



Town of Loxahatchee Groves
Local Planning Agency/Town Council/Water
Control District Meeting
Tuesday, August 7, 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
 - Local Planning Agency
 - Water Control District
 - Town Council

Council Member Maniglia asked to add item #12(7) Authorization for Mayor and Vice Mayor to have keys to Town Hall. Council Member DeMarois asked that item #10d Manager's Contract be moved up to item #10a.

Motion: a motion to approve the two requests from council for an addition and a modification to the agenda was made by Council Member DeMarois and seconded by Council Member Maniglia. Motion passed 5 – 0.

Motion: a motion to approve the agenda as amended, including Addendums #1-#2 and #3, was made by Vice Mayor McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

3. LOCAL PLANNING AGENCY BUSINESS

FOR THIS PORTION OF THE AGENDA THE TOWN COUNCIL WILL SERVE AS THE LOXAHATCHEE GROVES LOCAL PLANNING AGENCY.

- a. Review of Public Hearing Procedures
- b. ORDINANCE NO. 2018-09 Amend ULDC Article 85 Landscape
 1. Open Public Hearing
 2. Close Public Hearing
 3. LPA Member Discussion
 4. Consideration of Motion: Ordinance No. 2018-09

Planning Consultant Fleischmann stated that the ULDC had reviewed Article 85 “Landscape” extensively over eight meetings and had recommended making substantial changes. Included in the agenda were two versions of the Article 85. The first being the original article with strike-thru’s and underlines showing the deletions, changes and additions recommended to the ULDC. The second was a clean version of Article 85 with the recommended changes. The ULDC had recommended the landscape code be re-organized into four part, a detailed review and recommended changes to standards for lots, buffers, open areas and buffers between lots; increased size of trees, ledges and intensity; beefed up landscape open areas, and that Ag Use obtain clearing permits.

Staff was providing two recommendations, as outlined on page 8 of agenda. First was the recommendation based on the ULDC Committee, and second was the recommendation of Staff, which did not agree with the inclusion of the new Section 85.035, which was the Tree Mitigation table taken from Article 87 and moved to Article 85. Staff based their recommendation on the fact that the ULDC was still reviewing Article 87 and those recommendations could very likely cause additional revisions to the Tree Mitigation section and table; which would then require this ordinance be amended again.

Council discussion ensued regarding criteria for clearing permits for Ag Use properties. Planning Consultant Fleischmann explained that the primary concern was properties being clear cut and then not used for real Ag purposes. In response to Council concerns about wetlands, Planning Consultant Fleischmann responded a requirement has been added to the permit application that an environmental assessment be done. There were some questions regarding the existence of a comprehensive map of all wetlands.

March McNicholas, Chair of ULDC Committee stated the committee had worked hard on the recommendations and did not agree with Staff on eliminating Section 85.035. The committee felt the Town should mitigate for the trees, not for the money in lieu of trees. Also, on page 13 Section 85-035 the strike thru of “requires Town Approval” should be left in and the word “prohibited” needed to be added. Member Jo Sicilian agreed with comments above. William Bell, 22nd Road N, had comments on wetlands and Ag/Bonafide Ag.

In response to council questions on why Bonafide Ag was struck in revisions, Planning Consultant Fleischmann responded the legislative action stated all types of Ag uses were covered under umbrella language “Ag”.

Motion: a motion to recommend approval, subject to leaving in Section 85-035 and adding deletion of strike-thru and additional of word “prohibited” noted above, was made by Council Member Maniglia and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

- c. Planned Unit Development Amendment: REZ 2018-01: Groves Town Center
Addendum #3 ADD: Responses from Applicant to Staff Conditions of Approval
 - 5. Open Public Hearing
 - 6. Close Public Hearing
 - 7. LPA Member Discussion
 - 8. Consideration of Motion: REZ 2018-01: Groves Town Center

Scott Backman, Zoning Attorney for the Applicant, stated that the LPA had previously recommended approval subject to eight items. Addendum #3 was the Applicants responses to those eight items, and Staff revised Conditions of Approval based on the responses and meetings

with Staff and Town Attorney and Town Engineers. Mr. Backman provided a short power point presentation showing site changes and proposed development, including equestrian trails. Mr. Backman added that they had been working with Aldi, WAWA and Chase Bank on buildings based on rural guidelines and the site plan would be reading for second reading on this land use ordinance. In response to questions from council on wetlands, Planning Consultant Fleischman stated there was an expired wetlands determination from 2013, which would need to be updated.

