



Town of Loxahatchee Groves
Water Control District/Town Council Meeting Tuesday,
November 6, 2018 - 7:00 p.m. to 10:30 p.m.
Town Hall, 155 F Road Loxahatchee Groves,
Florida 33470

MINUTES

a. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:05 PM. Upon roll call the following members were present: Mayor Browning, Vice Mayor McLendon, Council Members David DeMarois, and Phillis Maniglia. Absent from the meeting was Member Joyce Batcheler.

- b. Pledge of Allegiance & Invocation – Mayor Browning

- c. Resignation of Council Member Joyce Batcheler

Mayor Browning read Council Member Joyce Batcheler letter of resignation from the Town Council effective November 6, 2018.

Council Member DeMarois asked Town Attorney what legally will be necessary regarding the resignation of Member Batcheler. Town Attorney Cirullo advised that a special election for the remainder of the 2 year term would have to be included in the upcoming Town Election scheduled for March, 2019, but the Town Council could appoint a replacement to service until a new Council Member is elected.

Council Member Maniglia suggested appointing Marge Herzog to the Council. Town Attorney suggested that appointment to serve on the Town Council can be included in the December 4, 2018 Agenda for consideration and approval. Town Attorney Cirullo advised that nominees for consideration will be subject to the same candidate qualification requirements as identified in the Town Charter.

2. ORDER OF BUSINESS

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

Vice Mayor McLendon requested adding 14.a.2. Discussion and Direction for RFP for Solid Waste Services for FY2019-2020.

Member Maniglia requested moving 14.b.1, Discussion and Direction – RFP for Town Manager Position, and 14.b.2 Discussion and Direction Review of October 30, 2018 Workshop Meeting Discussion relative to Underwood Contract to 11.b New Business. Following discussion by Town Council, Items 14.b.1. and 14.b.2 were not moved.

Member David DeMarois requested adding 14.c.1 as Discussion and Direction on RV Program, and 14.c.2 as Discussion and Direction on FAR.

Motion: a motion to approve the Agenda as amended was made by Member DeMarois, and seconded by Vice Mayor McLendon. Motion passed 4/0.

3. PUBLIC COMMENTS

Cleatus Keaton, 8th Place North, advised that with the Loxahatchee Groves Water Control District election, there is no longer the ability to vote per acre, but landowners are being taxed by acre for Loxahatchee Groves Water Control District maintenance services.

Mark Jackson, 687 D Road, questioned the cost for code enforcement and also addressed the requirement that residents trim vegetation near roadway.

Robert Shorr, 1742 E Road, questioned why the Town did not use Everglades Farm Equipment for machine repairs at the LGWCD rather than Dodds, an outside company. He also questioned the use of one pumping station to pump the entire Town rather than setting up multiple pumping stations throughout the Town.

Paul Coleman, 14620 6th Court, N, questioned the continued use of aquatic vegetation spraying that continues to spray the canal banks.

Virginia Standish, 15410 North Road, provided the Town Council with Loxahatchee Groves Landowners Meeting resident comments concerning the Loxahatchee Groves Water Control District status of equipment, roads, water levels of canals, and easement maintenance. She also advised that the Landowners will be bringing forward concerns and suggestions raised by the residents to future Town Council Meetings for information and consideration.

4. PRESENTATIONS – 2017 Comprehensive Annual Financial Report

Terry Morton, Nowlen Holt & Miner presented the Annual Financial Report to the Town Council. Mr. Morton identified the three (3) comments included in the Audit that include updating the Town's Policies and Procedures, and also note the following:

- Bank reconciliations were not being properly prepared.
- Adjusting journal entries did not always have appropriate approval.
- Current policy of weekly deposits should be revised.
- Cost recovery accounts were not properly tracked or reconciled.
- Year-end accounts receivables and payables were not correctly recorded.

Council Member DeMarois inquired about several statements that were provided to the FAAC committee by the Auditor. Mr. Morton responded and explained the comments that he provided to the FAAC, and advised that some comments he could not respond to as those comments were made by others.

With respect to the \$500,000 that was discussed at the FAAC, Mr. Morton advised that all the revenues and expenditures were reconciled.

Anita Kane, Chair of the FAAC, advised that the comment was made by her, and that the funds in question were Loxahatchee Groves Water Control District funds that were consolidated into the Town's financial system.

at the time of dependency. She further advised that the District's past practice has been to hire a separate accounting firm to that made the necessary adjustments prior to the District's Auditor coming into to perform the annual Audit.

