

**MINUTES
TOWN OF LAKE CLARKE SHORES
TOWN COUNCIL MEETING
MAY 14, 2024**

1. Call to Order

A. Mayor Freebold called the meeting to order at 6:30 PM.

The following officials were present:

Gregory Freebold, Mayor
Jon Maples, Council Member
Bridget Keating, Council Member
Taylor Materio, Council Member
Christy Maasbach, Council Member

B. Moment of Silence, Invocation, Pledge of Allegiance

Mayor Freebold requested a moment of silence for Lucille Harris, Vice Mayor Maples' grandmother; and Town residents Kerry Hobbs and Dick Snayd. Pastor Hunter gave the invocation and then led the Pledge of Allegiance.

2. Audience Comments

Susan Renick, 1402 Keller Road – noted that more vehicles are speeding along Keller Road since the Keller Bridge gates have been removed.

Terry Gibson, 4394 NE Skyline Drive, Jensen Beach FL – discussed water quality issues in the Town's waterways. He noted that his non-profit organization can find funding and provide other ways to assist the Town with the restoration of the waterways.

Brett Fitzgerald, 1505 W Terrace Drive, Lake Worth Beach FL – also discussed the condition of the waterways. He noted that while septic and sewer issues have caused problems, the muck at the bottom of the lake and canals also contributes to the problem. He noted that he is also involved with the non-profit organization and offered their services to the Town if the Council is interested.

Mikki Isackson, 11260 Glen Orchard Lane, Boynton Beach FL – discussed the voting and election process. She also discussed various organizations in the state and country.

Candice Rojas, 3006 Waterside Circle, Boynton Beach FL – noted that she has a right to see the various bonds and oaths of the Town Council and the appointed officials. She discussed the way that the government is being run and the need for elections to be completely run by the municipalities. She also brought a public records request addressed to the Town's elected and appointed officials.

Timothy Daughtry, 1410 Keller Road – discussed the water quality of the waterbodies in Town and agreed that there is a need to clean the muck from the bottom of the lake. He also

discussed the bid for the Pine Tree Lane bridge and the need for drawings so that residents would know what the bridge will look like.

He noted the removal of the stop signs along Keller Road after the gates on the Keller Road bridge were removed. He stated that the Town needs to add some type of traffic calming to the area.

He also noted that he does not support having a special magistrate instead of the Code Enforcement Board.

William Murphy, 1841 Evergreen Drive – noted the waterway clean-up event was cancelled due to the sewage leak and that people can contact him if they see any large debris in the waterway and he will remove the item(s).

3. Approval of Agenda

Motion made by Council Member Materio to approve the Agenda, seconded by Council Member Maasbach; Motion approved (5-0).

4. Consent Agenda

- A. Approval of the Minutes of the April 9, 2024 Town Council Meeting.
- B. Approval of Resolution 2024-06 – Appointing a representative and alternate representatives to the Palm Beach County League of Cities, Inc.
- C. Approval of Resolution 2024-07 – Appointing Members to the Code Enforcement Board.
- D. Approval of Resolution 2024-08– Appointing Members to the Zoning Board of Adjustment.
- E. Approval of Resolution 2024-09 – Appointing Members to the Town of Lake Clarke Shores Infrastructure Surtax Citizen Oversight Committee.
- F. Approval of Resolution 2024-10 – Expressing Appreciation to Freddy Rhoads for his service on the Infrastructure Surtax Citizen Oversight Committee.
- G. Approval of Resolution 2024-11 – Updating Utility Fees and Charges
- H. Approval of Resolution 2024-12 – Updating the User Fees and Charges Schedule
- I. Approval of Resolution 2024-13 – Adopting the revised Division of Emergency Management Statewide Mutual Aid Agreement (SMAA), subject to attorney review and approval.
- J. Approval of Proclamation by the Town Council recognizing the week of May 12-18, 2024 as “National Police Week”.

- K. Approval of Proclamation by the Town Council recognizing the week of May 19-25, 2024 as “Water Reuse Week”.
- L. Re-appointment of the following for another 1-year term:
 - Chief of Police, Wes Smith
 - Town Clerk, Mary Pinkerman
- M. Approval to extend the Interlocal Agreement between the Town of Lake Clarke Shores and the City of Lake Worth Beach for wastewater service and wastewater facilities cost sharing, for an additional 10-year period (through September 30, 2033).
- N. Approval of MOU between the Palm Beach County Sheriff’s Office and the Town of Lake Clarke Shores for training.
- O. Award and execute contract for Pest Control Service with Hulett Environmental Services (lowest bidder) at \$189.00 per month for four (4) years.

