



Town of Loxahatchee Groves
Water Control District/Town Council Meeting
Tuesday, December 4, 2018 - 7:00 p.m. to 10:30 p.m.
Town Hall, 155 F Road
Loxahatchee Groves, Florida 33470

MINUTES

1. OPENING

Call to Order & Roll Call

- a. Mayor Browning called the meeting to order at 7:05 PM. Upon roll call the following members were present: Mayor David Browning, Vice Mayor Todd McLendon, and Council Member Phillis Maniglia. Absent from the meeting was Council Member David DeMarois. Also in attendance was Town Manager William Underwood, Town Attorney Mike Cirullo, and Acting Town Clerk Perla Underwood.
- b. Pledge of Allegiance & Invocation – Mayor Browning

2. ORDER OF BUSINESS

- a. Additions, Deletions or Modification, and Approval of Agenda

Upon question from Town Council, Council Member DeMarois' Agenda Item 12.c. was removed from the Agenda until the next Town Council Meeting as a result of his absence from the meeting.

The Town Council unanimously agreed to include Item 12.c. on the next Town Council Meeting.

- b. Appointment to fill Vacancy for Town Council Seat 3

Town Attorney Cirullo advised that there has been no vacancy in the past, and the Town Council can appoint a resident that is a registered voter, and has lived in Loxahatchee Groves for a year prior to this appointment.

Vice Mayor McLendon advised that he would like to hear from the Public first.

Ron Jarriel, 2800 161st Terrace North, suggested that Marge Herzog and Don Widing would both be good choices, and advised that he recommend the nomination of Don Widing for Council consideration.

Marge Herzog, A Road, declined any nomination, but recommended the Anita Kane for nomination, and stressed her legal and accounting skills.

Keith Harris, 25th Place North, recommended the Town Council consider him to fill the vacancy, and briefly provided background and community involvement over the years.

Virginia Standish, North B Road, advised that both Ms. Kane and Mr. Harris would both be good candidates to fill the vacancy, but recommended the appointment of Mr. Harris as he has previously ran for seat.

John Ryan, 3508 A Road, spoke in support of Don Widing.

Bill Louda, 1300 E Road, spoke in support of Keith Harris

Lisa El Ramey, North B Road, recommended the Town Council consider her for the vacancy, and provided the Town Council with a brief biography.

Marianne Miles, North B Road, recommended the appointment of Don Widing.

Kathy Lakeman, 25th Place North, recommended the appointment of Keith Harris.

Doreen Baxter, North F Road, recommended the appointment of Keith Harris.

Town Attorney advised that four 4 names were identified by the public for consideration

Motion: a motion was made by Vice Mayor McLendon to appoint Keith Harris to Seat McLendon withdrew his motion of Mr. Harris.

Motion: a motion was made by Vice Mayor McLendon to appoint Anita Kane to fill vacancy on Seat 3, and was seconded by Council Member Maniglia. Motion passed 3/0.

1. Resolution No. 2018-92 – Town Council Seat 3 Appointment

RESOLUTION NO. 2018-92

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING ANITA KANE TO SERVE AS COUNCILMEMBER FOR SEAT 3 UNTIL THE SPECIAL ELECTION TO FILL THE REMAINING TERM FOR SEAT 3 IS CONDUCTED ON MARCH 12, 2019, AND THE SUCCESSFUL CANDIDATE TAKES OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion was made by Vice Mayor McLendon to adopt the Resolution No. 2018-92, and was seconded by Council Member Maniglia. Motion passed, 3/0. The Oath of Office was administered to Council Member Anita Kane by Town Attorney Michael Cirullo to fill the unexpired term of Seat 3.

3. PUBLIC COMMENTS

Bill Louda , 1300 E Road, raised concern about traffic.

Ron Jarriel, 2800 161st Terrace North, welcomed Anita Kane as the new Town Council Member.

4. PRESENTATIONS

- a. Monthly Status Report – Municipal Technologies LLC – Steven Murray
1. Online GIS Software Purchase
 2. Microsoft 365 Purchase

Steven Murray provided the Town Council with a review of the Town's infrastructure, and advised that he is moving forward with upgrade plan. He also advised that the Town is in the process of:

- Increasing its desktop level licensing with Office 365 government licensing
- Working with Blackbaud on addressing bugs within the system
- IT Policy for Attorney review has been prepared and to be forward in the next week to Attorney Cirullo.
- Addressing GIS solution that will allow better online mapping
- Addressing ADA Compliance with respect to Town and District websites
- Updating both websites and rolling District website into the Town.

