

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, June 5, 2018 at 7:00 p.m.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:15pm. Present were Mayor Browning, Vice Mayor McLendon, Council Members DeMarois, Batcheler and Maniglia. Also present were Town Manager Underwood, Town Attorney Cirullo and Town Clerk Walton.

b. Pledge of Allegiance & Invocation – Mayor Browning

2. ORDER OF BUSINESS

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

Vice Mayor McLendon requested that item #4b be moved to item #2b on the agenda. Council Member Maniglia asked that all language referencing livestock manure be removed from item #8d Ordinance No. 2018-05. Vice Mayor McLendon disagreed and suggested it be discussion when it comes up on the agenda. Addendums #1 through #7 are incorporated into the agenda.

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

3. PUBLIC COMMENTS

Ron Jarriel, 161st Terrace, stated the Town needed an interlocal with the Water Control District now for graders and operators.

Bill Louda, E Road, stated he paid 22% more in taxes to the Water Control District than the Town and wanted to make sure everyone voted yes on the 25th. He submitted a petition from 1993 wherein residents of E Road requested that the Town and the County not allow E Road to become a thoroughfare. This should be considered again if Westlake is built.

Motion: motion to received and file petition was made by Council Member DeMarois and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

Brenda Skaggs, Citrus Drive, what has been done with FEMA with roads flooding. Also, have Council wages been lowered since Town Hall is open 4 days now instead of 5.

Lisa Cruz, Tangerine Drive, submitted a petition from 28 residents on Citrus, Tangerine and surrounding streets requested the drainage problems be resolved.

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

Kathleen Gilberti, F Road, was unhappy with code enforcement officer and handed out a packet of information and letters from other residents. Also called for a petition to recall Manager Underwood for negligence on the roads and IOG.

John Ryan, A Road, was here over 20 years and was not happy with the Town regarding roads and code complaints.

Peggy Kovacs wanted to know how to keep dump trucks off North B Road. Cassie Suchi, B Road, commented on special assessments for roads and hope they would be equitable.

Ken Johnson, Collecting Canal Road, was in favor of vote for Water Control District dependency.

Mary McNicholas, Raymond Drive, commented that they were already starting on next year's scholarship fund. Mayor Browning added that Ms. McNicholas had done all the work on the League of Cities Luncheon and the Scholarship Fund. Ms. McNicholas requested the Town consider other community participation, such as a float in community parades.

Marianne Miles stated false rumors were being spread about assessments for North B Road; and Roy Parks, wanted to know if the Town could set up a Go Fund Me Account so that residents could help out.

4. PRESENTATIONS

a. Loxahatchee Groves Scholarship Awards

Mayor Browning presented Award Certificates to the four scholarship recipients, Madison Aguilar, Jacob Bell, Chase Sheeley and Allison Friedrich.

b. Waste Pro Presentation – Representative from Waste Pro was not present.

5. COMMITTEE REPORTS – none scheduled

6. CONSENT AGENDA

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

a. May Invoices for Goren, Cherof, Doody & Ezrol, PA

b. RESOLUTION NO. 2018-27 (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.

c. Amend First Budget Hearing Date to September 6, 2018.

- e. Schedule Workshop, Local Planning Agency and Special Council Meeting for June 19, 2018.

- f. RESOLUTION NO. 2018-29 (POD Agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AND AUTHORIZING THE MAYOR, AND/OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT WITH PALMS WEST PRESBYTERIAN CHURCH, TO PROVIDE A VOLUNTARY POINT OF DISPENSING (POD) FOR DISPENSING MATERIAL FROM THE STRATEGIC NATIONAL STOCKPILE DURING A PUBLIC HEALTH DISASTER; AND PROVIDING AN EFFECTIVE DATE.

