



Town of Loxahatchee Groves

Town Council/Water Control District Rollover Meeting

Thursday, September 7, 2018 at 6:00 p.m.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 6:00pm. Present were Town Council, Town Manager, Town Attorney and Acting Town Clerk Perla Underwood.

- b. Pledge of Allegiance & Invocation – Mayor Browning

2. ORDER OF BUSINESS

- a. Continuation of unfinished business from September 6, 2018 Agenda

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.

ADD:c. Warrant for Wire Transfer of Funds from Water Control District to Town
This item was continued to the September 7, 2018 rollover meeting.

Motion: a motion to approve the wire transfer of funds was made by Vice Mayor McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

End of Water Control District Business.....

TOWN COUNCIL AGENDA ITEMS

7. CONSENT AGENDA Consent agenda was continued to September 7, 2018 rollover meeting.

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

- a. Minutes: August 7, 2018 LPA/WCD/Town Council Meeting
- b. Minutes: June 19, 2018 Town Council Workshop Meeting
- c. Minutes: June 19, 2018 Local Planning Agency Meeting
- d. Minutes: June 19, 2018 Town Council Meeting
- e. August Invoices for Goren, Cherof, Doody & Ezrol, PA

f. RESOLUTION NO. 2018-70 (Road Repairs)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO RATIFY EXPENDITURES BY THE TOWN MANAGER FOR EMERGENCY ROAD REPAIRS PURSUANT TO ORDINANCE NO. 2008-09; PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion to approve the consent agenda as presented was made by Council Member DeMarois and seconded by Council Member Maniglia. Motion passed 5 – 0.

End of Consent Agenda.....

8. PUBLIC HEARINGS

d. ORDINANCE NO. 2018-09 (SECOND READING) **This item was continued to September 7, 2018 rollover meeting.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN'S UNIFIED LAND DEVELOPMENT CODE; REPEALING EXISTING PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 85 ENTITLED "LANDSCAPING" IN ITS ENTIRETY; REPLACING PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 85 ENTITLED "LANDSCAPING" IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Browning and Council Member DeMarois each asked about the requirement for a wall and alternatives. Planning Consultant Fleischmann responded the requirement would be a wall between commercial and residential properties, but the developer would have the option to request other barriers. Council would have final decision. Council Member Batcheler added that the impacted residents should have consideration of the barrier that would be approved. Public comment was brought forward by Mary McNicholas, Chair of ULDC Committee.

Motion: a motion to approve on second reading was made by Vice Mayor McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

e. ORDINANCE NO. 2018-11 (FIRST READING) **This item was continued to September 7, 2018 rollover meeting.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING REVISIONS TO SECTION 20-035 SETBACKS IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT OF THE LOXAHATCHEE GROVES, FLORIDA UNIFIED LAND DEVELOPMENT CODE (ULDC) TO REDUCE STANDARD SETBACKS IN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Maniglia asked if a comparison to Palm Beach County setbacks had been done. Planning Consultant Fleischmann responded they had and were close to what the Town had. Mayor Browning added that Vice Mayor McLendon had requested at the last meeting that ordinance be brought forward with a 50% reduction in all setbacks.

Motion: a motion to approve the ordinance on first reading was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 5 – 0.

10. NEW BUSINESS

- a. RESOLUTION NO. 2018-64 (Easements-Los Angeles Drive) **This item was continued to September 7, 2018 rollover meeting.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE DRAINAGE AND ROADWAY EASEMENTS FROM THE PROPERTY OWNERS ALONG LOS ANGELES DRIVE; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Council Member Batcheler asked if drainage in the areas could still be provided without paving. Vice Mayor McLendon wanted a clause that if the paving was not done by a date certain, such as 2025, the easements would be vacated. Town Attorney Cirullo suggested that this clause could be added to the resolution, not the easement, and stated that at a time certain the easements would be brought back to Council for review prior to vacating.

Public comments were brought forward from the following residents: Sue Caccioppo and Larua Caccioppo, E. Citrus Boulevard, and Mary McNicholas, Raymond Drive.

Motion: a motion to accept the easements, but not record them until the drainage and paving projects were ready, and with an automatic expiration by 2025 if no project completed, was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

- b. RESOLUTION NO. 2018-65 (Easements-San Diego Drive) **This item was continued to September 7, 2018 rollover meeting.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE DRAINAGE AND ROADWAY EASEMENTS FROM THE PROPERTY OWNERS ALONG SAN DIEGO DRIVE; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Council had same comments for this item as for Resolution No. 2018-64.