Connie Bell, also addressed the discussion by the FAAC relative to the Audit presentation in response to Member DeMarois comments.

Motion: a motion was made by Vice Mayor McLendon to accept the 2017 Audit, and the motion was seconded by Member Maniglia. 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. Approval of Warrant # 2018-908 - Reimbursement to TOLG
2. Approval of Culvert Bridge Permit – South Florida Sod Farm, 15381 North Road
3. Adoption of Resolution No. 2018-DD22 - Approval of Repairs to Intake Pump -
(Resolution to follow under a separate cover) (PULLED)
4. Adoption of Resolution No. 2018-DD23 - Approval Municipal Technology, LLC Agreement
- IT work

Staff advised that Item No. 3 has been pulled for discussion, and will be addressed by Public Work Director Larry Peters, and #4 is moved to 12.g.

Motion: a motion was made by Vice Mayor McLendon to approve Consent Agenda as amended, and seconded the motion. Motion passed, 4/0.

5.a.3 Adoption of Resolution No. 2018-DD22 - Approval of Repairs to Intake

Public Work Director Larry Peters advised the Town Council that since this item was placed on the Agenda, it has been determined that there is another problem with the intake pump at this time, and he believes that making the repairs should be put on hold until a determination is made relative to the extent of this new problem and the solution before moving forward with the repairs of the intake pump by Sullivan Electric and Pump. Mr. Peters also acknowledge that it would be a good idea to investigate the feasibility of having more than one pumping station to pump the entire District as suggested by a resident earlier in the meeting.

Vice Mayor McLendon advised that he feels the pump motor starter using a variable frequency drive “soft start.”

Motion: a motion was made by Member Manigila, and seconded by Member DeMarois to postpone adoption of Resolution No. 2018-DD22 as recommended, and investigate best solution relative to fixing the pump and moving water. Motion passed 4/0.

b. NEW BUSINESS

1. Adoption of Resolution No. 2018-DD25 – Approval of Grader Lease/Purchase Agreement

RESOLUTION NO. 2018-DD25

A RESOLUTION OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE LEASE-PURCHASE AGREEMENT WITH JOHN DEERE AND DOBBS EQUIPMENT THROUGH THE FLORIDA SHERIFFS ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES 2017-2018 CONTRACT FOR VEHICLES AND EQUIPMENT, FOR A GRADER; AUTHORIZING THE EXECUTION OF ALL DOCUMENTATION FOR THE LEASE-PURCHASE OF THE GRADER; PROVIDING AN EFFECTIVE DATE.

Upon question, Town Council was advised that the District has been advised that delivery is exception between 6 and 8 weeks. Upon question from Member Maniglia, staff advised that the Lease term is for 36 months that includes total usage of 1500 hours per month.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Member Maniglia to adopt Resolution approving the lease-purchase agreement with John Deere and Dobbs Equipment through the Florida Sheriffs Association and Florida Association of Counties 2017-2018 Contract. Motion passed 4/0.

2. Approval of Second Amendment for Aquatic Vegetation Control Services – Aquagenix

Town Manager Underwood request approval of the one year renewal of the Aquatic Vegetation Control Agreement with DeAngelo Brother. LLC “Aquagenix.”

Motion: a motion was made by Member DeMarois, and seconded by Vice Mayor McLendon. Motion passed 4/0.

6. TOWN COUNCIL AGENDA ITEMS

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

Chair Anita Kane presented the October 2018 FAAC Report to the Town Council to include the Audit, October Financial Reports, and Budget Amendment 2. Chair Kane further requested the Council authorize the reimbursement of sales tax to staff when they purchase items on behalf of the Town.

Catherine Gilberti, F Road, addressed her concerns to the Council.

The Council accepted the Report as presented.

8. CONSENT AGENDA

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

- a. Minutes: October 2, 2018 Town Council Workshop Meeting
- b. Minutes: October 2, 2018 LPA/WCD/Town Council Meeting
- c. Minutes: October 9, 2018 Town Council Workshop Meeting
- d. Minutes :October 9, 2018 Town Council Special Meeting
- e. Adoption of Resolution No. 2018-84 - Re: Amending 2017-2018 Budget.
- c. GOREN, CHEROF, DOODY & EZROL, P.A. Invoices for October 2018

Motion: a motion was made by Member DeMarois, and seconded by Vice Mayor McLendon to approve the Consent Agenda. Motion passed, 4/0.

