



Town of Loxahatchee Groves

Town Council/Water Control District Meeting

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

MINUTES

1. OPENING

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation – Mayor Browning

2. ORDER OF BUSINESS

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

Manager Underwood requested an item #5c be added to the agenda-A Warrant to transfer funds to reimburse the Town for funds expended on behalf of the Water Control District.

Council Member Maniglia asked to delete her item #12(a)(6) and add instead Discussion and Direction of immediate termination of Underwood Management Contract, and clarification of vacation days.

Motion: a motion to add termination of the Underwood Management Contract was made by Council Member Maniglia and seconded by Council Member DeMarois. Motion failed 2 – 3, with Mayor Browning, Vice Mayor McLendon and Council Member Batcheler dissenting.

Motion: a motion to add clarification of vacation days in the Manager's Contract and how Council would be notified to the agenda was made by Council Member Maniglia and seconded by Council Member DeMarois. Motion passed 5 – 0.

Council Member Batcheler asked to delete her item #12 (b)(4) and move item #12(b)(1) to the budget item for discussion.

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

3. PUBLIC COMMENTS

The following residents came forward with public comments on trash pick-up, roads, canals, assessments, referendum vote and manager's contract:

Victor Lato, Collecting Canal; Chris Betz, B Road; Robin McCloud, Thomas Road; Robert Shorr, E Road; Virginia Standish, North Road; Cletis Keaton, D Road; Mark Jackson, D Road; Ron Jarriel, 161st Terrace; Mark Herzog, A Road; John Ryan, A Road; Jane Harding, D Road; Linda Cowart, 161st Terrace; Nancy Fried, B Road; and Marianne Miles, B Road.

Motion: a motion to receive and file written comments from John Ryan was made by Council Member DeMarois and seconded by Council Member Maniglia. Motion passed 5 – 0.

4. PRESENTATIONS

- a. Power Pointe Budget Presentation by Town Manager

Manager Underwood introduced the new Public Works Director for the Water Control District, Mr. Larry Peters. Manager Underwood presented a review of the proposed budget for FY 2018/2019, with explanations of revenues, expenditures, solid waste, capital improvement projects and summary of changes in property values. Manager Underwood took questions from the Council and there were two public comments from residents Ron Jarriel, 161st Terrace and Paul Trotter, A Road.

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-DD18 (Set Final Debt Assessments)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE DEBT SERVICE PAYMENTS FOR CAPITAL IMPROVEMENTS FOR NORTH “A” ROAD, NORTH “C” ROAD, SOUTH “C” ROAD, NORTH “D” ROAD AND UNIT 1 DEVELOPMENT; CONFIRMING THE ASSESSMENT AMOUNTS TO BE LEVIED FOR EACH ASSESSMENT TO FUND CAPITAL IMPROVEMENTS FUNDED BY DISTRICT-ISSUED DEBT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ESTABLISHING THE MAXIMUM ASSESSMENT RATES FOR FUTURE YEARS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; IMPOSING THE DEBT SERVICES SPECIAL ASSESSMENTS FOR FISCAL YEAR 2018-2019; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council Member Maniglia stated she didn’t want to fee rushed approving this assessment, and thought everyone should help pay for the excess OGEM loan. Town Attorney Cirullo explained that it was mandatory by Statute that this be approved now. Council discussed different options of payment. Council Member Maniglia asked for a list of what the assessments were for last year, which were provided to Council.

Public Comments on the assessments and the condition of the roads were made by:

Ron Jarriel, 161st Terrace; John Ryan, A Road; Sue Caccioppo, E. Citrus Boulevard; Patricia Quinn, North C Road; Zatorska, Edith Road; Marianne Miles, North B Road; Cletis Keaton, D Road; and Laura Caccioppo, E. Citrus Boulevard.

Motion: a motion to approve the resolution and assessments was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 3 – 2, with Council Members Maniglia and DeMarois dissenting.

