

Town of Loxahatchee Groves
Local Planning Agency/Town Council/Water
Control District Meeting
Tuesday, July 17, 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

Motion: a motion to approve the agenda, including Addendum #1, 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. Planned Unit Development Amendment: REZ 2018-01: Groves Town Center
 1. Open Public Hearing
 2. Close Public Hearing
 3. LPA Member Discussion
 4. Consideration of Motion: REZ 2018-01

Scott Backman, Zoning Attorney, and Brad Miller, Land Planner, were present to represent the Applicant. Mr. Miller gave a brief overview of the project from the original land use approval. In 2013, the site was approved for 44,000 of office space, 103,000 commercial use and a 128 bed Assisted Living Facility. The consideration before the Council did not change any of those approvals; however Pod A was being revised due to FDOT required drive modifications and some new conditions were being added. The buffers on the norther and eastern sides would remain 100' and 300' and the equestrian trail would now be constructed during the first phase of development. The southern buffer would be 50' with a Town Commons Area in the middle. The modified plan

would change Tangerine to align at B Road with entrance to the Publix Plaza, FDOT spacing of 660' between ingress/egress; buffers – R Road and southern reduced to 35', except near Aldi's, which would be 25'.

There were three conditions they wanted to request be modified:

1. They were requesting that the trail bridge be constructed as part of Phase 2 rather than Phase 1.
2. For Condition #3, there were three types of encumbrances listed for the 100' and 100' buffers, with Town Council approval of which to be used. They were request that the Applicant be allowed to choose which one.
3. Regarding drainage, there were new conditions (#7-#8-#9-#11) which were put in to safeguard drainage throughout the phases and they requested that the drainage be completed with each phase of development rather than all at once.

Planning Consultant Fleischmann stated that for Condition #3, the Town Attorney was not in agreement with the request; however, would agree that the document submitted would meet the approval of Town Staff and Attorney rather than go back to Town Council. Regarding legal positive outfall developed now rather than later, the Applicant was requesting outfall as only a temporary drainage and then phased in; however the Town Engineer was not in agreement. Regarding the trails and bridge, Staff did not agree with delaying equestrian bridge until Phase 2.

Planning Consultant Fleischmann added that the Applicant, when the actual site plan was submitted, would be asking for three waivers (variances): 1) a reduction in some of the parking space dimensions; 2) allow open air lighting from 11pm to 7am; and 3) allow bollards instead of wheel stops in certain areas of the parking lot. Tonight the Applicant was only asking for the ability to apply for these waivers. It was not an approval or denial of the actual waivers. Comments from the RETGAC Committee Meeting of January 11, 2018 were on pages 13-14 of the agenda. Comments from the Town Council Workshop of April 3, 2018 were on page 15; and the P&Z Board at their meeting of June 12, 2018 recommended approval subject to Staff conditions.

Dennis Lipp, North Road, stated he was Chair of the P&Z Board. Even though he did not believe there were many horse riders in this area, the P&Z Board had recommended not to wait for building the bridge because there was no way to get to this are from the north without a bridge.

Bill Louda, E Road, felt that a WAWA was out of line with the Town style and thought a Cracker Barrel would be better, or possibly a Bedner's Produce. Regarding the Bridge, it should be built now.

Mary McNicholas, Raymond Drive, stated she was Chair of the ULDC Committee. Regarding trails, the Town needed to plan for the future. The ULDC was working on Article 85 landscaping and Article 87 Clearing and hoped the Council would consider their recommendations for this plan.

Ken Johnson, Collecting Canal, commented the Town did not need another gas station, and the Town needed to consider the noise and lighting, and tree canopies.

Vice Mayor McLendon responded that the gas station had already been approved on the original plan and could not be changed. Although the WAWA design was not like the rural vista guidelines, there were some themed WAWA's in the country with different designs. Scott Backman added that they had not said no to a themed design yet. The guidelines had been sent to Aldi, WAWA and Chase Bank. Vice Mayor McLendon added that he was apprehensive about the reduced buffers and

was against waiting for the bridge to be built in Phase 2. He suggest if it was to be in the next phase, then there should be a time certain for that phase. Vice Mayor McLendon also asked if when they cleared along the canal, could the south side by Collecting Canal be cleared as well. The applicant stated they would look into that. Vice Mayor McLendon was against the smaller parking spaces and the all night lighting. Regarding the positive outfall, they had temporary drainage now and it did not work for these last rains. Applicant responded they were still working on the drainage.