Motion made by President Pro Tem Keating to approve the Consent Agenda, seconded by Council Member Materio; Motion approved (5-0).

5. Presentations

- A. Legislative Update – Representative David Silvers, District 89

Representative Silver noted that this is his eighth and final year of service to the Town due to term limits. He thanked all of those that supported him and stated that it was his honor to serve the residents of Lake Clarke Shores. He noted the various legislation that passed during this year’s session. He stated that they worked very hard to pass the budget, including funds for the Pine Tree bridge, which is waiting on the Governor’s signature. He noted that he will run again in two years.

The Town Council Members thanked him for his work and for always being receptive to the Town.

- B. Legislative Recap – Richard Pinsky, Governmental Affairs Representative – Akerman LLP

Mr. Pinsky provided the Council with background information on Akerman LLP, the Palm Beach County Delegation, the Senate and House of Representatives and the number of registered voters for various parties in the State. He also noted the number of bills introduced during the session, the number of bills signed by the Governor and the number of bills that are still pending his signature.

He noted some of the grants that are available and the deadlines for applying for the grants. He noted that instead of municipalities obtaining funds through bills passed by the Legislators, the State is moving towards having municipalities apply for grants for their projects.

He also noted the various options that the Town may have to obtain funding to assist with mitigation of the recent sewer spills. He noted that the deadline for applying for funding is at the end of June. It was the consensus of the Town Council to have staff start the process to apply for the funding to clean the waterways affected by the two sewer spills.

Mayor Freebold thanked Mr. Pinsky for all of his help in Tallahassee.

C. Presentation of 2022/2023 Fiscal Year Audit – Christine Noll-Rhan, CPA – Carr, Riggs Ingram

Ms. Noll-Rhan noted that the Town had more reports this year compared to last year. She noted that the Town received clean and modified opinions, which is what the Town wants to receive. She noted an increase in the general fund - most of which came from an increase in property taxes and interest. She also noted an increase in expenditures due to salary increases, the construction of the pickleball courts and the lease of new vehicles.

She noted that the Town used all of the ARPA funds this year and since the Town used over \$750,000 of federal funds (including ARPA funds and the CBDG grant that was in the Enterprise Fund), the Town needed either an examination report or a single audit. The Town chose to do an examination report, which costs less than a single audit would have. There were no exceptions found within the report.

She discussed the Enterprise fund and noted that there is enough in the fund for it to be self-funding.

She noted the increase in the CRA revenue due to the large increase in property taxes. She stated that while the CRA funds have been included within the Town's audit report - because of this increase in revenue, the CRA needed to have a separate audit and examination report this year. She noted that the only exception found in the examination report was that the Town did not send a copy of the CRA budget to the Palm Beach County Board of County Commissioners within the required time frame. She reminded the Town to file the CRA budget accordingly in the future.

She noted that the Town has four major funds in addition to the Law Enforcement Trust Fund, which did not have any major changes.

She discussed a problem found within the MyGovernmentOnline (MGO) building permitting system that was incorrectly calculating the fees based on the project value. It was noted that this problem was immediately corrected.

She explained that the Town is doing very well financially and has four months of funds available while the normal is three months.

Mr. Lo Bello noted that since Ms. Noll-Rhan already presented the CRA Audit, she will not need to stay and repeat the same information during the CRA Meeting.

6. Unfinished Business

- A. Discussion on using a Special Magistrate for Code Enforcement – Joseph F. Lo Bello, Town Manager

Mr. Lo Bello noted that he is very grateful for the Code Enforcement Board Members and for all the work that they do on the Board. He noted that now only 2 of the 39 municipalities in Palm Beach County currently utilize a Code Enforcement Board instead of having a Special Magistrate. He noted that the current Board Members could be placed on other Town Boards or committees if the Council decides to go with a Special Magistrate. He stated that the change is needed to protect the Town in case of litigation and recommends that the Town Council change from working with a Code Enforcement Board to utilizing the services of a Special Magistrate.

The Town Council discussed the issue. Mayor Freebold asked for comments from the audience on the subject.