Mayor Browning called a short break in the meeting at 9:45pm and reconvened at 9:50pm.

b. RESOLUTION NO. 2018-DD19 (Set Final Road and Maintenance Assessments)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF DISTRICT SERVICES, INCLUDING WATER CONTROL MAINTENANCE AND REPAIR OF DRAINAGE AND ROADWAYS; APPROVING THE ASSESSMENT RATE FOR DISTRICT SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; IMPOSING A DISTRICT SPECIAL ASSESSMENT FOR THE PROVISION OF DISTRICT SERVICES; APPROVING THE ASSESSMENT ROLL; APPROVING THE DISTRICT BUDGET FOR FISCAL YEAR 2018-2019 TO BE ADOPTED AS PART OF THE TOWN'S BUDGET BY THE TOWN COUNCIL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Manager Underwood advised the Council that a letter had been received from Royal Palm Beach for the removal of 18 parcels from the Water Control District services. The assessment total would need to be adjusted by approximately \$17,000.00 for this change. There was extensive discussion on possible changes in the assessment amount and how the change might impact the ability to repair and/or maintain the roads. Funds would also be needed for culverts and bridges and canals. It was brought out that a grant writing person should be hired to apply for grant assistance.

The following residents came forward with comments on the budget and road assessments: Ron Jarriel, 161st Terrace; Robert Shorr, E Road; Sue Caccioppe, E. Citrus Boulevard; Paul Trotter, A Road; Connie Bell, 22nd Road North; John Ryan, A Road and Simon Fernandez, Okeechobee Boulevard.

Motion: a motion to approve the resolution and a revised assessment amount of \$200.00 was made by Council Member DeMarois and seconded by Vice Mayor McLendon. Motion passed 4 – 1, with Council Member Maniglia dissenting.

Motion: a motion to extend the meeting past 10:30pm to finish assessments, millage, budget and the Sheriff's contract was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 - 0.

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.

Town Attorney Cirullo advised that Council that a request for a closed private attorney/client meeting was required to be announced at a public meeting prior to scheduling the meeting. This meeting would be for the Town Council and the Council acting as the Water Control District Board of Supervisors, and was to discuss the ongoing Circuit Court Case with Duck Puddle. A second shade meeting was needed after direction from the last meeting had been completed. A date during the week of September 24th and a time would be determined and announced.

Motion: a motion to authorize the Attorney to schedule another shade meeting 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

6. COMMITTEE REPORTS – none scheduled

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.

End of Consent Agenda.....

8. PUBLIC HEARINGS

- a. RESOLUTION NO. 2018-66 (Adopt Final Solid Waste Assessment)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2018-2019; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2018; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

The assessment was tentatively set at \$470 at the last meeting, but extensive discussion ensued about an alternative amount and the trash cans. Council Member DeMarois suggested \$450. Council Member Maniglia wanted to know who authorized the delivery of the cans. Vice Mayor McLendon explained the Council approved the cans and instructed the Manager to get a better price at the July 17, 2018 meeting. Council Member Maniglia disagreed. There was discussion ongoing with Waste Pro for smaller 45 gallon cans if elder residents had trouble with the 96 gallon cans.

Public comments on the poor job Waste Pro was doing and how many cans each home would be allowed came forward from the following residents: Ron Jarriel, 161st Terrace; Joannie Hopkins, 23rd Court North; and Robert Shorr, A Road.

Motion: a motion to adopt a final solid waste assessment of \$450.00 was made by Council Member DeMarois and seconded by Vice Mayor McLendon. Motion passed 4 – 1, with Council Member Maniglia dissenting.

b. RESOLUTION NO. 2018-67 (Adopt Tentative Millage Rate)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING THE TENTATIVE MILLAGE FOR THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PURSUANT TO THE BUDGET SUMMARY FOR THE FISCAL YEAR 2018-2019, IN ACCORDANCE WITH CHAPTER 200, FLORIDA STATUTES, AS AMENDED; SETTING FORTH THE DATE, TIME AND PLACE FOR THE SECOND AND FINAL PUBLIC HEARING TO ADOPT THE TOWN'S MILLAGE RATE FOR THE FISCAL YEAR 2018-2019 AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

The tentative millage was set at 3.000 mils, which is 49.74% increase over the rollback rate. There was extensive discussion on possible alternative rate of 2.9%. The following residents came forward with public comments on the millage rate: Ron Jarriel, 161st Terrace; Simon Fernandez, Okeechobee Boulevard; and Robert Shorr, A Road.