Regarding the eight items:

- Drainage for entire project versus per phase: Applicant had met with Town Engineer and had explained conceptual drainage plan for entire PUD, including legal positive outfall for Phase 1 and existing temporary drainage pond prior to C/O on Phase 1, and future phases/Pod provided prior to first C/O for each phase/Pod. Council agreed.
- Preservation document for trails and buffers: it had been determined that a Perpetual Conservation Easement would be created. Council agreed.
- Additional Canal Clearing: it was determined that this was not their property but they could make a contribution to the Town Water Control District to cover the clearing costs. This would need further information before consensus reached.
- Equestrian Bridge: Applicant would like to sue the suggestion of Council from last meeting and set a time certain date of C/O of Phase 2, or no later than December 31, 2022. Consensus was for Phase 2 C/O or time certain date of Dec. 31, 2020, and trails not to be used for stormwater purposes.
- Parking Waiver for smaller parking sizes: the site plan had been revised and the Applicant was no longer asking for this waiver. The revised site plan would now have 25 foot buffers for all and a 3 foot berm rather than original 25 and 35 foot buffers.
- Lighting Waiver: the Applicant was working with WAWA for compliance with comments from last meeting, but would still be asking for lighting waiver for 24 hours. Council wanted to see more information at site plan submission
- Conceptual Building Designs to comply with rural vista guidelines: WAWA and Aldi had provided preliminary ideas and would welcome council comments.

Mary Frayman, Vice President/Real Estate Manager for WAWA Palm Beach County, gave Council a brief history on the Company and its commitment to quality and working with communities where their stores were located. Several photos of different style WAWA buildings were presented.

Council Member Maniglia thanked Ms. Frayman for trying to change the look of the buildings and asked if WAWA was located anywhere in Palm Beach County except on Military Trail. Ms. Frayman stated they had locations on Lake Worth Road and on Congress Avenue. Ms. Frayman stated that WAWA was a daily needs store and felt this part of Palm Beach County was in need of a convenience and fuel factor location.

Vice Mayor McLendon stated they had just received these responses to conditions today and had not had much time to review. Acting Town Attorney Horowitz responded that any changes at first reading could be made and adopted as amended for second reading.

The following residents commented on the project: Robert Shorr, E Road; Ken Johnson, Collecting Canal; Don Widing, Marcella Blvd; Lisa Cruz, Tangerine Drive; Joannie Hopkins, 23rd Court N; Susan Caccioppo, E Citrus Blvd; and Connie Bell, 22nd Road N.

Addendum #1 ADD:

d. Memo on Analysis of AR District Setback Requirements

Planning Consultant Fleischmann showed comparison tables for Palm Beach County and Loxahatchee Groves setbacks in AR Districts, including non-conforming lots. The County actually had more restrictive setbacks, with the exception of the Town's Commercial and Institutional Districts, which were 50 feet instead of County 30 feet. Mayor Browning stated he felt the Town was getting bigger and bigger differences between residential and Ag properties and this was making a burden on residential property owners. Vice Mayor McLendon felt the setbacks should be the same for homes, but reduced for accessory structures such as sheds. Further discussion on reducing setbacks continued.

The following residents made comments on setbacks: Mary McNicholas, Raymond Drive; Susan and Laura Caccioppo, E Citrus Blvd; Jo Siciliano, B Road; and Marianne Miles, North B Road.

Motion: a motion to direct staff to bring back an ordinance to reduce all setbacks across the Board to half what they were currently, with a minimum setback of 10 feet, was made by Council Member Maniglia and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

e. Memo on Comprehensive Plan Amendment: Eliminate Canal Fencing Requirement

Planning Consultant Fleischmann outlined the procedure for making this change to the Town's Comprehensive Plan. The process could not be accomplished by just adopting an ordinance. There were Statute requirements and it would take about six months. Council was still in favor of making the change.