Motion: a motion to accept the easements, but not record them until the drainage and paving projects were ready, and with an automatic expiration by 2025 if no project completed, was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

- c. RESOLUTION NO. 2018-69 (Town Meetings) **This item was continued to September 7, 2018 rollover meeting.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO TOWN COUNCIL MEETINGS; PROVIDING THAT SHOULD TOWN COUNCIL NOT COMPLETE THE AGENDA BY 10:30 P.M., THAT THE TOWN COUNCIL SHALL RECONVENE THE FOLLOWING EVENING AT 6:00 P.M. TO COMPLETE THE AGENDA; PROVIDING FOR AUTHORITY TO MODIFY THIS PROCESS AND PROVIDING FOR EXCEPTIONS; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood and Town Attorney Cirullo explained the language and requirements for the Town Council Meeting rollover procedures. Town Attorney Cirullo added that the Budget and Millage meetings in September of each year would not apply to this resolution procedure. The resolution also allows for a default decision on the night of the first meeting.

Motion: a motion to approve the resolution and new meeting procedures was made by Council Member DeMarois and seconded by Council Member Maniglia. Motion passed 4 – 1, with Vice Mayor McLendon dissenting.

11. MANAGER'S REPORT – Town Manager Underwood **This item was continued to September 7, 2018 rollover meeting.**

- a. Discussion and Direction on Referendum Ballot Question Results

Town Manager Underwood discussed the results of the referendum vote on borrowing and then answered questions about the dates of approval for trash containers.

12. COUNCIL REPORTS **Items not deleted were continued to September 7, 2018 rollover meeting.**

- a. Council Member Phillis Maniglia **(continued from 8/07/2018 agenda)**

~~6. Discussion and Direction on asking the Attorney General for opinion regarding release and costs of surface/mineral right for every property sale. Is there a legal cap on the cost.~~ **Deleted from agenda at request of Council Member Maniglia**

Add: 1. Clarification of vacation time in Manager's contract. **Council Member Maniglia chose to pass on this discussion.**

- b. Council Member Joyce Batcheler

~~1. Discussion and Direction on increase in code officer—possible part time assistant.~~ **Moved for discussion during budget item**

2. Discussion and Direction on assessments on trucks over a certain weight limit for damage to roads/culverts.

Council Member Batcheler stated the large amount of heavy trucks coming thru the Town were damaging the roads and culverts and wanted to know if the Town Attorney could look into how to protect the Town roads. Council discussion ensued. Council Member Maniglia

suggested that equipment get decals with their BTRs. Council Member DeMarois suggested an ordinance be adopted to require a special permit. Vice Mayor McLendon stated he didn't believe that any of the suggestions would work for those that are now breaking the laws and recommended close the cut-thru to stop most of this truck traffic.

Public comments on this issue came forward from residents: Simon Fernandez, Okeechobee Boulevard; Nancy Fried, B Road; Laura Caccioppo, E. Citrus Boulevard; Cassie Suchy, B Road; and Jo Siciliano, B Road.

Motion: a motion to have the Town Attorney look at what Wellington and Royal Palm Beach were doing and any District Special Acts relating to this matter, and the legality of assessment for heavy equipment on the roads, was made by Council Member Batcheler and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

3. Discussion and Direction on information letter to all residents regarding building codes and FEMA Elevations and Moving Soil.

Council Member Batcheler stated there were so many new requirements on FEMA elevations, building codes and new garbage containers program, that a letter to property owners might be good to explain all this. Council Member Maniglia stated she suggested a monthly newsletter, but that was not approved. Public comments on providing information to residents was brought forward by Nancy Fried, B Road and Simon Fernandez, Okeechobee Boulevard.

Motion: a motion to start a quarterly newsletter was made by Council Member Maniglia and seconded by Council Member DeMarois. Motion failed 2 – 3, with Council Member Batcheler, Mayor Browning and Vice Mayor McLendon dissenting.

Motion: a motion to have a newsletter twice a year (November and May), with council members contributing articles of interest, was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

~~4. Discussion and Direction on Petty Cash Line Item in Budget.~~ Deleted from agenda at request of Council Member Batcheler

c. Council Member David DeMarois

1. Discussion and Direction on whether citizens can purchase extra 96 gallon trash cans without paying another \$470 fee.

Council Member DeMarois stated some people feel the canisters are not big enough and some think they are too big for them to handle. Are there any options available. Vice Mayor McLendon there was a possibility of asking Waste Pro about smaller canisters, such as 40-45 gallon. Also giving more latitude to those with multiple units to switch to dumpsters. The Town would give a credit back to Waste Pro and the property owner would contract directly with Waste Pro for the dumpster. More information on this would be coming shortly.