Motion: a motion to adopt the resolution and set the final millage at 3.000 was made by Council Member DeMarois and seconded by Council Member Maniglia. Motion passed 3 – 2,, with Mayor Browning and Vice Mayor McLendon dissenting.

c. RESOLUTION NO. 2018-68 (Adopt Tentative Budget)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; SETTING FORTH THE DATE, TIME AND PLACE FOR THE SECOND PUBLIC HEARING FOR THE ADOPTION OF THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, ADOPTING THE FISCAL POLICIES; AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Council Member Batcheler suggested a part time code officer for nights and weekends would be less money than another full time officer. She viewed code enforcement if done right prevents violations. Council Member Maniglia disagreed as she felt we have selective code enforcement and would end up in more lawsuits. Public comment on code enforcement was brought forward by Connie Bell, 22nd Road and Marianne Miles, North B Road.

Vice Mayor McLendon asked about travel and training for FGOA listed on page 142, and wanted to know if they were Town employees or Underwood employees. Manager Underwood responded they would be Town employees by next year.

Council Member Batcheler suggested splitting the Planning Consultant duties into two consultants. Sometimes Consultant Fleischmann had to represent both sides and it would be better to have Consultant Fleischmann devote his time to get the Town codes and comp pan up and running and have another Planner work with developers. That cost would come out of Cost Recovery. Vice Mayor McLendon and Council Member Maniglia agreed. Manager Underwood added that the Town would need to prepare an RFP for the other consultant, who would work only when projects come into the Town. Consultant Fleischmann stated he admitted that there was a lot of work and sometimes needed extra help. However, it would be hard to have a clear distinction of duties and the other consultant would be consulting with him on many occasions.

Council consensus was to place this as an agenda item on the next meeting.

Public comments against the travel and training issue came forward from residents Ron Jarriel, 161st Terrace and Paul Trotter, A Road. Additional public comments on other items in the budget came forward from residents Marianne Miles, North B Road and Robert Shorr, A Road.

Council Member Maniglia stated the Town needed an IT person and wanted a Town newsletter. Manager Underwood added that all the computers were very old and needed replacing through the General Fund.

Motion: a motion to approve the resolution and adopt the tentative budget, with amendments to the totals impacted by the reduction in solid waste assessment and Water Control District maintenance assessment, was made by Council Member DeMarois and seconded by Council Member Batcheler. Motion passed 5 – 0.

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.

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.

9. OLD BUSINESS

a. RESOLUTION NO. 2018-52 (Sheriff's Contract)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE FIRST ADDENDUM TO THE AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND RICK BRADSHAW, SHERIFF OF PALM BEACH COUNTY, FOR LAW ENFORCEMENT SERVICES WITHIN THE TOWN; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Vice Mayor McLendon stated he was against this agreement, but the Charter was forcing the Town to accept law enforcement services. The Town rates were more than the Sheriff's overtime rate. Council Member Batcheler stated they were bound by the Charter to protect the citizens. Don't like the cost but they do provide a needed service.

Public comments on the realization that the Town cannot afford a private or Town police force was brought forward by residents Ron Jarriel, 161st Terrace; Paul Trotter, A Road; and Marianne Miles, North B Road.

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.

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.

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.

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

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
- 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.
 - 3. Discussion and Direction on information letter to all residents regarding building codes and FEMA Elevations and Moving Soil.
 - ~~4. Discussion and Direction on Petty Cash Line Item in Budget.~~ Deleted from agenda at request of Council Member Batchler
- c. Council Member David DeMarois
 - 1. Discussion and Direction on whether citizens can purchase extra 96 gallon trash cans without paying another \$470 fee.
 - 2. Discussion and Direction on Commercial Signage – citizens need an approved code for signs.
 - 3. Discussion and Direction on OGEM Road Department
 - ~~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".

Motion: a motion to continue the balance of items to a rollover meeting tomorrow night, starting at 6PM was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 4 – 1, with Council Member DeMarois dissenting.

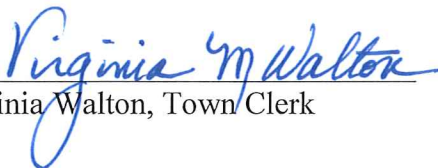
13. PUBLIC COMMENTS

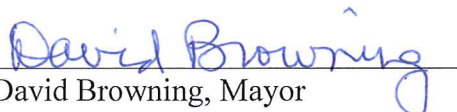
14. CLOSING COMMENTS

- a. Town Attorney
- b. Town Council Members

15. ADJOURNMENT

Due to time constraints, a motion to adjourn the meeting was made at 12:05 AM.


Virginia Walton, Town Clerk


David Browning, Mayor

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