Council Member Batcheler stated that at first look at the concessions, she would probably be against all except the bollards. For the lighting, if it was mild and faced directly down, possibly. No to delay on bridge, to temporary drainage and no to reduced berm.

Council Member DeMarois thanked Staff and the Committees for all their hard work and would have to go along with staff recommendations. Regarding Pod #3, there was some low areas that need to be looked at.

Council Member Maniglia was concerned about retention ponds and if there were any wetlands. She had no issue with the bollards, but don't change the size of the parking spaces. Applicant responded that a condition of approval was SFWMD wetlands determination.

Mayor Browning commented he agreed with all comments made tonight. He was okay with bollards, but the site needed to be protect from light pollution. They had learned from the Publix case.

After discussion between Applicant, Planning Consultant and Town Council, it was agreed that this would be continued to the August meeting.

End of Local Planning Agency Portion of Meeting.....

Mayor Browning called a short break at 8:23pm. Meeting reconvened at 8:28pm.

4. PRESENTATIONS

aa. FAAC Committee – Anita Kane, Chair

Chairperson Kane stated the Committee had reviewed the proposed budget and made the following recommendations and/or comments:

1. approve the millage at 3.0000 mills. This would require a 5-0 vote.
2. approve the solid waste assessment at \$426 per unit, since the Town could not longer afford to subsidize this.
3. For the Water Control District Assessment, Management had recommended \$200, but the Committee was recommending \$300. It's time to stop just patching things and start fixing. This amount could be reduced in September but could not be raised.
4. incorporate traffic calming in the "53420 Comprehensive Plan"
5. raise the Management Company contract with a 3% COLA
6. Committee had reviewed and approved the April, May and June financials.

Council Maniglia considered the approval of an Assistant Manager position already a raise. Chair Kane responded she saw this position as a graceful way to train a replacement that was an actual Town employee.

Council Member Batcheler commented that the FAAC meeting was well run with well thought out decisions. They recognized that everyone had agreed to pay more if the roads would get fixed. For the Town to build and get better, everyone has to be willing to pay for it.

Vice Mayor McLendon agreed with all recommendations and comments. When people get involved and knowledgeable, then they understand. He was originally against the mil and assessment rates, but understand now.

Laura Caccioppo, E. Citrus Blvd, stated she was on the FAAC and they did not take any of the moves lightly. In order to have enough rock to fix the roads, the \$300 assessment was needed. They viewed legitimate numbers.

a. Proposed FY2019 Preliminary Annual Town Budget and Capital Improvement Plan
Power Point Presentation by Town Manager

Manager Underwood advised the Council that there were three resolutions on tonight's agenda that were directly impacted by the proposed budget. A power point presentation gave the Council an overview of the \$9.5 million proposed budget, the details of anticipated revenues, ad valorem and assessments; current taxable values on homes in Town, which were \$362 mil in 2008 and \$318 mils in 2019, showing they did not keep pace with assessments. This mileage would be 49.7% above the rollback.

For the Water Control District, it was proposed for 1.131 mils for operating, 1.5 mils for maintenance assessment and \$564,000 for road maintenance and supplies. Solid Waste had been heavily subsidized by the Town for 2016, 2017 & 2018, but the Town could no longer do this. The Waste Pro contract was up \$96,000 with no supplement.

Mayor Browning commented that if the Town pushed for the higher mileage, they could recoup more of a fair share from the community. They didn't last year and this hampered the Town.

Council Member Batcheler asked what impact the additional tax exemption would have this coming year. Manager Underwood responded if passed it would be for the following year 2020. The Sheriff's contract was up 2% this year and there were rumors it would go up 6% next year.

Council Member Maniglia asked how this would impact those that were already assessed for the OGEM roads. Mayor Browning responded it would be hard but funds were needed. Vice Mayor McLendon added the OGEM roads needed help too. He was fine paying more if it was paid out evenly.