Council Member Maniglia advised that she would like a Blog included as well.

Upon question from Council Member Kane, Mr. Murray advised that the cost to upgrade to Civics Plus will be \$8,000.00. Upon question, Mr. Murray advised that he can do the Town's financials, but would be required to staff his company for such services.

Upon question regarding Security, the Town Council was advised that this should not be discussed publicly.

Mr. Murray also advised that the Town could include online payments for permits and business tax receipt online through its website.

Paul Coleman, 14620 6th Court North, questioned the need for the additional costs for mapping as the Palm Beach County Property Appraiser already provides some of the same data.

Council Member Kane questioned the costs for the GIS mapping, and was advised that the additional costs would be \$1,100 annually.

- b. Monthly Status Report – Geoffrey B. Sluggett & Associates –

Mary McNicolas provided the Town with a Status Report as activities to date:

- Attended PBC Legislative Delegation Meeting
- Met with County Commissioner Melissa McKinley
- Advised that Matt Wilhite was selected Chair, and Rick Roth was selected Vice Chair of the Palm Beach County Legislative Delegation
- Advised that 2019 Legislative initiative is Water
- 50th Anniversary of Home Rule
- Support for the PBSC funding requests for the Loxahatchee Groves Campus
- Met with the new Agricultural Commissioner Fried

Member Kane inquired if canal stabilization could be included for possible state funding, and Member Maniglia inquired about funding for canal maintenance.

Bill Louda, 1300 E Road, advised that he doesn't see any problem with green algae or red tide, but rather a concern could be nitrogen/phosphorus. He did advise that acquiring land for filtering ponds should be considered for funding requests to the State.

Council Member Maniglia questioned if the Town should consider following Wellington and Jupiter on limiting fertilizer use by local nurseries, and looking at recycling equestrian bedding.

Sue Cappioppo, 13593 Citrus Drive, inquired about the low water levels in canals, and feels that the Town cannot control limitations on local nurseries with no enforcement methods in place.

Motion: a motion was made by Council Member Kane, and seconded by Council Member Maniglia to schedule a Workshop/Special meeting for January to discuss the upcoming priorities for the Town for the upcoming Legislative Session. Motion passed, 4/0.

5. WATER CONTROL DISTRICT BUSINESS

FOR THIS PORTION OF THE AGENDA THE TOWN COUNCIL WILL SERVE AS THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT BOARD OF SUPERVISORS, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES.

a. CONSENT AGENDA

1. File and Receive Town Elements Conditions Statement – Larry Peters, Director of Public Works

Public Works Director Peters reviewed the Conditions Statement provided to the Town as follows:

- Fuel tank containment
- Conditions of roadways
- Conditions of canal banks and culverts
- Pump House, canal water control gates at Gate A, D, and Folsom
- Repair to existing pump not to exceed \$24,000
- Emergency Generator
- Equipment conditions

Council Member Kane advised that Town should concentrate on fixes needed now versus others that can be put off. She also mentioned water levels in canals, and roads falling into canals. She advised that she would like to see a plan for needed improvements, and funding.

Council Member Maniglia suggested that Town seek funding for needed pumps.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Maniglia to receive and file the Conditions Statement as provided. Motion passed, 4/0.

Motion: a motion was made by Council Member Kane, and seconded by Vice Mayor McLendon to approve the emergency repairs to the existing Pumping System as previously discussed. Motion passed, 4/0.

Robert Shorr, 1742 E Road, stated that he feels Mr. Peters should get other bids and make the decision rather than repairing the existing system for \$25,000 or get a better system.

Vice Mayor McLendon stated that he feels it is not necessary to reinvent the wheel as Town has used one (1) pump for years.

Laura Cappioppo, 13593 Citrus Drive, inquired if other agencies could assist on the necessary concerns about the Town's neglected canals.

Motion: a motion was made by Vice Mayor McLendon to bring back the quotes for the Soft Start Repairs to the pump at the next meeting. Council Member Kane seconded the motion. Motion passed, 4/0.

End of Water Control District Business.....