- g. RESOLUTION NO. 2018-30 (Extend Contract Witt O'Brien)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A RENEWAL ADDENDUM TO AGREEMENT FOR DISASTER DEBRIS MONITORING SERVICES WITH WITT O'BRIEN, LLC; AUTHORIZING EXECUTION OF THE RENEWAL ADDENDUM; AND AN EFFECTIVE DATE.

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

End of Consent Agenda.....

- d. Schedule Special Council Meeting for June 14, 2018 (pulled from consent for discussion)

Joannie Hopkins stated she felt the language in the legal ad for the items on this meeting was incorrect since the items had not been approved yet. Town Attorney Cirullo responded that it was a standard ad and had the items not been approved tonight on first reading, the meeting would have been cancelled or re-scheduled.

Motion: a motion to approve a special meeting on June 14, 2018 was made by Vice Mayor McLendon and seconded by Council Member Batcheler. Motion passed 5 – 0.

7. OLD BUSINESS

- a. RESOLUTION NO. 2018-26 (Alternate Committee Members)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR ALTERNATES FOR THE TOWN'S ADVISORY COMMITTEES: THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (RETGAC); AND THE UNIFIED LAND DEVELOPMENT CODE COMMITTEE (ULDC); APPOINTING THE ALTERNATES TO EACH ADVISORY COMMITTEE AND PROVIDING FOR PARTICIPATION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member Maniglia stated she wanted to nominate Ryan Tucker as an alternate for the RETGAC Committee and to move Jo Siciliano from a regular member to an alternate member

on the ULDC Committee. Town Attorney Cirullo explained that they could not make Ms. Siciliano an alternate member of the ULDC Committee until Ms. Siciliano resigns as a regular member. Ms. Siciliano was present and stated she was immediately tendering her resignation as a regular member of the ULDC Committee.

Mary McNicholas, Raymond Drive, stated she was Chair of the ULDC Committee and they were meeting almost weekly now. She felt adding an alternate now with no history of what the committee had done to date would put the committee behind bringing this person up to date.

Council Member Maniglia responded that she had already discussed this with Ms. Siciliano and she had indicated this was her preference.

Council Member Batcheler commented that she respected the Committee Chair's opinion that they could not afford the lost time.

Motion: a motion to accept the resignation of Jo Siciliano as a regular member on the ULDC Committee was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

Motion: a motion to appoint Ryan Tucker as an alternate member of the RETGAC Committee and Jo Siciliano as an alternate member of the ULDC Committee was made by Council Member Maniglia and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

8. PUBLIC HEARINGS

a. ORDINANCE NO. 2018-04 (SECOND READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO CODE ENFORCEMENT LIENS; AMENDING ORDINANCE 2017-011, TO REMOVE APPEALS TO TOWN COUNCIL OF THE TOWN'S SPECIAL MAGISTRATES' DECISIONS ON APPLICATIONS FOR RELIEF FROM LIENS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ron Jarriel, 161st Terrace; John Ryan, A Road; and Jo Siciliano all commented they were not in favor of this ordinance. Council Member Maniglia responded in the past privileges were given and this takes that option away. Council Member DeMarois added that this would force an appeal to go through the Courts.

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

b. ORDINANCE NO. 2018-01 (SECOND READING)

Add: Addendum #1 revised back up documents

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING COMPREHENSIVE PLAN AMENDMENT 2018-01 TO THE TOWN OF LOXAHATCHEE GROVES, FLORIDA COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3184(3) FLORIDA STATUTES TO: (1) AMEND TABLE 1-8 OF THE FUTURE LAND USE ELEMENT; AND (2)

AMEND OBJECTIVE 1.5 POLICY 1.5.1 OF THE TEXT OF THE FUTURE LAND USE ELEMENT TO ADDRESS THE LOCATION OF PUBLIC SCHOOL USES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Maniglia asked if this was for public schools only or private also. Planning Consultant Fleischmann responded that private schools were not listed and if not listed then not allowed. Vice Mayor McLendon asked if this excluded Palm Beach State College, or made it legal non-conforming. Town Attorney Cirullo responded the College had an exemption in the ordinance. If listed as non-conforming it would deny them the ability to expand.