Marianne Miles, North B Road, stated she had no problem with the assessment unless it was in addition to the assessment for B Road drainage project. Laura Caccioppo commented she understood Marianne's concerns but the \$300 was needed.

Council Member DeMarois stated that if they were doing the drainage work, possibly that would save money on the road improvement. Vice Mayor McLendon agreed it may equal out. Mayor Browning added they admit the roads are the worst ever and the residents are over it. They want the roads fixed now, and won't put up with a gradual fix.

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. Approval of Minutes: June 26, 2018 Special Water Control District Meeting

Motion: a motion to approve the minutes as presented was made by Supervisor McLendon and seconded by Supervisor Maniglia. Motion passed 5 – 0.

- b. RESOLUTION NO. 2018-DD12 (Preliminary Non Ad Valorem 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 WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR DISTRICT SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff was recommending \$200 in the proposed budget, but the FAAC Committee had recommended \$300. Council discussed options.

Motion: a motion to establish the estimated assessment rate for District Special Assessments at \$300 was made by Supervisor McLendon and seconded by Supervisor Maniglia. Motion passed 5 – 0.

- c. RESOLUTION NO. 2018-DD13 (Assignment of Easements)

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 ASSIGNMENT OF ALL EASEMENTS IN FAVOR OF THE DISTRICT TO THE TOWN, OR TO OTHERWISE AUTHORIZE THE TOWN'S USE OF SUCH EASEMENT RIGHTS, IN ORDER TO ENABLE THE TOWN TO PERFORM GOODS AND SERVICES NECESSARY FOR THE DISTRICT TO FULFILL ITS OBLIGATIONS AND RESPONSIBILITIES THROUGH THE INTERLOCAL AGREEMENT BETWEEN THE DISTRICT AND THE TOWN; AUTHORIZING THE DISTRICT ADMINISTRATOR AND DISTRICT COUNSEL TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS BY THE APPROPRIATE DISTRICT OFFICIALS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: a motion to assign all easements in favor of the District to the Town was made by Supervisor McLendon and seconded by Supervisor Maniglia. Motion passed 5 – 0.

d. RESOLUTION NO. 2018-DD14 (Debt Assessment)

[This resolution and back up documentation was provided by Addendum #1](#)

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; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The total debt to be assessed for Fiscal Year commencing October 1, 2018 is \$320,282.54. Supervisor McLendon commented he was glad to see Section 6(c) which clarified the maximum amount that could be assessed.

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

e. RESOLUTION NO. 2018-DD15 (Supervisors Compensation)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RESCINDING COMPENSATION FOR BOARD MEMBERS; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Currently Water Control District Supervisors were paid \$50 per meeting. Council had requested this be deleted.

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

f. Approval of Drainage Culvert Permit for 3345 B Road Culvert

Manager Underwood explained that this drainage culvert would be draining from the property into the canal, which had to be approved by the Board of Supervisors. Board Attorney Cirullo added that they were working on a plan to make this type of permit administrative.

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

End of Water Control District Business.....

TOWN COUNCIL AGENDA ITEMS

6. COMMITTEE REPORTS

- a. FAAC Committee – Anita Kane, Chair **this item was moved to Item #4(a)(a)**

7. CONSENT AGENDA

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

- a. Minutes: June 14, 2018 Regular Town Council Meeting
- b. Minutes: June 26, 2018 Special Town Council Meeting
- c. June Invoices for Goren, Cherof, Doody & Ezrol, PA

- d. RESOLUTION NO. 2018-46 (Ratify Expenses)

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.

- e. RESOLUTION NO. 2018-47 (Agreement)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE PALM BEACH COUNTY TAX COLLECTOR FOR THE IMPLEMENTATION AND COLLECTION OF THE TOWN'S NON-AD VALOREM ASSESSMENT TO RECOVER COSTS ASSOCIATED WITH THE TOWN'S EFFORTS TO ABATE CERTAIN NUISANCES ON REAL PROPERTY WHICH CONSTITUTE A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS AND RESIDENTS OF THE TOWN OF LOXAHATCHEE GROVES; AND PROVIDING AN EFFECTIVE DATE.