TOWN COUNCIL AGENDA ITEMS

6. COMMITTEE REPORTS – FAAC Report – Anita Kane, Chair

Council Member Kane advised that the FAAC reviewed the current and needed functions as presently provided by the Town, and committee members were tasked with providing employee compensation costs, and functions/positions that can be contracted out vs full time hires that will necessary. A special meeting was scheduled for December 17, 2018 in order to provide the Town Council with the necessary information at their next regular meeting.

7. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: October 9, 2018 Town Council Special Meeting
- b. Minutes: November 6, 2018 Town Council Workshop Meeting
- c. Minutes: November 6, 2018 Town Council Regular Meeting
- d. Schedule of Special Town Council Meeting, December 18, 2018, 4:30 PM
 1. Adoption of Resolution No. 2018-89 Authorization of Execution of SOE Agreement - 2019 Municipal Election
 2. Adoption of Resolution No. 2018-90 Announcing Election and Qualification for March 2019
 3. Adoption of Resolution No. 2018-91 Appointment of Canvassing Board March 2019 Election
 4. Final Reading of Ordinance No. 2018-14 - Re: Special Election to fill vacancy for balance of term of Seat 3
 5. Final Reading of Ordinance No 2018-15-Amending Election Qualifying Dates
 6. Other Election Related Matters
- e. GOREN, CHEROF, DOODY & EZROL, P.A. Invoices for November 2018

Motion: Vice Mayor McLendon moved to approve the Consent Agenda, and Council Member Kane seconded the motion. Motion passed, 4/0.

End of Consent Agenda.....

8. PUBLIC HEARINGS – quasi judicial

- a. Request for Appeal of Administrative Ruling – Re: Residential Enterprise ULDC Section 08-020(G) – Dustin Ertle, 13313 and 13387 Bryan Road

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Kane to continue the Request for Appeal to the January 15, 2019 Meeting. Motion passed, 4/0.

- b. Resolution No. 2018-87 - Big Dog Site Plan Amendment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BIG DOG RANCH SITE PLAN AMENDMENT, CONSISTING OF 33.16 ACRES MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND 'D' ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Lorie Simmons, Big Dog Ranch reviewed her request for generator pads and Monument Sign for the facility on Okeechobee Boulevard.

Jim Fleishmann, Town Planning Consultant advised that the Planning and Zoning Board recommended approval of the request. Additionally, staff advised that the generators comply with PBC sound requirements, and the 60 foot monument sign complies with the Town code.

Ron Jarriel, 2800 161st Terrace North, recommended the Town approve the site plan amendment.

Robert Shorr, 1742 E Road, advised that the monument sign is limited to 60 feet, and the applicant is not requesting a variance.

Upon question, Ms. Simmons advised that a veteran dog training center is being considered for a future request subject to conditions.

Motion: a motion was made by Vice Mayor McLendon to adopt Resolution No. 2018-87 relating to Big Dog Site Plan Amendment. Council Member Anita Kane seconded the motion. Motion passed, 4/0.

c. Resolution No. 2018-88 – Wendy’s Sign Variance Application

RESOLUTION NO. 2018-88

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE WENDY’S SIGN VARIANCE RELATED TO AN EXTERIOR MENU BOARD SIGN ON A PARCEL CONSISTING OF 0.84 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND THE PALM BEACH STATE COLLEGE ENTRANCE DRIVE, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Amy Gallagher representing IBS Associates, the company that provides the Menu Board signs to Wendy’s addressed the Town Council regarding the requested variance. She advised that Wendy’s is requesting an increase of the sign face of the menu board to 14.93 square feet, a size greater than the maximum currently permitted size of 12 square feet. She also requested increase the sign structure width of the menu board to 7 feet 2.5 inches, a size greater than the maximum currently permitted width of 5 feet. Ms. Gallagher also advised that Wendy’s is variance request is less than the variance requested, and approved for Dunkin Donuts previously.

Jim Fleischmann advised the Council that staff finds that the applicant has not met the five (5) review criteria necessary as identified in the Town’s ULDC for approval, and as such staff therefore recommends denial of application. Additionally, Mr. Fleischman advised that the Planning and Zoning Board also recommended denial of a variance request by a 3 to 1 vote.

Upon question from Council Member Kane, Fleischmann advised that staff recommended denial based on the 5 review criteria requirements of Section 150-020 of the ULDC.

Upon question from Council Member Maniglia, Fleischmann advised that the Wendy’s menu board sign is smaller than the Dunkin Donut sign request.

Laura Cappioppo, 13593 Citrus Drive, inquired why the Town would approve the request if it doesn’t meet the criteria.