Consensus was to direct staff to bring forward an ordinance that would be the first step in this process to the next possible council meeting.

End of Local Planning Agency Business.....

Mayor Browning called for a short break at 9:30pm. Meeting reconvened at 9:35pm.

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-DD16 (Quit Claim Deed)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED IN FAVOR OF THE TOWN FOR THE RIGHT OF WAY RIGHTS OF THE DISTRICT THROUGH THE QUIT CLAIM DEED

FROM SOUTHERN STATES LAND AND TIMBER IN A FORM ACCEPTABLE TO THE TOWN ATTORNEY; AUTHORIZING THE PREPARATION OF THE QUIT CLAIM DEED BY THE DISTRICT COUNSEL, AND AUTHORIZING THE EXECUTION THEREOF; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion to adopt the resolution and approve the execution of a Quit Claim Deed was made by Supervisor McLendon and seconded by Supervisor DeMarois. Motion passed 5 – 0.

b. RESOLUTION NO. 2018-DD17 (Audit Services)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE BOARD PRESIDENT/CHAIR, AND/OR HIS DESIGNEE, TO EXECUTE A CONTRACT WITH NOWLEN, HOLT & MINER, P.A., TO PROVIDE AUDIT SERVICES FOR THE PERIOD FROM OCTOBER 1, 2017 TO JUNE 25, 2018, FOR A FEE OF \$11,000; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Underwood explained to the Board that he had checked with the Auditor General for the State of Florida and this audit was required. The proposed had been presented by the same audit firm that the Town uses.

Motion: a motion to adopt the resolution and approve the agreement was made by Supervisor DeMarois and seconded by Supervisor McLendon. Motion passed 5 – 0.

c. Approval of Drainage Culvert Crossing Permit for C Road north of 25th Place North

Motion: a motion to approve the drainage culvert crossing permit was made by Supervisor McLendon and seconded by Supervisor Maniglia. Motion passed 5 – 0.

d. Town Attorney Request to Board of Supervisors for Private Attorney/Client Session regarding Duck Puddle

Acting Town Attorney Horowitz advised the Board of Supervisors 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. The same request would be stated during the Town Council portion of this meeting.

Motion: a motion to direct the Town Attorney to schedule this meeting was made by Supervisor DeMarois and seconded by Supervisor McLendon. Motion passed 5 – 0.

Supervisor Maniglia as for a “receive and file” for photos given to her on road conditions from resident on Scott Place. Photos were received and filed with Town Clerk. Supervisor Maniglia asked that the following items be placed on the next agenda for discussion and updates:

Town Council Minutes for August 7, 2018

1. Grader leasing and operator
2. Outside hiring to mow berms
3. 161st Terrace tree stumps that have been covered with dirt and have potential safety hazard should be ground or removed.

End of Water Control District Business.....

TOWN COUNCIL AGENDA ITEMS

6. COMMITTEE REPORTS – none scheduled

7. CONSENT AGENDA

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

- a. Minutes: June 5, 2018 Town Council Workshop Meeting
- b. Minutes: June 5, 2018 Regular Town Council Meeting
- c. Minutes: July 17, 2018 LPA/District/Town Council Meeting
- d. July Invoices for Goren, Cherof, Doody & Ezrol, PA
- e. Approval of County JAG Grant Funds Release
- f. RESOLUTION NO. 2018-63 (Audit Services)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AND AUTHORIZING THE MAYOR, AND/OR HIS DESIGNEE, TO EXECUTE A CONTRACT WITH NOWLEN, HOLT & MINER, P.A., TO PROVIDE AUDIT SERVICES FOR YEARS ENDING SEPTEMBER 30, 2018 AND 2019, FOR A FEE OF \$19,700 FOR 2018 AND \$24,200 FOR 2019; AND PROVIDING AN EFFECTIVE DATE.