- f. RESOLUTION NO. 2018-48 (Agreement)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE PALM BEACH COUNTY TAX COLLECTOR FOR THE IMPLEMENTATION AND COLLECTION OF THE TOWN'S NON-AD VALOREM ASSESSMENT TO RECOVER COSTS ASSOCIATED WITH THE IMPROVEMENT, MAINTENANCE AND CONSTRUCTION OF PUBLIC ROADS AND ASSOCIATED DRAINAGE WITHIN THE TOWN BOUNDARIES; AND PROVIDING AN EFFECTIVE DATE.

- g. RESOLUTION NO. 2018-54 (Agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN SPECIAL REFERENDUM ELECTION ON AUGUST 28, 2018, IN CONJUNCTION WITH THE STATE OF FLORIDA PRIMARY ELECTION,

AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES FOR THE SPECIAL ELECTION; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Clerk Walton advised the Council that a correction in language on page 144 of the agenda under June 26, 2018 Minutes was required. "a budget amendment be implemented and ratified to reduce personnel cost and temporarily transferred to the Town road maintenance fund" was corrected as noted in the final minutes for signature.

Motion: a motion to approve the consent agenda as amended 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. 2018-45 (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.

Council Member Maniglia brought forward the name of resident Burgess Hanson. Mr. Hanson was present should the Council have any questions for him.

Motion: a motion to appoint Burgess Hanson as a voting member of the ULDC Committee was made by Council Member Maniglia and seconded by Council Member DeMarois. Motion passed 5 – 0.

Mayor Browning called a brief break at 9:50pm. Meeting reconvened at 9:56pm.

9. PUBLIC HEARINGS

a. ORDINANCE NO. 2018-05 (SECOND READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE COLLECTION OF SOLID WASTE, RECOVERED MATERIALS, AND RECYCLABLE MATERIALS; AUTHORIZING THE TOWN TO APPROVE FRANCHISES FOR THE COLLECTION OF SUCH ITEMS; PROVIDING FOR DEFINITIONS, USE OF APPROVED CONTAINERS, DESIGNATED PLACEMENT, HOURS WHEN ITEMS CAN BE PLACED OUT FOR COLLECTION; PROVIDING FOR REGISTRATION OF RECOVERED MATERIAL

DEALERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Cirullo stated that this ordinance had been modified in accordance with Council's comments during first reading. All sections referencing livestock waste had been deleted. Council discussion ensued on any further amendments. In section marked "Containers – Required" the following changes were made:

"It shall be unlawful within the Town for any person to place any solid waste or vegetative waste out for collection unless such solid waste is in a container, if such container is required and approved by the Town Council. A garbage can may not be used if a container has been required and approved by Town Council. ~~Bulk Trash may only be placed out for collection on regularly scheduled bulk trash pick-up days and within the permitted location for debris placement and hours for placement of items for collection.~~"

There was extensive discussion on whether or not to require containers. Some felt it would be difficult for some people to get the containers out to the road; however Council Member Maniglia stated Waste Pro had been very helpful to older and disabled people. Mayor Browning commented this would help in determining certain problems where piles from 2-3 homes was being stacked in front of one home and stacks of waste being left on culverts and empty lots.

Bill Louda, E Road, was against containers.

Motion: a motion to adopt the ordinance on second reading, with revisions made tonight, was made by Council Member DeMarois and seconded by Council Member Maniglia. Motion passed 5 – 0.

b. ORDINANCE NO. 2018-07 (SECOND READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO CREATE A NEW ORDINANCE TO BE ENTITLED "GIFTS TO TOWN" TO PROVIDE FOR A PROCESS OF ACCEPTING GIFTS BY THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

There were no comments from either the Council or the public.

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

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

This item was continued to the next council meeting.