Ron Jarriel, 2800 161st Terrace North, spoke in favor of the request by Wendy’s.

Joe Lelonick advised that unlike Wendy’s, Dunkin Donuts did not come in about their sign request until the building was completed. He also reminded the Town Council that the “Drive-thru” sign cannot be seen from the road, and requested the Town approve the variance as requested.

Robert Shorr, 1742 E Road, reminded the Town Council that the Planning & Zoning Board recommended denial, and suggested that by eliminating the graphics on Menu Board, the sign can meet the 12 square foot requirement in the code.

Marianne Miles, North B Road, and Simon Fernandez, North D Road, both spoke in support of the variance request.

Upon question from Council Member Maniglia, Planning Consultant Fleischmann advised that sizes of menu boards go from 12 to 24 sq. ft.

Ms. Gallagher advised that the Wendy's menu board in Royal Palm is 7 ft. high x 7 ft. wide, at Crestwood area it is 34.3 sq. ft., and in Loxahatchee it will be 14.93 sq. ft. Ms. Gallagher also advised that they will not be including a Pre-sale board at the Loxahatchee location.

Motion: a motion was made by Council Member Kane, and seconded by Council Member Maniglia to adopt Resolution No. 2018-88 granting a variance request as submitted by Wendy's. Motion passed, 3/1. Vice Mayor McLendon voted no on the motion to approve.

9. PUBLIC HEARINGS

- a. Final Reading of Ordinance No. 2018-10 – Comp Plan Amendment – Trail Fencing

ORDINANCE NO. 2018-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, COMPREHENSIVE PLAN AMENDMENT 2018-03 TO THE TOWN OF LOXAHATCHEE GROVES, FLORIDA COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3184(3) FLORIDA STATUTES TO: (1) AMEND OBJECTIVE 2.4 POLICY 2.4.4 OF THE TEXT OF THE TRANSPORTATION ELEMENT DELETE THE REQUIREMENT FOR INSTALLATION OF FENCING ADJACENT TO CANAL MAINTENANCE EASEMENTS ALONG THE LETTER ROADS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ron Jarriel, 2800 161st Terrace, spoke in favor of the trail fencing ordinance, and requested that the Town work with the residents on a 50/50 plan for those that do not have existing fencing on their property next to berms.

Motion: a motion to approve Ordinance 2018-10 on final reading was made by Vice Mayor McLendon, and was seconded by Council Member Maniglia. Motion passed, 4/0.

- b. Final Reading of Ordinance No. 2018-12 – Registration of Abandoned Properties

ORDINANCE NO. 2018-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-010 TO AMEND THE REGULATIONS RELATING TO THE REGISTRATION OF ABANDONED PROPERTIES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

Motion: a motion to approve Ordinance No. 2018-12 on final reading was made by Vice Mayor McLendon, and was seconded by Council Member Maniglia. Motion passed, 4/0.

- c. Final Reading of Ordinance No. 2018-13 – Referendum an Amendment to the Charter – Law Enforcement

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO DELETE SECTION 11, ENTITLED “CONTINUATION, MERGER AND DISSOLUTION OF EXISTING DISTRICTS AND SERVICE PROVIDERS,: SUBSECTION (2) ENTITLED ‘LAW ENFORCEMENT’”; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATHCEE GROVES, AT A SPECIAL ELECTION TO BE CONDUCTED IN CONJUNCTION WITH THE TOWN’S GENERAL MUNICIPAL ELECTION ON MARCH 12, 2019, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor McLendon advised that he has not found any information in state law that requires the need for law enforcement by local governments.

Mayor Browning disagrees, and feels that the Town can either retain the Sheriff or establish a Police Department.

Ron Jarriel, 2800 161st Terrace North, spoke in support of police services.

Motion: a motion was made by Vice Mayor to adopt Ordinance No. 2018-13 amending the Charter to delete Section 11, Subsection (2) entitled “Law Enforcement.” The motion was seconded by Council Member Maniglia. Motion passed, 4/0.

At 10:00 p.m., the Town Council agreed to move Item 13. Public Comments to ensure the public can speak as meeting will adjourn at 10:30 pm, and be continued on Wednesday, December 5, at 6:00 pm.

Public Comments:

Ron Jarriel, 2800 161st Terrace North, advised that the Town does not need to spend millions of dollars on roads and canals as identified in the Conditions Reports provided by staff. He also thanked the Town for the work done along the entire edge of North A Road to stabilize the OGEM.