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

End of Consent Agenda.....

8. OLD BUSINESS

- a. RESOLUTION NO. 2018-58 (Appoint ULDC Member)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____ AS A VOTING MEMBER OF THE UNIFIED LAND DEVELOPMENT CODE ADVISORY COMMITTEE, TO SERVE THE REMAINDER OF THE TERM TO EXPIRE ON THE SUNSET DATE OF MARCH 12, 2019; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Due to the resignation of the voting member appointed by Mayor Browning, Mayor Browning nominated Michael Piesley as a replacement voting member to the ULDC Advisory Committee.

Motion: a motion to approve the nomination of Michael Piesley to the ULDC Advisory Committee was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 5 – 0.

b. RESOLUTION NO. 2018-59 (Appoint RETGAC Members)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____ AND _____, AS VOTING MEMBERS OF THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (RETAGAC), TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Item #b was pulled from the agenda.

c. RESOLUTION NO. 2018-49 (Waste Pro Contract Amendment)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND WASTE PRO OF FLORIDA, INC., FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES FOR THE TOWN; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Underwood explained to the Council that the proposed per unit assessment would be \$35.50 per unit and would include implementing the residential waste containers. Chris Schull from Waste Pro was present to answer any questions. The Town would get 2,000 96 gallon containers at \$20.00 per container, for a cost of \$40,000, plus a cost of \$4.58 per container for cleaning. There was no delivery fee.

Vice Mayor McLendon stated somewhere in the agreement it needed to be stated that the Town owned the containers. It was suggested that page 161 to sentence, this could be inserted. Also, there was a serious issue with vegetation pick up and this needed to be addressed and resolved. Mayor Browning added that some homes had piles out there for 4 – 5 weeks. Waste Pro could not just continue with 6 yards per week on this back log. Mayor Browning added that property owners needed to make sure there was only approved vegetative waste in the piles or they would not be picked up.

Chris Schull responded that they had just hired a new Yard Waste Supervisor about 5 weeks ago and he was playing catch up right now. It was expected to be completed within the next two weeks.

Council Member Maniglia commented that when her recycling had been left, she had gone online to file the report for and Waste Pro had come out the next day. There was also an issue with nursery businesses putting their vegetation out front from their customers, and asked the Acting Town Attorney what other cities were doing about this problem. Acting Town Attorney Horowitz responded that some went to canisters, some increased the number of bulk pick ups and some had code provisions as a nuisance abatement process.

Chris Schull stated they would work together with the Town on the businesses issue. Connie Bell, 22nd Road N, suggested that the Town forward a copy of the Town's BTR list to Waste Pro and they could see which properties had nursery businesses and not pick up there.

The following residents commented on Waste Pro and the canisters: Nancy Fried, B Road; Robert Shorr, E Road; Ron Jarriel, 161st Terrace; and Susan Caccioppo, E Citrus Blvd.

Motion: a motion to approve the resolution and the amendment to the agreement with Waste Pro, as amended, was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 4 – 1, with Council Member Maniglia dissenting.

Motion: a motion to extend the meeting to finish agenda items was made by Council Member Maniglia and seconded by Vice Mayor McLendon. Motion passed 4 – 1, with Council Member DeMarois dissenting.

- d. Town Attorney Request to Town Council acting as Water Control District Board of Supervisors for Private Attorney/Client Session regarding Duck Puddle

Acting Town Attorney Horowitz stated this was the same request as brought forward during the Water Control District portion of the meeting.

Motion: a motion to direct the Town Attorney to schedule this meeting was made by Supervisor DeMarois and seconded by Supervisor McLendon. Motion passed 5 – 0.

9. PUBLIC HEARINGS

- a. ORDINANCE NO. 2018-08 (FIRST READING)

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.

Vice Mayor McLendon asked how the ordinance would be amended based on comments from Local Planning Agency portion of meeting. Acting Town Attorney Horowitz responded the comments and changes would be incorporated into the ordinance prior to second reading.

Motion: a motion to approve on first reading, subject to amendments made during LPA meeting, was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 5 – 0.

b. ORDINANCE NO. 2018-09 (FIRST READING)

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.