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.

d. RESOLUTION NO. 2018-50 (Preliminary Millage)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING A PROPOSED OPERATING MILLAGE RATE OF _____ FOR GENERAL OPERATING BUDGET PURPOSES FOR FISCAL YEAR 2018/2019; APPROVING AND AUTHORIZING TRANSMITTAL OF THE FORM DR-420 TO THE PROPERTY APPRAISER; PROVIDING FOR THE ESTABLISHMENT OF AND SETTING FORTH THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE FISCAL YEAR 2018/2019 PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor McLendon stated he had checked what the increase difference would have been had the Town gone to the proposed 2.6 mils last year. It would have been 2.94, so he had no argument with 3.0. Council Member Maniglia stated if the Town went with 3.0 mils then possibly the final Water Control District final would not have to be \$300. Council Member DeMarois stated he wanted feedback from the public. Mayor Browning and Council Member Batcheler were on board with 3.0. The rollback rate was 2.0035. The two budget hearings for final approvals were September 6 and September 16, 2018.

Motion: a motion to adopt the resolution and establish the operating millage rate of 3.0 was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 - 0.

e. RESOLUTION NO. 2018-51 (Preliminary 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 AND FACILITIES AND PROGRAMS ("SOLID WASTE COLLECTION SERVICES") IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Underwood explained that the rate being proposed was \$426 per unit. Vice Mayor McLendon noted that there was no contingency fund included and no containers/bins included in this cost. Manager Underwood responded that he had spoken to Waste Pro, who had 33,000 excess containers from another contract that had ended and had given an estimate of \$44 per container. Manager Underwood was waiting for a final price. Council Member Batcheler stated she thought they would be getting the containers for free and some homes might need to get

more than one container. Council Member Maniglia stated she was all for cleaning up the Town but thought it was too much too fast. Council Member DeMarois asked if the cost was less if there were less people at the home. If the containers were a good buy then get them. Manager Underwood responded there would not be less cost. There would be one 96 gallon container for each home. Vice Mayor McLendon suggested an additional \$40 be added to the rate to include the containers, and it could always be reduced later if the cost came in lower. This would make the proposed rate \$470.

Marianne Miles, North B Road, stated she agreed with Council Member Maniglia comment. By putting this on the tax roll, it was force feeding the residents. The ordinance says place on the curb, but the Town doesn't have curbs. Also Waste Pro was not coming on the rights-of-way like they used to do.

Lisa Cruz, Tangerine Drive, stated she like containers but was on one income and this would cause a hardship. Also, if someone didn't use a container and put out bags, who would pick them up?

Laura Caccioppo, E Citrus Blvd, and Joannie Hopkins, suggested every property rate should be set by acreage. Town Attorney Cirullo responded the Florida Statutes had residential pick-up regulations. In order to change, per Statute there would have to be a Study done which was time consuming and expensive.

Motion: a motion to adopt the resolution, with the amended rate of \$470 per unit, 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 Vice Mayor McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

10. NEW BUSINESS

a. RESOLUTION NO. 2018-52 (PBSO Agreement)

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.

Manager Underwood explained that the increase of 2% would mean the total contract would go from \$610,000 to \$622,200. The monthly payments would go from \$50,916.60 to \$51,850.

Vice Mayor McLendon stated the contract called for the Sheriff to notify the Town by March 31st of each year if there was an increase. This had not been done until much later. He felt they were paying too much and they had not lived up to expectations. Council Member Maniglia stated she was against any increase and had a large problem with the Sheriff's contract. Mayor Brown stated he agreed the cost was high but the Town could not afford the alternative of their

own police department. There was a reason why so many other towns were using the Sheriff's Department. Council Member DeMarois agreed the Town could not afford to go out on its own. If the Sheriff's office was told about something, they did take care of it. Council Member Batcheler stated she was against the increase but agreed the Town can't afford its own force.

Mayor Browning reminded everyone that the first Town Council had budgeted one half million for one deputy officer. The Sheriff at that time gave the Town a reduced price for the next 10 years. The Town now has commercial and new development, which would require extra cost. Vice Mayor McLendon stated he didn't think the town needed as much service. Council Member Maniglia asked if the CAD reports had been received. Manager Underwood responded they had, but were still being reviewed.

Joannie Hopkins commented that under basic County taxes there was police service for emergencies only. Marianne Miles commented she was against the raise.