9. PRESENTATIONS – None

10. PUBLIC HEARINGS –

- a. Final Reading of Ordinance No. 2018-08 – Wawa/Chase/Aldi at Groves Town Center

ORDINANCE NO. 2018-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD) APPROVAL ON A PARCEL OF LAND CONSISTING OF APPROXIMATELY 90.33 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE; PROVIDING FOR THE APPROPRIATE REVISIONS OF THE MLU/PUD CONCEPTUAL MASTER PLAN AND CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo reviewed the public hearing procedures for the Amendment to the MLU/PUD Approval on the Wawa/Chase/Aldi Project at Groves Town Center.

Matthew Scout, representing the landowner advised the Town Council that since the Town Council Workshop meeting, they have attended 2 RETGA meetings, and more than one Planning and Zoning Board meetings. They have addressed and/or incorporated those items of concerns identified by the Council, and the two boards to include changes to the building designs to match the rural nature of the community as per the Town’s Architectural Plan, incorporated the new landscape ordinance adopted by the Town to include the three 3 foot berm, and enlarged the parking spaces. He advised that this changes are included in all three applications.

Additionally, Mr. Scott advised that the application is requesting a waiver for the following:

- Replacing wheel stops with boulders in front of certain parking areas.
- Limited thoughtful lighting for Wawa only as this business stays open 24 hours.

Jim Fleishmann, Town Planner reviewed the Staff report, and provided an overview of the Project and the status report on the summaries of the workshop discussions, and recommendations of the Planning and Zoning Board. Mr. Fleishmann recommended that the Town Council approve Ordinance No. 2018-08 that includes and identifies the Conditions of Approval to include the following:

- Improvement Agreement will be approved by the Town Council for drainage, and interior roads before first Permit issued for the project
- Added under Section D. Land Clearing and Landscaping, Item #6 Clearing of Collecting Canal Easement 20 feet on the south side of canal by developer to be completed prior to issuance of initial Certificate of Occupancy of the first phase of development of Groves Town Center, as included in Section E, Item #4.
- PUD Waiver to allow well-planned outdoor lighting to meet intent of ULDC, between 11:00 PM and dawn on the Wawa facility, and to allow the use of bollards in lieu of wheels stops and/or continuous curbing in certain parking areas as requested by applicant.

Member Maniglia inquired about a wall structure in addition to the berm, and Vice Mayor McLendon if vegetation removal on invasive species will be required on the entire 90 acre parcel.

Ken Johnson, Collecting Canal Road, advised that there needs to be a 25 foot berm to protect the residents of

Collecting Canal Road.

Paul Coleman, 14620 6th Court North, advised that he is against the cross access, liked the lighting diagram, but glow will continue to encroach, and inquired about wetlands would be addressed on the property.

Josh Nichols, Smith & Nichols, representing Seth Briar of 556 B Road, requested that the Town consider cross access onto his client's property.

Motion: a motion was made by Member DeMarois, and seconded by Vice Mayor McLendon to approve Ordinance No. 2018-08 on Final Reading. Motion passed, 4/0.

- b. Resolution No. 2018-83 - Approval of Site Plan for Wawa/Chase/ALDI @ Groves Town Center

RESOLUTION NO. 2018-83

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE WAWA/CHASE/ALDI AT GROVES TOWN CENTER, CONSISTING OF 7.20 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "a" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion was made by Member DeMarois, and seconded by Vice Mayor McLendon to adopt Resolution No. 2018-81 as read. Motion passed, 4/0.

- c. Resolution No. 2018-84- Approval of Site Plan for Buffer Areas and Horse Trail @ Groves Town Center

RESOLUTION NO. 2018-84

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BUFFER AREAS AND HORSE TRAIL AT GROVES TOWN CENTER, CONSISTING OF 25.29 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Member DeMarois to adopt Resolution No. 2018-84 as read. Motion passed, 4/0.

11. OLD BUSINESS –

- a. Resolution No. 2018-79 Re: Lobbying Services Agreement – Goeffrey B. Sluggett & Associates

RESOLUTION NO. 2018-79

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A CONSULTING AND LOBBYING SERVICES AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND GEOFFREY B. SLUGGETT & ASSOCIATES, INC, AND AUTHORIZING THE EXECUTION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member DeMarois advised that he would like regular reports as need by the contractor. Mr. Sluggett advised that he will be glad to provide the Town Council monthly status reports.

Robert Shorr, 1742 E Road, spoke in favor of the contract to a local known Town company, but stated that the funding for the contract in the amount of \$40,000 per year was not budgeted.

