



Town of Loxahatchee Groves
Water Control District/Town Council Meeting
Tuesday, October 2, 2018 - 7:00 p.m. to 10:30 p.m.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 PM. Upon roll call the following members were present: Mayor Browning, Vice Mayor McLendon, Council Members, David DeMarois, Joyce Batcheler, and Phillis Maniglia. Also in attendance were Town Manager Bill Underwood, Assistant Town Manager Francine Ramaglia, and Town Attorney Mike Curillo.

b. Pledge of Allegiance & Invocation – Mayor Browning

2. ORDER OF BUSINESS

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

Council Member Maniglia asked to delete her item #13.a.2, and add Discussion and Direction on Holiday Parade, and delete her item #13.a.3, and add Discussion and Direction on FAR Requirements on Southern Boulevard.

Manager Underwood requested that the approval of item #11.b Consulting and Lobbying Services Agreement be postponed as requested by Geoffrey B. Sluggett & Associates to November 6, 2018, but would request that the Town Council consider approval of an expenditure of up to the Town Manager limit for one month at this time for this service as Item 8.h.

Motion: a motion to approve the Agenda as amended was made by Vice Mayor McLendon and seconded by Council Member Maniglia.

3. PUBLIC COMMENTS

Ron Jarriel, 2800 161st Terrace N, advised that he believes the Manager's approval amounts was up to \$25,000. He also questioned why the Town had 2000 garbage carts when 1400 was needed, and advised that the Town needs to do hedging, and is hoping a grader is coming soon.

Doreen Baxter, North Road, stated that she feels that the Town is moving from a contract municipality to hiring Town employees, and expressed her concern that costs are greater over contracting out, and does not know why the Town did not contract out the Loxahatchee Groves Water Control District at the time they took over in June.

Robert Shorr, 1742 E Road, expressed his disappointment in the garbage carts, and feels this process has been embarrassing. He also feels that the Town should standardize the canal banks on the road side. With respect to the ongoing drainage work, he questioned the delay in the project as the Town had received three (3) bids for this work. Finally he feels that the Florida Retirement System (FRS) contract between the Underwood Contract and the Town is blurring the lines.

Lisa Cruz, Tangerine Road, thanked the Town on the cleanup of overgrowth on Tangerine, advised the Town she had received her garbage cart, and stated her road is pretty good.

Connie Bell, – 22nd Road North, advised that when the Town took over the District it already had employees. She also advised that she received her garbage cart as well.

4. PRESENTATIONS – none scheduled

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. RESOLUTION NO. 2018-DD21 (settlement agreement)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT WITH DUCK PUDDLE SOUTH, LP, FOR PALM BEACH COUNTY CIRCUIT COURT CASE NO. 502017CA005629XXXXMB AND AUTHORIZING THE EXECUTION THEREOF; AUTHORIZING ALL NECESSARY ACTIONS TO IMPLEMENT THE TERMS OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion to approve the resolution was made by Council Member DeMarois, and seconded by Vice Mayor McLendon. Motion passed 5-0.

Ron Jarriel, 2800 161st Terrace North, expressed his hope the Town Council will advise the public of the resulting settlement. Council Member DeMarois, and Vice Mayor McLendon advised that the Town still has the 60 feet, but cannot go onto their property.

End of Water Control District Business.....

TOWN COUNCIL AGENDA ITEMS

7. COMMITTEE REPORTS – none scheduled

8. CONSENT AGENDA

a. Minutes: September 18, 2018 LPA/WCD/Town Council Meeting

- b. Minutes: September 18, 2018 Town Hall Meeting
- c. GOREN, CHEROF, DOODY & EZROL, P.A. Invoices for September 2018
- d. Motion to Schedule Charter Amendment-Referendum Workshop
- e. RESOLUTION NO. 2018-76 (Amend Policy 3-13)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING RESOLUTION 2013-03A TO AMEND TOWN OF LOXAHATCHEE GROVES ADMINISTRATIVE POLICY 3-13 RELATING TO TOWN COUNCIL MEETINGS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

- f. RESOLUTION NO. 2018-78 (FRS Agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA RELATING TO MEMBERSHIP INTO THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR AUTHORITY TO EXECUTE ALL NECESSARY AGREEMENTS; PROVIDING FOR MATTERS RELATING TO IMPLEMENTATION AND ADMINISTRATION OF THE FLORIDA RETIREMENT SYSTEM PLAN FOR THE TOWN'S EMPLOYEES; AND PROVIDING FOR AN EFFECTIVE DATE

- g. Motion to authorize draft of revised ordinance for Foreclosure Registry
- h. Authorize the Town Manager to expend up to the purchasing limit allowed for a one-month period for consulting and lobbying services with GeoffreyB. Sluggett & Associates, Inc.