Laura Cappioppo, 13593 Citrus Drive, disagreed with the previous comment, and advised the Town Council that there are more people, and more use over the roads than in past years. She further expressed that with a growing community, the Town should ensure that the necessary maintenance and repairs are addressed on an ongoing basis.

- d. First Reading of Ordinance No. 2018-14 - Re: Special Election to fill vacancy for the balance of term of Seat 3

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SCHEDULING A SPECIAL ELECTION TO FILL THE REMAINING TERM FOR TOWN COUNCIL SEAT 3, AND CONFIRMING THE SUBMITTAL TO THE TOWN'S ELECTORATE OF A CHARTER AMENDMENT REFERENDUM AND BOND REFERENDUM FOR THE SAME ELECTION, TO OCCUR IN CONJUNCTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION FOR COUNCILMEMBER SEATS 2 AND 4 ON MARCH 12, 2019; SETTING THE QUALIFYING PERIOD FOR SEAT 3; PROVIDING THAT THE TOWN MANAGER AND TOWN ATTORNEY SHALL TAKE ALL ACTIONS NECESSARY AND REQUIRED FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion was made by Vice Mayor McLendon and was seconded by Council Member Kane to adopt Ordinance No. 2018-14 on first reading filling the vacancy of Seat 3 for the balance of the term. Motion passed, 3/1. Vice Mayor McLendon voted no.

Vice Mayor McLendon advised that he would like to change "remaining term" to "remaining vacancy."

Mayor Browning disagreed and believes the language should remain as is.

Council Member Kane advised the election is to fill the balance of the term.

- e. First Reading of Ordinance No. 2018-15 – Re: Amending Election Qualifying Dates as set forth in Town's Charter.

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2017-17 REGARDING QUALIFYING DATES SET FORTH IN SECTION 3(3)(D) OF THE TOWN'S CHARTER ELECTIONS PURSUANT TO SECTIONS 100.3605 AND 166.021, FLORIDA STATUTES, RELATIVE TO QUALIFYING PERIODS IN YEARS IN WHICH THE FIRST TUESDAY IN JANUARY IS JANUARY 1; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion was made by Vice Mayor McLendon to adopt Ordinance No. 2018-15 on first reading amending the election qualifying dates to 1st Wednesday in January, and ending on the 2nd Wednesday in January at noon. The motion was seconded by Council Member Maniglia. Motion passed, 4/0.

10. NEW BUSINESS

a. Discussion Relative to Health Insurance Renewal Update – United Health Care

The Town Council reviewed a Medical Insurance Analysis as provided by the Gehring Insurance Group. Mr. Gehring advised that they are recommending for 2019, the renewal of current insurance provider, United Health. He also advised that the Dental Plan currently in place with SunLife (Assurant) will see a 15% decrease from the current premium with Guardian for Life & Disability will see no premium increase. He also advised that a Flex Account has been included.

Mr. Gehring advised that he is recommending the Town continue its service with United Health Care, SunLife, and Guardian Insurance Company at a cost of \$56,500 for all the services.

Council Member Kane advised that former LGWCD board had implemented changes to the previous District policies that allowed the reimbursement of deductions for both the employee and their family members to employee reimbursement only.

Town Manager Underwood advised that the District policy on employee reimbursement of deductibles was not incorporated by the Town with the merger and as such is not included in the quote. He explained that the Flex Spending will be funded by employee contributions that can be used to reimburse for family premiums.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Kane to approve the 2019 Insurance recommendations as proposed by the Gehring Insurance Group. Motion passed, 4/0.

The Town Council recessed the meeting at 10:30 p.m., until 6:00 p.m., Wednesday, December 5, 2018

b. Discussion Relative to Town Manager Job Criteria

Town Manager Underwood provided the Town Council with International City and County Manager Association (ICMA) Model Employee guide that provides typical Manager search options, process and timeline as well as sample Manager employment contracts to included recommended language, Manager Recruitment Search Firm Contact Information, and Manager advertising options for Town Council review and use.

Council Member Maniglia stated she would like to hire a 3rd party outside source to handle the marketing of candidates for the Town.

Council Member Kane would like to review Tequesta's applicants first, and would consider the hiring of someone to meet specific parameters.

Mayor Browning advised that he would prefer looking at Tequesta's applicants as well.