Motion: a motion to approve on first reading, subject to amendments made during LPA meeting, was made by Council Member Maniglia and seconded by Council Member DeMarois. Motion passed 5 – 0.

10. NEW BUSINESS

d. RESOLUTION NO. 201861 (Management Contract) (moved for discussion)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A CONTRACT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND UNDERWOOD MANAGEMENT SERVICES GROUP, LLC; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Underwood explained the transition of employees to the Town over a two year period. There was also a new clause where he would have 6 weeks of vacation during the first year and 8 weeks of vacation during the second year; where he would be working but not in the office.

Council Member DeMarois stated there was supposed to be negotiations between the Mayor and Town Attorney and wanted to know if the Acting Attorney was familiar with this agreement. Acting Attorney Horowitz responded he and Town Attorney Cirullo had reviewed the agreement for legality. Council Member DeMarois stated the clause in the resolution on page 223 referred to a contract commencing 2016 and he found this confusing. Acting Town Attorney Horowitz stated that was referencing the previous agreement that was in effect now until September 30, 2018; but new this agreement would be effective October 1, 2018. This could be clarified if required.

There was discussion about page 224 (i) and the exhibit regarding extra charges for excessive time responding to OIG records request. Acting Attorney Horowitz stated that Underwood Management was a contractor for the Town and could charge for excessive time by IT and Manager to comply with OIG records requests; however, per Florida Statutes, Attorney time could not be billed for public records. Council Member DeMarois was not in agreement with this. Council Member DeMarois was also not in agreement with page 224 (j) regarding the term "vested". Regarding page 224 (e) it was clarified that the Town Manager was responsible for hiring all employees. On page 224 (h), there was a question of whether there would be severance if the employee was terminated without cause.

Mayor Browning asked about the phrase on page 225 (4) regarding a “Boycott Israel List”. Acting Town Attorney Horowitz responded this was a new statutory requirement for all agreements and contracts. Vice Mayor McLendon stated that on page 223 (2b) code enforcement was itemized at 84 hours per month. He would like to see the total hours for each employee. Manager Underwood responded the total hours for the contract for all employees was 95 hours, and the new contract called for a total of 130 hours. Acting Town Attorney Horowitz stated Exhibit “A” had the code officer hours and others could be added to this if instructed.

Vice Mayor McLendon asked about the hiring of the Assistant Town Manager and the Administrative Assistant; and wanted to discuss the timeframe for page 224 (g) where the balance of Town employees would be transferred to Town employees. After Council discussion, there was consensus that the Council would choose a new Town Manager 90 days prior to the end of the Underwood Management contract on September 30, 2020; and then the new Town Manager would select which Underwood Management employees would become Town employees 60 days prior to the end of the contract.

Council Member Maniglia asked where the other pages on Exhibit “A” were. The Charter description of Manager Duties was three pages, and now there was only one. She had handed out documents for Manager Evaluations, which she felt should be done. Also, Council Member Maniglia was asking for a non-related IT person as she did not feel comfortable giving the current IT person her phone or iPad. Also, Council Member Maniglia stated she felt threatened when she came to Town Hall.

Council Member Batcheler stated it as human nature to try to get more for less; but she had spoken to some people and looked at what other Town Managers were earning.

On page 228, it was noted that the address for notices to Mayor Browning had the incorrect address and needed to be corrected to 155 F Road.

The following residents came forward with comments about this item: Ron Jarriel, 161st Terrace; John Ryan, A Road; Laura Danowski, E Road; Nancy Fried, B Road; Joannie Hopkins, 23rd Court N; Connie Bell, 22nd Road N; Susan Caccioppo, E Citrus Blvd; Marianne Miles, B Road; Robert Shorr, E Road, and Beth Preston, D Road.

Council Member DeMarois stated he would not be in support of this contract. He was not comfortable due to the OIG report and complaints against the code officer. Council Member Maniglia stated she would agree only with a one year contract and an evaluation. She felt Staff was hostile towards her. Vice Mayor McLendon stated this was a plan to get what they wanted. Underwood Management would be out and the Town would get the employees within two years.