Town Manager requested that Items 8.d, and 8.g be pulled from Agenda at this time.

Motion: a motion to approve the consent agenda as amended was made by Council Member DeMarois, and seconded by Vice Mayor McLendon. The motion passed 5-0.

11.a. Motion to Schedule Charter Amendment-Referendum Workshop

John Ryan, 3508 A Road, suggested that the Town consider appointing a Charter Review Committee. He further advised that he feels that the Council should consider dissolving the Town for its failure to live up to its charter requirements.

Robert Shorr, E Road, agreed on an appointment of a Charter Review Committee, would not like to see a referendum on borrowing monies anytime in the near future, and is against dissolving the Town.

Marianne Miles, North B Road, spoke in favor of a referendum on road improvements, and would like to see the language in the ballot question to include paying off the OGEM loans, with the entire community paying for those roads.

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Ron Jarriel, 161st Terrace, agreed that a Charter review needs to be done, and is in favor of borrowing monies for road improvements for period of 10 years if the residents on specific roads want the improvement.

Laura Caccioppo, East Citrus, does feels that the Referendum should be put off, as all all town residents would be paying for ½ the cost of the roads

Vice Mayor McLendon advised that he would like the Council to set a Workshop Meeting for October 6, 2018 at 6:00 pm. Mayor Browning advised that he will be available as he will be out of Town.

Motion: Vice Mayor McLendon moved, and seconded by Council Member Batcheler to set the meeting as recommended. Motion passed, 4-1, with Council Member DeMarois dissenting.

Vice Mayor McLendon would like to have consensus at the Workshop that necessary documentation will be included in the following meeting as there is a deadline for the referendum language to be placed on the next election cycle.

Council Member Batcheler would like to have feed-back from the community on this subject at the workshop.

Council Member DeMarois stated that he agrees with Ms Miles on the costs estimates, and the need to know prior to a referendum because the costs will determine if those residents requesting improvement will be in favor of the costs.

Connie Bell, 22nd Road North, that that she feels that some people heard that a ten (10) year loan could be used for anything, and not specifically for road improvements. She stressed that wording is very important.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Maniglia to schedule a Special Meeting immediately following the Workshop Meeting on October 6, 2018 at 8:00 pm with a Town Attorney in attendance at both the Workshop and Special Meeting. Motion passed 4-1, with Council Member DeMarois dissenting.

11.b. Foreclosure Registry Agreement

Town Manager Underwood recommended the fee be increased to \$200 as previously the fee was \$150 with the Town receiving ½ the fee collected by the company.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Maniglia. The vote on the motion passed, 5-0.

9. PUBLIC HEARINGS -- none scheduled

10. OLD BUSINESS -- none scheduled

11. NEW BUSINESS

- a. RESOLUTION NO. 2018-77 (settlement agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT WITH DUCK PUDDLE SOUTH, LP, FOR PALM BEACH COUNTY CIRCUIT COURT CASE NO. 502017CA005629XXXXMB AND AUTHORIZING THE EXECUTION THEREOF; AUTHORIZING ALL NECESSARY ACTIONS TO IMPLEMENT THE TERMS OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion was made Council Member DeMarois, and seconded by Vice Mayor McLendon.

Ron Jarriel, 161st Terrace, advised that he hoped the Town's insurer, Florida League of Cities attorney was at shade meeting, and he advised that he would like to move on the equestrian trails and grants.

- c. Approval to allow the Town Manager to engage Geoffrey B. Sluggett & Associates for Consulting and Lobbying Services

Town Manager requested authorization to allow him to expend up to the purchasing limit allowed for a one-month period to engage Sluggett if needed prior to consideration of proposed agreement next month.

Ron Jarriel, 161st Terrace, spoke in favor of Sluggett, and advised that they would do a good job in lobbying and gets grants for the Town. He further advised he would expect the Town to receive more back than what will be spent on the contract.

Council Member Batcheler questioned the affordability at this time for the Town.

Upon question from Council Member DeMarois, Town Manager Underwood advised that the Town currently has \$20,000 budgeted, and the Town Council will need to identify the additional funds at the time the Contract is approved in November.

Motion: a motion was made by Council Member Maniglia , and seconded by Vice Mayor McLendon. Motion passed, 5-0.