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

c. ORDINANCE NO. 2018-02 (SECOND READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING REVISIONS TO SECTIONS 20-015 PERMITTED USES IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT AND SECTION 25-015 PERMITTED USES IN THE COMMERCIAL LOW (CL) AND COMMERCIAL LOW OFFICE (CLO) ZONING DISTRICTS OF THE LOXAHATCHEE GROVES, FLORIDA UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ADDRESS THE LOCATION OF PUBLIC SCHOOL USES IN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This ordinance removed schools from the ULDC Code. There were no public comments.

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

Mayor Browning called a break at 8:50pm. Meeting reconvened at 8:53pm.

d. ORDINANCE NO. 2018-05 (FIRST READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE COLLECTION OF SOLID WASTE, RECOVERED MATERIALS, RECYCLABLE MATERIALS, AND LIVESTOCK WASTE; 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.

This ordinance would establish regulations for hours, uses for containers and livestock waste. This would not be an exclusive franchise. Council discussion ensued about livestock waste and

trash canisters. Council Member Maniglia felt all reference to livestock waste should be deleted from the ordinance. Vice Mayor McLendon and Council Member Batcheler disagreed.

The following residents spoke against livestock waste being included: Ingrid Taski, D Road; Robert Shorr, E Road; Laura Caccioppo, E Citrus Blvd; Keith Harris, C Road; Joannie Hopkins, 23rd Court N; Marianne Miles, North B Road; and Nina Corning, E Road.

The following residents spoke against containers: Ingrid Taskin, D Road; Lena Smiger, E Citrus Blvd; Mary McNicholas, Raymond Drive; Laura Caccioppo, E. Citrus Blvd; and Betty Argue.

Motion: a motion to approve the ordinance on first reading, as amended to remove pages 100 to 103 and any sections regarding livestock manure, was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

e. ORDINANCE NO. 2018-06 (FIRST READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED "BUDGET AND APPROPRIATIONS," SUBSECTION (6) ENTITLED "REVENUE BONDS; LEASE-PURCHASE CONTRACTS," TO AMEND THE REQUIREMENT FOR CERTAIN TYPES OF BORROWING TO BE APPROVED BY REFERENDUM FROM A REPAYMENT TERM IN EXCESS OF THIRTY SIX (36) MONTHS TO A REPAYMENT TERM IN EXCESS OF ELEVEN (11) YEARS; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION TO BE CONDUCTED ON ~~NOVEMBER~~ 6AUGUST 28, 2018, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo stated a correction to the heading needed to be made for the Special Election date. It should read August 28, 2018, not November 6, 2018. Correction would be made for second reading. Robert Shorr was not in agreement with this ordinance. Ron Jarriel, 161st Terrace; Mary McNicholas, Raymond Drive, and Marianne Miles, N. B Road, were all in agreement that this was necessary. Council Member Maniglia stated that the original Town Council had good intentions but the times and the Town have changed.

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

f. ORDINANCE NO. 2018-07 (FIRST 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.

Town Attorney Cirullo stated this ordinance had been prepared in accordance with direction from the Town Council at a previous meeting. There were no comments from the Council or from the public.

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

9. NEW BUSINESS

a. RESOLUTION NO. 2018-28 (Amend Fee Schedule)

Add per Addendum #6 (revised schedule with 1 clarification and two new fees)

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.