Motion: a motion to table this item and negotiate further with the Management Company 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 approve the resolution and contract, as amended, was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 3 – 2, with Council Member Maniglia and Council Member DeMarois dissenting.

a. RESOLUTION NO. 2018-56 (Accept Quit Claim Deed)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING A QUIT CLAIM DEED FROM THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN, FOR THE RIGHT OF WAY RIGHTS OF THE DISTRICT THROUGH THE QUIT CLAIM DEED FROM SOUTHERN STATES LAND AND TIMBER IN A FORM ACCEPTABLE TO THE TOWN ATTORNEY; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion to approve the resolution and accept the Quit Claim Deed was made by Vice Mayor McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

b. RESOLUTION NO. 2018-57

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING THAT ORDINANCES, RESOLUTIONS AND POLICIES OF THE TOWN SHALL PREVAIL IN THE EVENT OF ANY CONFLICT OR INCONSISTENCY WITH POLICIES OR RESOLUTIONS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

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

c. RESOLUTION NO. 2018-60 (Code Enforcement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO CODE ENFORCEMENT; DIRECTING THAT TOWN CODE ENFORCEMENT PROVIDE TIME FOR LONG-STANDING CODE VIOLATIONS TO BE REMEDIED BY ELIGIBLE PROPERTY OWNERS PRIOR TO ISSUING NOTICES FOR CODE ENFORCEMENT HEARINGS; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

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

d. RESOLUTION NO. 2018-61 (Management Contract)

This item was moved to prior to item 10a position.

e. RESOLUTION NO. 2016-62 (Amend Fee Schedule)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING A SCHEDULE OF RATES, FEES, AND CHARGES FOR PLANNING AND ZONING, PERMITTING AND OTHER

SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT;
AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion to approve the resolution and amended schedule of fees was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 5 – 0.

Addendum #3 ADD:

- f. Authorization to provide stationary Solid Waste Cart Sanitizing/Cleaning to up to 2,000 trash carts for the Town of Loxahatchee Groves

Motion: a motion to authorize the payment of \$10,960 to Clean Waste Industries was made by Council Member DeMarois and seconded by Vice Mayor McLendon. Motion passed 4 – 1, with Council Member Maniglia dissenting.

11. MANAGER'S REPORT – Town Manager Underwood

- a. Palm Beach County Fire Rescue Monthly Report June 2018
- b. Palm Beach County Sheriff's Office District 17 Weekly Crime Brief Week 28
- c. Palm Beach County Sheriff's Office District 17 Weekly Crime Brief Week 29
- d. Palm Beach County Sheriff's Office District 17 Weekly Crime Brief Week 30

Addendum #2 ADD: Additional back up documents for item #e for discussion

- e. Discussion and Direction - Palm Beach County Sheriff's Letter in response to July 17, 2018 Council Meeting decision and Resolution No. 2018-52 with Contract

Manager Underwood asked for direction on Council wishes. If Addendum was not accepted, the contract continues but the may be response issues and the Sheriff's Letter stated they would not be renewing the contract as of March 2019. No consensus from Council was reached.

Addendum #1 ADD:

- f. Palm Beach County Sheriff's Office District 17 Monthly Report July 2018

12. COUNCIL REPORTS

- A. Council Member Phillis Maniglia

For discussion and direction:

- 1. 2 meetings a month, one starting at 6pm with community Q&A

Council Member Maniglia asked to make a motion to two meetings a month, the first being LPA and WCD and the second would be Town Council items, with the Q&A Town Hall Meeting at 6pm . Council Member DeMarois seconded the motion; but after further discussion, Council Member Maniglia and Council Member DeMarois retracted their motions. Vice Mayor McLendon suggested the meetings end at 10:30pm and Council return the next night for any unfinished items from the agenda. Council Member Batcheler suggested the Council wait to see if the LPA and Water Control District items settle down. Further discussion ensued. Ron Jarriel, 161st Terrace, felt back to back meetings was a good idea.