Upon question from Town Council, Town Attorney Cirullo advised that bidding is not required for professional services, but that the Town could request multiple proposals for such services.

Council Member Maniglia advised that she did not feel comfortable with FAAC member Bell providing the FAAC with job descriptions and salary ranges for employees because of her relationship with Town management.

Following discussion, Town Attorney advised that he can issue a Letter of Interest to the 16 identified companies included in the ICMA literature provided, and any other qualified hiring companies, as well as advertising the sealed bid process.

Marianne Miles – North B Road, stated that she would hope that the costs should be the cost of the current management's package or less.

Motion: a motion was made by Council Member Maniglia, and seconded by Anita Kane to have the Town Attorney issue the Letter of Interest to the identified companies provided as well as any other qualified companies for submission of sealed proposals for services. Motion passed, 4/0

- c. Resolution No. 2018-93 – Approving Agreement with Property Registration Champions, LLC

RESOLUTION NO. 2018-93

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE APPROVING AN AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND PROPERTY REGISTRATION CHAMPIONS, LLC FOR REGISTRATION SERVICES FOR FORCECLOSED OR ABANDONED PROPERTIES WITHIN THE TOWN, AND AUTHORIZING THE EXECUTION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Kane to adopt Resolution No. 2018-93 approving Agreement with Property Registration Champions, LLC. Motion passed, 4/0.

11. MANAGER'S REPORT –

- a. Receive and File PBC Sheriff's Office Monthly Report
- b. Receive and File PBC Fire Rescue Monthly Report

Town Manager Underwood provided the Town Council with the monthly reports from PBC Sheriff's Office, and Fire Rescue. Underwood advised that the Town's engineers will be preparing the LGWCD Facilities Report.

c. Resolution No. 2018-94 Authority for use of Town Owned Property for Equestrian Trails

RESOLUTION NO. 2018-94

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AUTHORITY FOR USE BY THE GENERAL PUBLIC OF TOWN OWNED PROPERTY FOR EQUESTRIAN TRAIL PURPOSES, SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THIS RESOLUTION; PROVIDING THAT ANY USE OF TOWN PROPERTY FOR EQUESTRIAN PURPOSES, SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THIS RESOLUTION; PROVIDING THAT ANY USE OF TOWN PROPERTY FOR EQUESTRIAN PURPOSES MAY BE LIMITED OR REMOVED BY THE TOWN COUNCIL AT ANYTIME; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Maniglia to adopt Resolution No. 2018-94 providing authority for use of Town owned property for Equestrian Trails.

Additionally, Town Manager provided the Town Council with a draft sample letter to be mailed to all properties bordering the Town's trail system relative to the opening of the trails, requesting that all obstructions that impede the use of trails be removed.

Council Member Kane requested that the letter should include vegetation as an obstruction in paragraph 3, and include all obstructions that impede the use of the trails. Finally, she requested that in paragraph 1, should include a statement that states "this does not apply to your own property."

Motion: a motion was made by Council Member Kane, and seconded by Vice Mayor McLendon to approve the sample letter as amended for distribution to residents. Motion passed, 4/0.

12. COUNCIL REPORTS

- a. Vice Mayor McLendon
 - 1. Discussion and Direction on Ordinance No. 2017-07 to allow golf carts on Okeechobee Boulevard and Folsom Roads.

Vice Mayor McLendon advised that he would request the Council consider amending the Golf Cart Ordinance to include Okeechobee Blvd., and Folsom Road.

Council Member Kane disagreed, but would consider crossovers at Okeechobee and intersections of Lettered Roads.

Council Member Maniglia agreed with Member Kane, and suggested that the Town consider crossings that would also include horses as well.

Town Attorney Cirullo reminded the Council that traffic studies may be requested by the County on such a change, and suggested that RETGAC Committee include this in their meeting discussion.

Vice Mayor McLendon advised that he would be ok with Okeechobee Boulevard crossings.

Marianne Miles, North B Road, expressed her objection to golf carts on those roads.

Laura Cappcoppi, East Citrus Drive, agreed with the concept, but questioned the age requirement.

Geoffrey Sluggett, RETGAC Chair advised that the committee will include this subject in its discussion at its next meeting. Mr. Sluggett also suggested that stop signs on Folsom and Marcella and on Folsom and Bryan or Casey Roads may be another option for Folsom Road.

Simon Fernandez, North D Road, inquired about street legal golf carts, and reminded the Council that the Town's signs on golf carts identify the State Statute governing.