Motion: a motion to deny the raise in cost was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

b. RESOLUTION NO. 2018-53 (Accept Easements)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE ASSIGNMENT OF ALL EASEMENTS IN FAVOR OF THE DISTRICT TO THE TOWN, OR OTHER AUTHORIZATION FROM THE DISTRICT FOR USE OF SUCH EASEMENT RIGHTS BY THE TOWN, IN ORDER TO ENABLE THE TOWN TO PERFORM GOODS AND SERVICES NECESSARY FOR THE DISTRICT TO FULFILL ITS OBLIGATIONS AND RESPONSIBILITIES THROUGH THE INTERLOCAL AGREEMENT BETWEEN THE DISTRICT AND THE TOWN; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS BY THE APPROPRIATE DISTRICT OFFICIALS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

There were no comments from the Council or from the public.

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

c. RESOLUTION NO. 2018-55 (PBC ILA)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE PALM BEACH COUNTY FOR THE TOWN, THROUGH THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN, TO CONTINUE TO PROVIDE WATER CONTROL AND DRAINAGE SYSTEM SERVICES TO THOSE PROPERTIES LOCATED WITHIN THE FORMER JURISDICTIONAL BOUNDARIES OF THE DISTRICT AND WITHIN THE

JURISDICTIONAL LIMITS OF PALM BEACH COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Manager Underwood stated he wished to thank PBC Administrator Verdenia Baker and Palm Beach County Attorney Bahar for all their assistance and speedy progress with this ILA.

Motion: a motion to adopt the resolution and authorize the execution of the agreement was made by Vice Mayor McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

11. MANAGER'S REPORT – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town (will be supplied under separate cover)

Manager Underwood stated he would be hiring a consultant to oversee the transition of the WCD and would probably need to hire some part time people to go through the records.

- b. Palm Beach County Sheriff's Office District 17 Monthly Report June 2018
- c. Palm Beach County Sheriff's Office District 17 Weekly Crime Brief Week 26

Sgt. Wilson, PBSO Detective Bureau, reviewed the Crime Briefs and Monthly Report with some additional statistics. Sgt. Wilson responded to a question from Council by explaining a burglary was is someone entered a residence or business building to steal something, and a theft is if something, like a bike, was left out and was stolen.

Council Member Maniglia commented that there have been several recent robberies and they think it might be people working at the nurseries adjacent to the homes. Sgt. Wilson stated they worked reported burglaries every week. If there was additional information, he would be happy to obtain it. Council Member Maniglia wanted to have the open container ordinance enforced more, particularly at A&G, where migrant workers were sold alcohol that was consumed outside the building and then these workers were targeted on their way home and robbed. Sgt. Wilson stated the last time they went to the plaza, the owner demanded they leave.

12. COUNCIL REPORTS

- A. Vice Mayor McLendon
 - 1. Discussion and Direction on modifying ULDC regarding structure setbacks for AR Zoning District to mirror PBC ULDC.

Vice Mayor McLendon stated some setbacks in the current ULDC Code were larger than what is required in Palm Beach County and don't think this was the intent of the Town. Council concurred. Vice Mayor McLendon stated this should not have to go thru ULDC to be amended.

Motion: a motion to have Staff work on and come back with an ordinance to amend the setbacks was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

2. Discussion and Direction regarding adopting a resolution regarding code enforcement with long term violations.

Vice Mayor McLendon stated this was an issue that has gone unresolved for too long. He outlined a possible solution in his email, that was on page 306 of the agenda packet. Some of these illegal RV's and BTR's for illegal businesses have been going on for almost 30 years. Town Attorney Cirullo stated some clarification was needed for a resolution...amortization minimum and a grace period formula. Mayor Browning added that Staff was looking to old records where previous Town Council might have given permission for some of these businesses. Ideas for resolution were:

- Cap time for compliance from 240 days to 365 days
- Compliance time would be from time notified
- Code enforcement would not begin until compliance time exceeded
- There would be no fine unless extended compliance time was not met and then case would go before the Magistrate
- There would be no grandfather clause unless the business or RV was legal prior to incorporation or prior to any rule changing.

Mayor Browning stated the original Town Council intended that a permit not be required for minor work like putting up a fence, minor repairs, change out a hot water heater, etc. He was not sure when this changed. Town Attorney Cirullo stated it was when the ULDC was created in 2010. There was a section in the ULDC for legal uses prior to incorporation. Council Member Batcheler stated there was a mailing going out to all residents who operated a business in Town, giving them an opportunity to register legally.