The following audience members spoke in favor of keeping the Code Enforcement Board:

Mr. Paul Hughes, 1925 Antigua Road, Chair of the Code Enforcement Board
Deb Moody, 7510 Pine Tree Lane, Code Enforcement Board Member
Timothy Daughtry, 1410 Keller Road, Prior Code Enforcement Board Member

Council Member Materio noted that she had served on the Code Enforcement Board with the members that were at the meeting. She noted that they do a very good job and thanked them for this.

Vice Mayor Maples noted that the Code Enforcement Board Members do a fantastic job and noted Mr. Lo Bello's position as Town Manager is to do what is best to help the Town.

Motion made by Council Member Materio to keep the Code Enforcement Board, seconded by Council Member Maasbach; Motion approved (4-1) with Mayor Freebold opposed.

7. New Business

- A. Lien Reduction Request – 1740 Carissa Rd

Mr. Mina Meshrekl noted that the violations were caused by the tenant, who is no longer living on the property. He noted that the property has been brought into compliance. He also noted that his parents are retired and use the income generated from the rental properties as their retirement revenue. He asked the Town Council to reduce the liens against the property.

Various questions were asked including how Mr. Meshreki received notification of the violations, the nature of the violations and the amount each individual fine. It was noted that two of the violations were issued in error and the fines should be voided.

Motion made by Council Member Materio to remove the fines associated to Cases 23-0579 and 23-0580, seconded by Council Member Maasbach; Motion approved (5-0).

There were further discussions regarding the remaining violations. Code Enforcement Officer Erik Richwagen was called to clarify information on the posting of the violations and when the remaining violations came into compliance. It was noted that the total fines were based on the dates that the property came into compliance.

Motion made by Vice Mayor Maples to keep the remaining liens in the amount of \$128,700.00 related to Case 23-0533, Case 23-0534, Case 23-0577, Case 23-0578 and Case 23-0581 in place seconded by Council Member Materio; Motion approved (5-0).

B. Lien Reduction Request – 7011 Haden Road

It was noted that no one representing the property was present to discuss the lien reduction request.

Motion made by Council Member Maasbach to keep the liens as recorded, seconded by President Pro Tem Keating; Motion approved (5-0).

8. Status Report

Chief Tracy Adams, PBC Fire Rescue – was unable to stay for the duration of the meeting.

Chief Smith – did not have any comments at this time.

Mr. Schoech – did not have any comments at this time.

Mr. Lo Bello – noted the coming events including the Senior Club meeting on May 15th, the Food Truck Event on May 31st and the Tennis and Fishing Camps in June.

He provided updates on the Pine Tree Bridge drawing, the new camera system, the Maralago Cay water system, the lead pipe testing, the water meter change outs and the lights on Forest Hill Boulevard. He noted that all health advisories regarding the sewage spill have been lifted and the work to repair Florida Mango Road may be finished soon.

He also noted some of the Town staff will be attending the Governor's Hurricane Conference in West Palm Beach, the new flooring has been completely installed in the Police Department and the Town Hall operating hours will go back to 8:00 AM to 4:00 PM.

9. Council Comments

Council Member Massbach – noted that this week is National Police Week and thanked the Lake Clarke Shores Police Department for all that they do for the Town.

Council Member Materio – echoed the sentiments of Council Member Maasbach. She noted the precedence set during the meeting by the Council regarding the lien reductions and offered her condolences to Vice Mayor Maples on the passing of his grandmother.

Council Member Keating – noted that while it was hard for the property owners to not have their liens reduced, the Town Council has to do what is best for the Town. She also offered her condolences to Vice Mayor Maples.

Vice Mayor Maples – thanked everyone for their thoughtfulness. He asked Chief Smith if the officers were monitoring the speed on Keller Road.

Chief Smith noted that the officers are monitoring Keller Road. He also noted that the stop signs had to be removed because the gates are no longer on the bridge. Mr. Lo Bello noted that he will have a traffic engineer check the area to make sure that there are no safety concerns now that the gates and stop signs have been removed.

Vice Mayor Maples thanked the officers and Town staff for their service and for all that they are doing for the Town. He also thanked everyone for their attendance at the meeting.

Mayor Freebold – noted that he appreciates the Lake Clarke Shores Police Department and thanked the officers for all that they do.

10. Adjournment

Motion made by Vice Mayor Maples to adjourn the meeting at 9:10 PM, seconded by Council Member Materio; Motion approved (5-0).

Gregory Freebold, Mayor

Mary Pinkerman, Town Clerk