Add per Addendum #2

b. RESOLUTION NO. 2018-31 (Award Bid)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AWARDED BID NUMBER 2018-002 “DAILY GRAVEL ROAD MAINTENANCE SERVICES” RELATING TO TOWN ROADS; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS CONSISTENT WITH THIS AWARD IN FORMS ACCEPTABLE TO THE TOWN MANAGER AND TOWN ATTORNEY; AUTHORIZING FUNDING FOR THE SERVICES THROUGH THE TRANSPORTATION FUND; PROVIDING FOR RELATED MATTERS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Underwood stated that only one vendor had responded to this Bid, which was C&C Loader. Council Member Maniglia stated she believed that C&C Loader was related to MJC, another vendor with the Town for road grading; and felt it should go back out to bid again or let the Town Manager re-negotiate. Vice Mayor McLendon stated this agreement would give the Town more flexibility. Roy Parks, North Road, suggested looking for a SNAPS Agreement or piggyback another contract.

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

Motion: a motion to extend the meeting to finish agenda items was made by Council Member DeMarois and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

10. MANAGER'S REPORT – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town

Add Addendum #7:

aa. LGWCD OGEM Loan Debt Assessment Review

Perla Underwood explained the details of the original loan, the outstanding debt and the assessments from the Water Control District to give the Town Council an overview of the financial issues being worked on.

- b. Palm Beach County Sheriff's Office District 17 Monthly Report April 2018
c. Palm Beach County Sheriff's Office District 17 Weekly Crime Brief Week 18
d. Palm Beach County Sheriff's Office District 17 Weekly Crime Brief Week 21
e. Palm Beach County Fire Rescue Monthly Report April 2018

- f. Quote on Grader Rental for three (3) years

Manager Underwood stated he had received quotes for the grade rental but had not been able to find an operator yet. The grader rentals were around 45,000 for fuel and maintenance. Council Member DeMarois suggested getting quotes on a smaller grader.

Motion: a motion to have the Town Manager move forward with a three year lease for a grader up to \$38,000 and hire an operator was made by Vice Mayor McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

- g. Summary of RETGAC Recommendations for Jacobs Master Trail Plans
h. Palm Beach County Sheriff District 17 Monthly Report May 2018

Vice Mayor McLendon requested that the Town Manager ask the Sheriff's Office District 17 to give his monthly report in person at the next meeting. Also, ask for the CAD Reports.

Motion: a motion to have the Town Manager request CAD reports from the PBC Sheriff's Office and to have the next monthly report made in person was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

Add Addendum #6

- i. PBC Sheriff's Law Enforcement Services Agreement Adjustment

The Agreement for next fiscal year called for a 3% increase. Vice Mayor McLendon stated the original contract stated they had to submit a notice of increase by March 31st of each year, which was not done. Consensus was not in favor of an increase.

Mayor Browning called for a small break at 11:30pm. The meeting reconvened at 1:33pm.

11. COUNCIL REPORTS

A. Council Member DeMarois

1. Discussion and Direction to approve an RFP for a New Manager or Management Group for the Town.

Based on complaints he has heard regarding code enforcement and the OIG report, Council Member DeMarois stated he wanted to make a motion to call for an RFP for a new Manager or Management Group. Motion failed for lack of a second.

2. Discussion and Direction for Town Council to reconsider the 4 day work week, so that Town can take calls for service 5 days a week through the hurricane season.

Council Member DeMarois suggested that Town Hall go to 5 days within 5 days of a hurricane and for 5 days after. No consensus was reached.

3. Discussion and Direction on leaving 140th cut through open.
4. Discussion and Direction for Town Council to again address Emergency Road Grading.

This was completed with bid award.

Add Addendum #3

B. Vice Mayor McLendon

1. Discussion and Direction on modifying approved Policy for Capital Improvement Projects – Road and Drainage

The current road/drainage cost sharing policy was provided for review by Council. Vice Mayor McLendon wanted to add language to Section II “Creation” at both “A” and “C” to read “not to exceed \$300.00”.

Marianne Miles, Ron Jarriel, Cassie Suchy and Nina Corning were not in favor of this amount.