Motion: a motion to direct Staff and Attorney to draft a resolution and create the letter language was made by Vice Mayor McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

Mayor Browning called for a brief break at 11:50pm. Meeting reconvened at 11:52pm.

B. Council Member Joyce Batcheler

1. Discussion and Direction on Reconsideration of instructing Staff to remove fencing requirement of equestrian trails from the Comprehensive Plan

Council Member Batcheler stated there was no money in the budget for this fencing requirement. It should be taken off the trails and hopefully the riders would be respectful of people's property. This would require a Comp Plan Amendment. Council Member Maniglia added that the gates blocking the trails should be taken out. Manager Underwood stated as currently written they could not open the gates if there was no fencing.

Motion: a motion to direct Staff to bring forward a Comp Plan Amendment to remove the fencing requirement was made by Council Member Batcheler and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

2. Discussion and Direction on Tree Mitigation

Vice Mayor McLendon stated the current tree mitigation program was cumbersome and does not protect the Town from stark sterile developments. Now if a developer clears a site, they are supposed to put of funds until they replace the trees and lose the funds if they don't. Some choose to just lose the funds. There should not be a choice of money instead of planting trees.

Mary McNicholas, Raymond Drive, stated the ULDC Committee was looking at Article 87 Land Clearing now, but would look at any section the Town Council directed.

C. Council Member Phillis Maniglia

1. Discussion and Direction on issuance of Business Tax Receipts

Council Member Maniglia wanted to clarify that if the businesses were illegal in Town, they would not be given a BTR, even if they had previously had one in the County. Maybe a letter should be sent to everyone in Town. Manager Underwood responded that was being done.

2. Discussion and Direction on Reconsideration of hiring a Firm to provide an evaluation of Town Management operations.

Council Member Maniglia stated the Town had gone through many changes and had many issues to resolve and felt bringing an outside person or Firm in to give an evaluation would be good for the Town. Council Member Maniglia commented that she didn't think either she or others on the Council were experienced enough to do an evaluation. Council Member Maniglia asked that the back-up information for the three entities she contacted be emailed to the Council for further discussion at the next meeting and volunteered to donate \$1,000 towards payment for this project. Mayor Browning responded that the League of Cities Conferences have training classes that teach elected officials what to do and how to do it.

13. PUBLIC COMMENTS

Marianne Miles, North B Road, commented that she agreed with setbacks amendment but did not agree with removing the fences.

14. CLOSING COMMENTS

a. Town Attorney

Town Attorney Cirullo advised the Council that he would not be attending the August 7, 2018 Council Meeting, but Attorney Jacob Horowitz from his Firm would be attending in his place.

b. Town Council Members

Council Member Maniglia commented that she wanted this to be a friendly Town.

Council Member DeMarois commented that he would try to work with the budget and was committed to moving forward.

Council Member Batcheler commented that it had been a tough but awesome year and hoped this coming year would be the beginning of good things. Thanks to all the committees for their hard work.

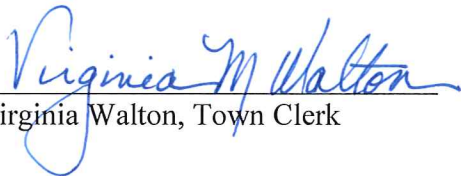
Vice Mayor McLendon commented that he appreciated Council Member DeMarois commitment. The Council needed to educate the people more. The easements were now owned by the Town and should be opened for trails. A thank you to the Underwoods for all their hard work. They worked more hours than anyone sees. FAAC had recommended a COLA increase and he agreed.

Motion: a motion to have the Mayor negotiate a different contract with the Town Manager to include a 3% CPI was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 5 – 0.

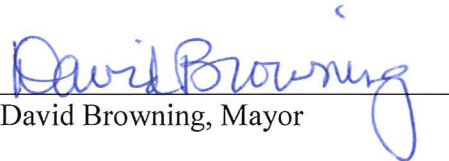
Mayor Browning commented that regarding the assessments, when compared to other Towns, their assessments were around \$500 per acre.

15. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 1:09 AM.



Virginia Walton, Town Clerk



David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, August 7 2018.