinance – Creating a new Article IX entitled “Dangerous Buildings” to be included in Chapter 26 “Environment”. After discussion, the Town Council agreed to place this Ordinance on the December 12, 2006 agenda as First Reading.

- C) Draft Ordinance – Creating a new Article X entitled “Minimum Standards for Habitable Structures and Outdoor Areas”. The Town Council agreed to place this Ordinance on the December 12, 2006 agenda as First Reading.
- D) First Reading Ordinance #06-08 – Adopting a new Article III “Disasters” of Chapter 22 “Emergency Services” to include provisions to declare a State of Emergency. After discussion, **Motion made by Vice Mayor Shalhoub to approve First Reading of Ordinance 06-08; seconded by Council Member Rodriguez. Motion approved (4-0).**
- E) First Reading Ordinance #06-10 – Amending Chapter 50, Taxation, by repealing Article II in its entirety and readopting same with revisions and a new title such that Article II shall now be entitled “Business Tax Receipts” in order to comply with the requirements of State Law. **Motion made by Vice Mayor Shalhoub to approve First Reading of Ordinance 06-10; seconded by Council Member Rodriguez. Motion approved (4-0).**
- F) Resolution #06-26 – Expressing appreciation for the services rendered by the volunteers for the “Children’s Movie Night”. **(Moved from Consent Agenda)** – after discussion on the need for approval of events by the 50<sup>th</sup> Anniversary Committee, **Motion made by Vice Mayor Shalhoub to approve Resolution 06-26; seconded by Council Member Rodriguez. Motion approved (4-0).**

## VIII. AUDIENCE COMMENTS:

Brad Ochstein – 7841 Pine Tree Lane, discussed the need to upgrade the tennis court lighting system and gate. Also discussed the lights in the pavilion.

William Murphy – 1844 Evergreen Drive, stated that the tennis court lights have been recently updated, but the timer needs work.

Gary Goldstein – 8323 Pine Tree Lane, discussed the need for the holiday events being open to all religions. He also stated that the Police Department and all Town employees should receive support from the residents and Town Council for all their hard work.

Ann Warren – 7524 Edgewater Drive, spoke about her opposition to allowing aircraft to land on the lake.

Panna Kulkarni – 8131 West Lake Drive, asked about receiving a response to her letter concerning the off-duty work by police department personnel outside the Town limits. Joann Hatton replied that the Town is still working with Palm Springs to come up with a way to resolve the situation. This information will be presented to the Town Council at the December 12, 2006 Council Meeting.

Ashok Kulkarni – 8131 West Lake Drive, discussed the aircraft issue. He feels that the lake is too narrow and would like clarification on FAA regulations concerning the width of the waterway needed for landing.

Michael Brill – 7813 Pine Tree Lane, pilot of seaplane, discussed safety of these types of aircraft and the continued training that pilots receive to be able to operate the planes. He read from a pamphlet that he received from the Seaplane Pilots Association giving various statistics on the safety of seaplanes.

Kim Snayd – 1408 Arabian Road E, stated that the Town should realistically look into the seaplane issue and make a determination based on the facts gathered.

John Dowd – 1721 Carandis Road, spoke about his concerns with seaplanes in the lake and asked about the progress of Carandis Road Park.

Ken Renick – 1402 Keller Road, discussed the problems that he and his neighbors face due to the time delay of the gates at Keller Bridge.

#### **IX. TOWN ADMINISTRATOR:**

Town Administrator, Joann Hatton referenced her Status Report dated November 15, 2006. It was the consensus of the Town Council that all past Mayors will be recognized with a “Key to the Town” even if they do not participate in the parade. The “Key to the Town” will be presented to the Grand Marshals at the December 12<sup>th</sup> Town Council Meeting.

#### **X. REPORTS:**

- A) Town Attorney referenced his Status Report dated November 15, 2006. There were no comments from the Town Council concerning his report.
- B) Police Chief stated that there was a conviction in a 6 1/2 year old murder case in Lake Clarke Shores.
- C) Town Council:

#### Council Member Rodriguez

Council Member Rodriguez stated that he appreciates the audience comments on the aircraft issue. He also stated that he plans to participate in many of the upcoming town events and encourages others to get involved.

### President Pro Tem Lewis

President Pro Tem Lewis discussed the Town Financial Report and stated that the reports are now being posted on the bulletin board.

### Vice Mayor Shalhoub

Vice Mayor Shalhoub introduced Ted Berghaus as one of the four members of the Lake Clarke Shores golf team that participated and won First Place in the Mayor's Cup Golf Tournament that was held in Greenacres. Mr. Berghaus, on behalf of the other team members, presented the Winner's Trophy to Mayor Kelley.

Vice Mayor Shalhoub also welcomed Circuit Court Judge Karen Miller and her son, who were attending the meeting.

He discussed the seaplane ordinance and the possibility of the overlapping of jurisdictions (FAA, etc.) involved in this issue.

He stated that he would like to see the participants in the "Renegade Boat Parade" get involved in the lake cleanup effort that will be held sometime after Easter.

Vice Mayor Shalhoub also mentioned the Christmas tree decorating event and the need to be mindful of other religious beliefs. Mr. Schoech reiterated that the Town would not have any religious displays. He stated that there is a Supreme Court decision that states that a Christmas tree by itself does not constitute a religious display.

### Mayor Kelley

Mayor Kelley stated that the FDOT preliminary landscape plans for Forest Hill Blvd. are available at the Town Hall for viewing and noted that the Town has received a \$200,000 grant from Commissioner Warren Newell to use toward the landscaping and irrigation of this project within the Town limits.

He read a letter from State Representative Shelly Vanna that asked for input from the Town on proposed projects that we would like to have brought before the Legislators in Tallahassee. Mayor Kelley also mentioned that Palm Beach County Days would be held March 6 through March 8, 2007. He encouraged the Town Council to participate in this event, as it is a good way for the Town to receive additional monies from the State for local Town projects.

Mayor Kelley discussed the recent Lake Worth Herald articles on the Farmer's Market land and the fact that Palm Springs is continuing to annex land that is close to the future annexation areas of Lake Clarke Shores. It was noted that there are draft copies of a brochure that will be mailed to residents in the northern annexation area waiting for Town Council approval to be mailed. **Motion made**

**by Vice Mayor Shalhoub to approve the brochures as written and begin mailing them out to those residents within the proposed annexation area; seconded by Council Member Rodriguez. Motion approved (4-0).**

**XI. FUTURE AGENDA ITEMS: TENTATIVE, SUBJECT TO REVISION**

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

**XII. ADJOURNMENT:**

**Vice Mayor Shalhoub made a motion to adjourn the meeting at 8:38 p.m.; seconded by Council Member Rodriguez. Motion approved (4-0).**

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H. David Kelley, Jr., Mayor

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Mary Pinkerman, Recording Clerk