12. MANAGER'S REPORT –

- a. Town Manager Underwood advised that another equipment operator was hired today, and that the two new employees are currently on a probationary period of 90 days.

13. COUNCIL REPORTS

a. Council Member Maniglia

1. Discussion and Direction on March 2019 Referendum Amendment to Charter to remove Palm Beach County Sheriff Office requirement.

Council Member Maniglia advised that she would like to make an additional change in the Charter to remove the requirement to use the PBC Sheriff as identified in the Town's current Charter.

Town Attorney Cirullo advised that to remove the Sheriff, the Town Council will then need to have a referendum to have its own Police Department.

Council Member DeMarois does not see a reason for going for a Referendum to remove the Sheriff at this time.

Council Member Maniglia advised that the Sheriff is will not be removed, but the reference to the use of the Sheriff as the Town's police will be taken out of the Charter in the event the Town decides to look at creating its own police department in the future.

Council Member Batcheler asked if the Town is required by law to have its own police services, as she does not feel that the Town should be without police services.

Council Member Maniglia would like to include this if there is going to be any other charter change in the March ballot in order to prevent the Town from the expense of paying for a special election later.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Maniglia to instruct the Town Attorney to draft an Ordinance that will allow for a Charter amendment relative to the section of the Charter relative to Law Enforcement.

Connie Bell, 22nd Road North, advised that she feels uncomfortable with this matter, and feels that this was put in the Charter to protect the residents and would like to see how other municipalities handle this matter.

Vice Mayor McLendon advised that the Sheriff would still have to respond to emergency services.

Ron Jarriel, 161st Terrace, advised that the Town does not have resources to provide even the level of services that the Town is currently receives from the Sheriff, and does not understand why it needs to be removed from Charter.

Council Member Maniglia explained that this will provide the Town different options in the event the Sheriff walks out on the Town.

Jo Sciliano, South B Road, spoke out in favor of the choice that the Town can have any service they want.

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Mayor Browning advised that he would like to keep the Sheriff, and would not like to lose them.

Motion passed, 4-1 with Council Member DeMarios dissenting.

2. Discussion and Direction on Holiday Parade

Council Member Maniglia inquired about the Town sponsoring a Float for the Christmas Parade, and would like the Town to submit for the float in the holiday parade.

Council Member McLendon advised that he is against any Town expenditure on this project, and is willing to donate \$500 toward the Holiday Parade expense.

Motion: a motion was made by Council Member Batcheler, and seconded by Vice Mayor McLendon to approve the submission for a float in the holiday parade without any monetary contribution for the event to be funded by the Town. Motion passed 5-0.

3. Discussion and Direction on Southern Boulevard FAR Requirements

Council Member Maniglia suggested changing the FAR on Southern Boulevard. Feels that FAR limit of .01 is too restrictive, and would like the Town Council to consider this, and advised that there still would be a separation of a wall and other buffering along Tangerine.

McLendon advised how things can be addressed without the need to make changes to the Code by discussing concepts for Southern Blvd.

Motion: a motion was made by Council Member Maniglia, and seconded by Council Member Batcheler to discuss FAR and discuss concepts for Southern Boulevard, and to set this matter to the next LPA Meeting. Motion carried, 5-0.

14. CLOSING COMMENTS

a. Public

Virginia Standish, North Road, spoke against removing the RV Program item from the Agenda tonight. Would like residence requirement be removed from the requirement of the RV Program. Additionally, wanted to know why RV program was reduced from 4 to 2 RVs allowed.

Robert Shorr, E Road asked about the lot split requirements, and advised that he lives on 4.998 acres and does not know if he lives on 5 acres. Recommended residents read the charter.

Laura Cappico, East Citrus, advised she those roads considered for improvement to go through a process if it really needs to be paved prior making decisions.

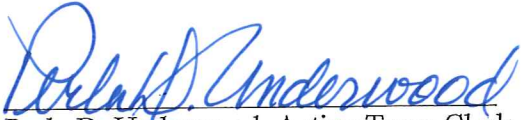
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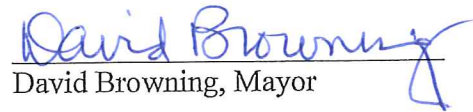
Marianne Miles, North B Road, advised that she thinks the Town should charge everyone the same in Loxahatchee Groves for three (3) years for road improvements of less than than six (6) miles, and all landowners to be assessed equally.

- b. Town Attorney
- c. Town Council Members

15. ADJOURNMENT

Meeting adjourned at 9:15 PM


Perla D. Underwood, Acting Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday November 6th, 2018