Catherine Giliberti, 2670 F Road, advised that the new contract for lobbying and grants is unbudgeted.

Motion: a motion was made by Member Maniglia, and seconded by Vice Mayor McLendon to adopt Resolution No. 2018-79 approving the consulting and lobbying agreement with Geoffrey B. Sluggett & Associates, Inc. Motion passed, 4/0.

12. NEW BUSINESS

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

Town Attorney Cirullo advised that Mr. Dustin Ertle has requested an Administrative Appeal relative to number of employees subject to ULDC Section 80-020 (G) for Residential Enterprises.

Michael S. Weiner, representing Dustin Ertle inquired why this item was included under the quasi-judicial portion of the Town Council Meeting.

Following discussion, Town Attorney Cirullo requested the Town Council continue and advertise this matter to a date certain of December 4, 2018, as requested by Attorney Weiner.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Member DeMarois to postpone the matter to December 4, 2018. Motion passed, 4/0.

- b. First Reading of Ordinance No. 2018 -12 Amending Regulations Relating to Registration of Abandoned Properties

ORDINANCE NO. 2018-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE NO. 2011-010 TO AMEND THE REGULATIONS RELATING TO THE REGISTRATION OF ABANDONED PROPERTIES; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY, AND FOR AN EFFECTIVE DATE.

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

- c. First Reading of Ordinance No. 2018-13 - Re: Submitting Referendum Amending Town Charter Amendment to Delete Section Relating to 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 DISOLUTION 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 LOXAHATCHEE 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.

Robert Shorr, 1742 E Road, advised of his concern about striking need for police protection, and voters may have concerns and not vote on this Referendum.

Member Maniglia required about changes, and Town Attorney Cirullo advised that will eliminate any requirement for police services and is only changing verbiage in Charter.

Vice Mayor McLendon stated that services may be provided by Contract, and feels that if this language is taken out completely, then the level of law enforcement protection will require providing some level of protection.

Member DeMarois discussed the requirements of law enforcement service providers, and is worried about how the Town would fund its own Police Department. Attorney Cirullo related to the Council requirements placed on a Police Chief per the statutes.

Marianne Miles, North B Road, advised the Town Council that they should not operate from fear as she feels the Sheriff could back the Town into a corner whereas the costs could increase to the PBSO.

Motion: a motion was made by Vice Mayor McLendon to adopt Ordinance No. 2018-13 on first reading, and the motion was seconded by Member Maniglia. Motion passed 4/0.

Following discussion, the Town Council agreed to recess, and continue the December 4, 2018 meeting to Wednesday, December 5, 2018 at 6:00 PM.

Motion: a motion was made by Member Maniglia, and seconded by Vice Mayor McLendon to recess the continue the December 4, 2018 meeting to Wednesday, December 5, 2018 at 6:00 PM. Motion passed, 4/0.

- d. Resolution No. 2018-82 Referendum Relative to Road Improvement Bond Financing funded by Special Assessment. **This item was continued to the December 5, 2018 rollover meeting.**

RESOLUTION NO. 2018-82

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA CALLING A REFERENDUM TO BE HELD ON MARCH 12, 2019 TO DECIDE WHETHER A MAJORITY OF THE ELECTORS PARTICIPATING IN SAID REFERENDUM ARE IN FAVOR OF THE TOWN'S PROPOSAL TO ISSUE DEBT IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,000,000 FOR THE PURPOSE OF FINANCING THE OWNER CONTRIBUTION PORTIONS OF THE COSTS OF ROADWAY IMPROVEMENTS, INCLUDING PAYVING, TO BE PAID BY THE DIRECTLY AFFECTED PROPERTY OWNERS; PROVIDING FOR BALLOT TITLE AND BALLOT SUMMARY, NOTICE OF ELECTION AND RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney advised that the language in Ordinance was changed to read "in the principal amount of not to exceed \$4,000,000.

Motion: a motion was made by Member DeMarois, and seconded by Vice Mayor McLendon to adopt Resolution No. 2018-82. Motion passed, 4/0.

- e. Resolution No. 2018-85 FEMA Federally-Funded Subward and Grant Agreement Contract NO. Z0146 **This item was continued to the December 5, 2018 rollover meeting.**

RESOLUTION NO. 2018-85

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT, CONTRACT NUMBER Z0146, BETGWEEN THE TOWN OF LOXAHATCHEE GROVES AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, AND AUTHORIZING THE EXECUTION THEREOF; AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Upon question from Town Council, Town Attorney Cirullo advised that failure to comply with the requirements identified in the Agreement, FEMA can claw back grant funds received.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Member DeMarois. Motion passed, 4/0.