Following discussion, staff was instructed to contact PBC engineering relative traffic calming at Folsom and at intersections of Okeechobee Boulevard and all lettered roads. The vote passed, 4/0.

2. Discussion and Direction on correcting OGEM Loan issues related to items inappropriately charged to project and the repayment of any funds left over from project.

Staff advised that the Town has received a proposal on the loan issue as well as the LGWCD accounting review at the time of the merger at a cost of under \$ 25,000.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Kane to authorize staff to prepare the necessary contract for Town Council consideration, and approval . Motion passed, 4/0.

3. Update on Legal Requirements for police services

Vice Mayor McLendon advised that based on his review of requirements for police services to date, he advised that:

- (1) Palm Beach County Sheriff has discretion to determine level of services and decide if he wants to provide such services.
- (2) Cannot find local government requirement to provide police services
- (3) If the Town decides to provide such services then there are standards and choices to ensure the performance is not negligent.

Council Member Kane advised that the Loxahatchee Groves Landowners Association has requested that PBSO continue to provide police services to the Town. She also advised about legal definitions for basis and enhanced services, and inquired if PBSO is willing to come back.

Mayor Browning stated that he feels he can resolve the matter with PBSO in order to continue to provide services.

Vice Mayor McLendon stated that the Town may need to request an Attorney General opinion.

Council Member Kane recommended to continue working with PBSO.

Council Member Maniglia advised that the Mayor needs to continue to reach out to PBSO as well as the Town should get input from FDLE, PBSO, and Florida Attorney General on level of services required.

Marianne Miles, North B Road, asked why the Sheriff decided to not provide services, and hopes it is not related to the contract increase.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Maniglia to ask the Town Attorney to seek input from FDLE and the Florida Attorney General on this matter. Motion passed, 3/1. Mayor Browning voted no.

4. Discussion and Direction – Support for Palm Beach State College Loxahatchee Groves Campus Funding Request – State of Florida

Motion: Council Member Kane moved, and seconded by Vice Mayor McLendon prepare a Resolution in support of the College's funding request to the State of Florida. Motion passed, 4/0.

b. Council Member Maniglia

1. Discussion and Direction on Coyotes

Council Member Maniglia inquired about contacting Fish and Wildlife relative to coyotes in the area, and advised that her goat had been killed. Mayor Browning and Council Member Kane advised that Fish and Wildlife will not go on private property, but residents contact trappers, and other type service providers to assist in trapping coyotes. Council Member Kane also advised that a property owner can shoot a coyotes in such situations as well. It was suggested that the Council Member could contact PBC as there has been many reports of coyotes on PBC property north of south F Road.

2. Discussion and Direction on Committee meetings and scheduling

Council Member Maniglia advised that committee meetings have been postponed. Staff advised that to the best of their knowledge, no committee meeting have been postponed unless for lack of quorum. With respect to RETGAC meeting, Chair Sluggett advised that the Committee has requested assistance from the Town's Planning Consultant, Jim Fleishmann, and will schedule meeting after the Town Council approval of his assistance.

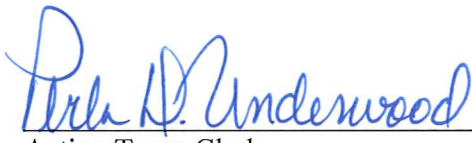
Following discussion, the Town Council unanimously instructed that staff present the Work Authorization for assistance to the RETGAC committee by the Town's Planner for approval at the January Town Council meeting.

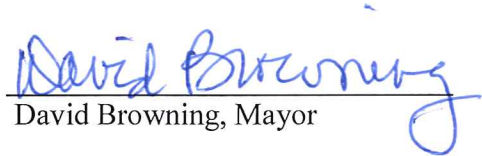
Following discussion, the Town Council unanimously instructed that staff present the Work Authorization for assistance to the RETGAC committee by the Town's Planner for approval at the January Town Council meeting.

3. Discussion and Direction on Town personnel policy and procedures manual
Council Member Maniglia requested that the Town's Personnel Policy be included in the January Town Council Meeting Agenda for discussion and direction.
4. Town Clerk search
Upon inquiry, Council Member Maniglia was advised that Town Clerk Virginia Walton would providing assistance to the Town for the upcoming Election, and the day to day work of the Clerk is being performed by staff.

13. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 8:30 p.m.


Acting Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, January 15, 2019.