Motion: a motion to have the meetings start at 6pm for a Town Hall Q&A meeting on Tuesday night, with the meetings to end at 10:30pm and any unfinished items rolled over to Wednesday at

7pm, was made by Council Member Maniglia and seconded by Vice Mayor McLendon. Motion passed 4 – 1, with Mayor Browning dissenting.

2. Town evaluation: reviewing 3 companies (Kevin Knutsen 513-805-2021 , Mgmt Partners, Michelle Furgusen (828) 777-6588 , Novack Consultant Group, Dave Evertsen, (623) 207.1309 Municiple Solutions)information was previously forwarded to Council

Mayor Browning stated he had spoken to these type companies many times in the past. Loxahatchee Groves was a different type of Town and they were not familiar enough to give good solutions.

Motion: a motion to have the three companies do a presentation to the Town Council about what they do 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.

Addendum #2: delete and continue items below.

- ~~3. Continue monthly newsletter from LGWCD and incorporate town news.~~
- ~~4. The Agenda and RFP's and IT Re: Communication-~~
- ~~5. Discussion and Direction Community Website for communication with public, such as Facebook or next door sites~~

Continue item #6 to September 6, 2018 meeting

6. Discussion 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.

Add: 7. Request that the Mayor and Vice Mayor be given keys to Town Hall so that someone was always able to get in if necessary. Mayor Browning and Vice Mayor McLendon both stated they had no interest in having keys. Ron Jarriel, 161st Terrace, stated in case of an emergency they could call the Fire Department, who had a “loxbbox” on site with a key.

B. Vice Mayor McLendon

1. Discussion and Direction on Council Member Term Limits

Addendum #2 additional back up document for item #B(1) discussion

Vice Mayor McLendon has provided some suggestions for dealing with term limits for Town elected officials. Acting Town Attorney Horowitz stated there would need to be an election referendum ballot vote for this change, and then explained to Council the procedure for this action. Mayor Browning and Council Member Maniglia did not agree with term limits. Council Member Batcheler stated she believed in term limits but after speaking with several people, there was a concern about the small pool of people who want to serve. Acting Town Attorney Horowitz stated there were Florida Statutes covering a vacancy in candidacy. Mayor Browning, Council Member Maniglia, Council Member Batcheler and Council Member DeMarois stated they did not think this was worth the cost of an election.

C. Council Member DeMarois

1. Discussion and Direction on two Council Meetings per month

This item was already discussed and voted on.

13. PUBLIC COMMENTS

Ron Jarriel, 161st Terrace, stated that the Town should use professionals instead of Caban Property Maintenance to weed the berms. They looked bad.

Robert Shorr, E Road, stated the Town Hall Q&A needed better time management within the 6 – 7pm timeframe. At the June workshop a few people used up all the time and others never got to speak. The roads were draining better, but she saw a roller going down Collecting Canal when the road was dry. It should be wet down first.

Laura Danowski, E Road, stated she was in favor of term limits and people did not run because there were no limits.

Marianne Miles, B Road, and stated B Road was much better. Instead of the \$300 WCD Maintenance Assessment, why not do a one-time assessment of \$400 to refill the lost funds. Also do the assessment per parcel not per acre.

Manager Underwood responded 4,000 letters had already been sent with solid waste and WCD assessments.

14. CLOSING COMMENTS

- a. Town Attorney
- b. Town Council Members

Council Member Maniglia asked that her phone number be changed on the website. Also, Council Member Maniglia reminded everyone that two seats would be up for re-election in March 2019.

Council Member DeMarois thanked everyone for coming. Also, as a Water Control District item, the canal bank near his home was too high; and since school would be opening soon, he hoped someone could look at this as it might be a safety issue.

Council Member Batcheler stated it was a tough night but everyone's opinions matter.

Vice Mayor McLendon stated he always looked for compromises and finding the middle ground in any negotiation.

Mayor Browning thanked everyone for coming.

15. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 2:01 AM.


Virginia Walton, Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on ~~Tuesday~~ ^{Friday} Sept. 7, 2018.