- f. Rejection of Bid No. 2018-06 Collecting Culvert Bridge Replacement at C Road and E Road **This item was continued to the December 5, 2018 rollover meeting.**

Town Manager Underwood advised that Bid No. 2018-06 was opened on October 17, 2018, and the

Town received 4 proposals for services from DS Eakins Construction Corporation, Foster Marine Contractors, Inc., Hinterland Group, Inc., and Johnson-Davis, Inc.

Underwood further advised that the Design/ Built Project came in over the threshold for CCNA, and as such all bids must be rejected.

Motion: a motion was made by Member DeMarois, and was seconded by Vice Mayor McLendon to reflect all proposals. Motion passed, 4/0.

- g. Adoption of Resolution No. 2018- 86 - Approval Municipal Technology, LLC Agreement - IT work (ADDED) This item was continued to the December 5, 2018 rollover meeting.

Town Manager Underwood advised that the Town had received three (3) proposals were received for IT Interim Services from NetOne, EvolvTec, and Municipal Technologies LLC. Underwood further advised that all three providers did visit both the Town and LGWCD in order to identify and discussion needs, scope of services, and costs. Staff is recommending authorization of an Interim Services Agreement with Municipal Technologies LLC for interim/transition work with a monthly maximum billing not to exceed \$4,000, and a 30 day notice of cancellation by either party.

Steven Murray provided the Town Council an overview of services to be provided to the Town Council. Upon question from Member DeMarois, Mr. Murray advised that the contract provides for a 12 hr work week consisting of 1 8 hour day, and 4 hours off site per week. Upon question from Member DeMarois, Mr. Murray advised that he would provide monthly status reports to the Town Council at its regular meeting through the term of the Agreement.

Motion: a motion was made by Vice McLendon, and was seconded by Member Mangilia to approve Resolution No. 2018-86. Motion passed, 4/0.

13. MANAGER'S REPORT

- a. Discussion and Direction Relative to Termination Letter from PBC Sheriff's Office. This item was continued to the December 5, 2018 rollover meeting.

Member DeMarois questioned what level of service is needed if the Sheriff does not continue to contract with the Town after September 30, 2019.

Vice Mayor McLendon would like legal answers on this matter relative to costs for services as well as required level of services.

Motion: a motion was made by Vice Mayor McLendon to instruct that the Town reach out to the Sheriff, and to have Attorney Cirullo research the necessary requirements for police services and services levels. The motion was seconded by Member Mangilia. Motion passed, 4/0

- b. Receive and File Conditions of Approval – South Florida Sod Farm – 15381 North Road This item was continued to the December 5, 2018 rollover meeting.

Town Manager Underwood advised that Town Council of the Conditions of Approval to included 14 Conditions provided to South Florida Sod Farm for their Vegetation Removal Permit with respect to their new sod farm on North Road. Underwood advised that the South Florida Sod Farm has provided 1.069 million for Tree Mitigation that will be returned after it receives its Agriculture Classification,

but has allowed the Town to keep the interest earning from the funds invested during this period. The company will also provide \$20,000 annul for road maintenance services.

Upon questions about an Eagle's nest on the property, the Council was advised that no nest was found, but a condition on this matter was incorporated into the Conditions of Approval as well.

Ron Jarriel, 2800 161st Terrace North, questioned why the Town did not demand they provide improvements to the roads as was done on South B Road. Mayor Browning explained that the laws have changed since the College and Shopping Center were initiated.

Mary McNicolas, 12845 Raymond Drive, suggested the Town consider adopting impact fees.

Vice Mayor McLendon advised that Agicultural Classified properties are not subject to impact fees, and they are allowed within the law to clear cut property for their agricultural purposes.

14. COUNCIL REPORTS

a. Vice Mayor McLendon

1. Discussion and direction on opening western side of canals for trails.

November 6, 2018 **This item was continued to the December 5, 2018 rollover meeting.**

Vice Mayor McLendon advised that since the approval of the Comp Plan changes that no longer requires fences along trails, he would like to request that the Town Attorney prepare a Resolution for the next Town Council meeting to open the trails on the 60 feet easement throughout the Town.