Motion: a motion to have the Town Manager discuss these options with Waste Pro and the Town Attorney, and bring back information was made by Council Member Maniglia and seconded by Council Member Batcheler. Motion passed 5 – 0.

2. Discussion and Direction on Commercial Signage – citizens need an approved code for signs.

Motion: a motion to place a temporary halt on signs already in place by code enforcement was made by Council Member Maniglia and seconded by Vice Mayor McLendon.

There was a feeling out there that those residents that comply will be harmed and those not complying get an advantage. Mary McNicholas, Chair of ULDC Committee, stated that signs were already on the committee's list of codes to review. After further discussion, Council Member Maniglia withdrew her motion.

3. Discussion and Direction on OGEM Road Department

Council Member DeMarois stated he would like to see a policy that will address repairs on the OGEM roads. Vice Mayor McLendon suggested they needed to get more residents on the OGEM roads to give the Town easements to enable work to be done. Mayor Browning stated there was a new product that was being tried on patching and he would like to use it and get a good read on the impact it would have on the OGEM roads. This is being reviewed now by the new Public Works Director.

~~4. Discussion and Direction on restoring public comments pertaining to Town Meeting at the beginning of the meeting as item #3.~~ Deleted from agenda at request of Council Member DeMarois.

d. Vice Mayor McLendon

1. Discussion and Direction on Referendum tailored to resident's feedback. "Amend Town Charter to allow up to 11 year loans for roadway improvements repaid solely by landowners that have agreed via petition procedure".

Vice Mayor McLendon stated there was a lot of misinformation about the latest referendum question and he felt a new referendum with different language might have a better chance of success. He wanted to be allowed to have his own Community Meeting at Town Hall with residents to listen to their concerns and use those to restructure the language.

Motion: a motion to allow a workshop on the roads referendum, live streamed at Town Hall, was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

Town Attorney Cirullo advised the Council if they wished another referendum question on the March 2019 ballot, there were very short deadlines from the Supervisor of Elections for getting that information to her, possibly December 2018. Any referendum question would need an ordinance, which was two readings, and then a resolution setting the ballot language. There was discussion on possibly splitting the question with roads as one question and equipment as another. Public comments were brought forward from residents: Geoff Sluggett, Raymond Drive; March McNicholas, Raymond Drive; and Cassie Suchy, B Road.

13. PUBLIC COMMENTS

Final public comments were made by Robert Shorr, E Road; Virginia Standish, North Road; and Jo Siciliano, B Road.

14. CLOSING COMMENTS

a. Town Attorney

Town Attorney Cirullo requested that the Shade Meeting approved be scheduled for September 20, 2018 at either 2pm or 3pm. Town would coordinate and confirm.

b. Town Council Members

Council Member Maniglia stated that some of the comments she made at meetings made her uncomfortable but this needs to be done to work through the problems and hopefully be a better Town.

Council Member DeMarois thanked everyone who came both nights. The resident feedback was important.

Council Member Batcheler thanked everyone for coming and those watching online. She hoped the Town would work on getting more information out.

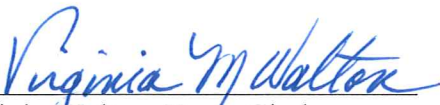
Vice Mayor McLendon stated it was obvious from last night's meeting there was some bad dynamics going on and something big has to happen. It was time to have a workshop to reconsider the Underwood Management contract just passed and make some changes. The Town has now lost the Town Clerk, who gave notice, and they should make the Town Clerk position a Town employee, and possibly some other employees now with Underwood Management. Vice Mayor McLendon stated he would like to see Bill Underwood stay on, but not as Town Manager.

Motion: a motion to schedule a Town Council Workshop to reconsider the Underwood Management contract was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

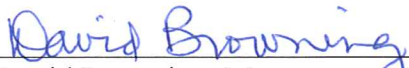
Mayor Browning stated he has never seen so much undeserved animosity as is happening now. Manager Underwood works for the Town Council, not the residents. Mayor Browning added he was embarrassed last night when Mr. Peters, a highly trained and experienced person, was introduced. The perception of the crowd was to treat him badly just because he was hired by the Town Manager. Because of this type of behavior, the Town was losing the Clerk and has lost other employee. The Water Control District employees left because of misinformation they were given by others, not because of Manager Underwood. History has shown the people in Town have never agreed with any Town Manager hired. If there is not a return to treating people with respect and value, then there will never be any stability and the Town will continue to be a revolving door of employees.

15. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 9:35 PM.



Virginia Walton, Town Clerk



David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, SEPT. 18, 2018.