Motion: a motion to amend the cost sharing policy to add the language “not to exceed \$300.00” for sections referenced above was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

Add Addendum #4

C. Council Member Maniglia

1. Discussion and Direction regarding permitting truck traffic in Town

Council Member Maniglia suggested that the Town do what other surrounding towns do and charge a fee for large truck traffic. Wellington has a \$125 fee. There were questions about the size of trucks for this permit fee, or possibly a fee only after “x” number of loads.

Motion: a motion to have the Town Attorney and Staff look into a truck traffic ordinance and options was made by Council Member Maniglia and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

2. Discussion and Direction on Interlocal Agreement with LGWCD to cut into east side berms at culvert locations to drain roads

Council Member Maniglia withdrew this item from discussion.

3. Discussion and Direction on hiring a Firm to provide an evaluation of Town Management operations (Addendum #6 back up documents Management Partners Background Information)

Council Member Maniglia stated she had contacted several Firms who did evaluation of municipal strategic and business planning and reports on improvement policies. She would like to have these firms give a presentation to the Town Council. After discussion, this item was tabled until the next meeting so that information on the three firms could be forwarded to Town Council for review.

12. CLOSING COMMENTS

a. Public

Ron Jarriel, 161st Terrace, and Bill Louda, E Road, had final comments on Waste Pro and need for a restaurant in Town. Robert Shorr volunteered to donate funds for the road/drainage problems or his time to dig out any culvert the Town had a need for. Also he felt containers for trash pick-up could be a problem. Mary McNicholas suggested a state of emergency be declared due to the condition of the roads and this could open an avenue for some grant funding.

Motion: a motion to have the Town Attorney look into the legality of declaring a state of emergency for the road conditions and bring forward at the Special Meeting on June 19, 2018 was made by Council Member Maniglia and seconded by Vice Mayor McLendon. Motion passed 5 – 0.

Marianne Miles, North B Road, presented the petition for participation in the road/drainage cost sharing program with over 51% of the property owners in favor.

b. Town Attorney – none

c. Town Council Members

Council Member Maniglia commented she didn't want to end up looking like Royal Palm Beach with multiple businesses on every corner. Possibly an ordinance could be adopted with a 10 mile cushion on duplicate businesses. Town Attorney Cirullo responded that regulating businesses for issues not related to health or safety could be troublesome. Manager Underwood added that Stuart had adopted regulations on businesses downtown with 15 factors that would deny approval if the business fell into one of those factors. Vice Mayor McLendon added that he believed the original ULDC Code was adopted for this reason of not anticipating large centers or

drive thru fast food restaurants or large signage. However, when the first shopping center came, the town gave out variances like they were candy.

Council Member DeMarois and Council Member Batcheler both thanked everyone for coming, being supportive and staying so late.

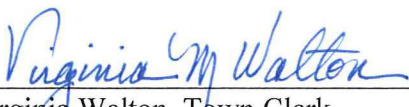
Vice Mayor McLendon commented that the mailer sent out by Council Member DeMarois was very disappointing, contained inaccurate facts and violated the ethics code by not clearly representing it as personal and not from the Council. Regarding Waste Pro, Vice Mayor McLendon stated it might be too late before the end of their contract, but it was time to go out for an RFP. He and many others were not happy with the performance of Waste Pro. Regarding trash containers, Vice Mayor McLendon stated there were many options to assist older people and disabled with moving the containers out to the street and he felt the positive would outweigh the negative on these. There is a real problem with trash in Town that needed to be addressed.

Motion: a motion to put this item on the June 19, 2018 Special Town Council Meeting was made by Vice Mayor McLendon and seconded by Council Member Maniglia. Motion passed 5 – 0.

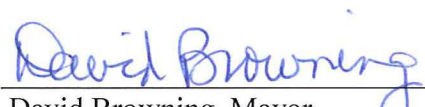
Vice Mayor McLendon added that he had recently rode through Town with a representative from Alcee Hasting's Office showing him the conditions of the roads. Hopefully this would possibly obtain some grant assistance.

13. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 1:16 AM.



Virginia Walton, Town Clerk



David Browning, Mayor

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