McLendon also requested that staff be allowed to notify residents that have gates, fences, and other obstruction cleared from the easements. He also suggested that the staff recommend residents put up fences on their property lines to prevent any intrusion onto private property by riders.

Ron Jarriel, 161st Terrance North, and Keith Harris , 2580 C Road, both spoke in favor of opening the trails to riders.

2. Discussion and Direction relative to Solid Waste Services for FY2019-2020 (ADDED)

Vice Mayor McLendon requested staff prepare RFP for Solid Waste Services in December. Member Mangilia suggested the Town should consider multi vendors for residential and commercial services in an attempt to reduce the costs for the commercial businesses in Town. Another idea was to consider the purchase of bags for additional garbage picks especially during holidays for residential customers.

Residents speaking in favor rebidding Solid Waste Services were John Ryan, 3508 A Road, Virigina Standish, 15410 North Road, and Robert Shorr, 1742 E Road.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Member Mangilia to authorize staff to begin the RFP process for Solid Waste Services for Fiscal Year 2018. Motion passed, 4/0.

b. Council Member Maniglia

1. Discussion and Direction - RFP for Town Manager Position **This item was continued to the**

December 5, 2018 rollover meeting.

2. Discussion and Direction - Review October 30, 2018 Workshop Meeting Minutes - Underwood Contract **This item was continued to the December 5, 2018 rollover meeting.**

Town Manager Underwood provided the Town Council with information that the Town Council can use to set their Criteria for a new Town Manager. Samples of employment contracts, job descriptions, and other matters necessary for the solicitation of a Town Manager from the ICMA and FCCMA for their use in a search for a Town Manager.

Resident Ron Jarriel, Frank Schiola, Keith Harris, Catherine Gilberti, Virginia Standish, and Robert Shorr, all expressed their thoughts on this matter.

Town Council generally agreed to request the FAAC meet to discuss the service levels that will be needed as well as salary and benefits requirements to fund those service levels for the Council's information to determine the costs for moving from a management services contract to full time employees.

3. Discussion and Direction – Town Policy and Procedures **This item was continued to the December 5, 2018 rollover meeting.**
- a. Village of Tequesta Personnel Policies
 - b. Loxahatchee Groves Water Control District Personnel Policy

The Council briefly reviewed the Personnel Policies from the Village of Tequesta, but took no action on the matter.

- c. Council Member DeMarois **(ADDED)**
This item was continued to the December 5, 2018 rollover meeting.

1. Discussion and Direction on RV Pilot Program

Member DeMarois requested that the Town include the RV Program Resolution at its next Meeting for review and change if needed

The following residents provided their input as follows: Keith Harris, Virginia Standish, John Ryan, Simon Fernandez, Mary McNicolas, and Marianne Miles

Motion: a motion was made by Member DeMarois, and seconded by Member Mangilia to include the RV Pilot Program on the next meeting agenda as requested. Motion passed, 3/1, with Mayor Browning voting no.

2. Discussion and Direction on FAR

Member DeMarois requested this item be included for discussion on the next Town Agenda.

10. CLOSING COMMENTS

- a. Public
- b. Town Attorney
Discussion Relative to Filling Vacancy for Town Council Seat 3

Town Attorney Cirullo advised that the election to fill the vacancy can be included in the March 2019 election as there is still time to include the additional Seat as the ballot has yet been finalized by the PBC Supervisor of Elections. He also advised that the Town Council can appoint a resident at their next meeting to serve until the election in March.

Member DeMarois suggested a notification be provided to residents about the vacancy and the ability to apply for the appointment.

After discussion, Attorney Cirullo advised that the appointment can be made at the December 4, 2018 meeting, and the individual will be required to meet the same qualifications of any elected official.

Vice Mayor McLendon advised that he is not sure if he wants to appoint someone before the March election.

Mayor Browning advised that the Council could appoint someone at the December 4 meeting, and they do not have to wait until the next meeting.

Ron Jarriel, 2800 161st Terrace North, expressed his opinion on filing replacement on the Council.

Motion: a motion was made by Member Mangilia to appoint Marge Herzog. Vice Mayor McLendon feels that this is too early to appoint someone. Mayor Browning suggested every Member bring back a name for consideration at the December 4 meeting. Motion failed for lack of a second.

The Council generally agreed to schedule a Special Meeting for December 18, 2018.

c. Town Council Members

Vice Mayor McLendon expressed his sadness on Council Member Batcheler's resignation.

11. ADJOURNMENT

Meeting adjourned at 10:15 PM.


Acting Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, December 4, 2018