



Town of Loxahatchee Groves Town Council Meeting

Tuesday, December 5, 2017 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

**Town Hall, 155 F Road
Loxahatchee Groves, Florida 33470**

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 PM. Present were Mayor Browning, Vice Mayor Ron Jarriel, Council Members Ryan Liang, and Todd McLendon. Councilman Dave DeMarois was absent from the meeting. Also in attendance was Town Manager William Underwood, Town Attorney Michael D. Cirullo, Jr., and Perla Underwood.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Request Participation by Telephone Due to Scheduling Conflict – Council Member David DeMarois

Councilman DeMarois was connected by phone and requested approval to participate in the Town Council meeting by telephone.

Dennis Lipp, North Road - Spoke against Town Council participation by phone.

Doreen Baxter, North Road - Spoke against Town Council participation by phone.

Phillis Maniglia, 359 West D Road - Spoke against Town Council participation by phone.

Motion: a motion to approve the request by Councilman DeMarios to participate in the Town Council Meeting by telephone was made by Vice Mayor Jarriel, and seconded by Councilman Liang. Councilman McLendon stated that he objected to participation in this manner. The vote on the motion failed, 2/2 with Mayor Browning and Councilman McLendon voting against.

2. ORDER OF BUSINESS

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

Vice Mayor Jarriel requested that Item 12.b.1 be pulled from Agenda. Vice Mayor Jarriel explained that he was informed by the Town's Attorney, and Code Enforcement that Brier Case remains an ongoing case.

Motion: Councilman Liang Moved, Seconded by Council McLendon to approve the Agenda as amended. The motion passed 4/0.

3. PUBLIC COMMENTS

Bill Louda – 1300 E Road, requested that RETGAC meeting be scheduled, and inquired about the funds from District for Town use in maintenance for roads.

Julie Campbell, Farmers Daughter – 13415 Southern Boulevard, requested the Town Council address her code enforcement case.

Randy LaFerney – 1181 West C Road, requested a variance to ordinance that would allow dog training within the Agricultural Residential zone. Town Council suggested she meet with the Town Manager on her request.

Raul Valiente – 13379 Casey Road, addressed the conditions of his road and requested Town action, and advised that he is willing to pay to get better service.

Nancy Freed – 2141 B Road, addressed the sign prohibition, and requested the Town Council take action to amend the requirements on signs and placement.

Ken Johnson – Collecting Canal Road, requested more patrol regarding traffic on Town Roads, and advised that he feels the heavy equipment traffic is damaging the roads.

Marianne Miles – North B Road, addressed her concern about conditions on North B Road, and the need to address the drainage problem.

4. PRESENTATIONS – none scheduled

5. COMMITTEE REPORTS

- a. Finance Advisory and Audit Committee (FAAC) Report
Jim Rockett, Chair

Vice Chair John Ryan provided the FAAC Report to the Town Council on behalf of Chair Rockett. He advised that the FAAC is recommending approval of the proposed Budget Amendment to fiscal year 2018, and Ordinance No. 2017-22 establishing a BTR Rate Structure Classification that are included in Agenda for consideration tonight.

Additionally, Vice Chair Ryan advised the Town's External Auditor made a presentation, and advised that a clean audit was presented.

6. CONSENT AGENDA

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

- a. Minutes: November 7, 2017 Town Council Meeting
- b. November Invoices for Goren, Cherof, Doody & Ezrol, PA

c. RESOLUTION NO. 2017-84 (Budget Amendment 2017/2018)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

d. RESOLUTION NO. 2017-85 (Amend Meeting Schedule)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A REVISED SCHEDULE FOR THE REGULAR TOWN COUNCIL MEETING DATES FOR FISCAL YEAR 2017—2018; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

e. RESOLUTION NO. 2017-89 (Ratify Emergency 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.

At the request of Vice Mayor Jarriel, Item 6.e. was pulled from Consent Agenda.

Motion: Councilman McLendon Moved, Seconded by Councilman Liang to approve the consent agenda. The vote on the motion passed 4/0.

End of Consent Agenda.....

RESOLUTION NO. 2017-89 (Ratify Emergency 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.

Vice Mayor Jarriel advised that his concern was with the lack of detail included for the WBI Contracting work done in the amount of \$15,210.00. He specifically requested that in the future staff require the vendor to itemize all costs involved in the project rather than providing a lump sum for work performed on future proposals of this nature.

Motion: Councilmen McLendon Moved, Seconded by Councilman Liang to approve Resolution No. 2017-89. The vote on the motion passed, 4/0.

7. RESOLUTIONS

a. RESOLUTION NO. 2017-82 (Announce Elections)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 1 AND SEAT 3, PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 13, 2018, PURSUANT TO THE TOWN CHARTER, AS AMENDED BY ORDINANCE NO. 2017-17, AND CHAPTERS 97 – 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 2, 2018 AND CLOSSES PROMPTLY AT 12:00 NOON ON JANUARY 9, 2018; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6094; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion: Vice Mayor Moved, Seconded by Councilman McLendon to adopt Resolution No. 2017-82. Vote on the motion passed 4/0.

b. RESOLUTION NO. 2017-83 (Appoint Canvassing Board)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE SUPERVISOR OF ELECTIONS, OR HER DESIGNEE, ALONG WITH THE TOWN CLERK, AND A TOWN RESIDENT, TO SERVE AS THE TOWN'S CANVASSING BOARD, INCLUDING ATTENDANCE FOR THE TESTING OF THE ELECTRONIC SYSTEMS AUTOMATIC TABULATION EQUIPMENT, TO CANVASS THE MUNICIPAL ELECTION, AND TO CERTIFY THE ELECTION RESULTS FOR THE TOWN'S MARCH 13, 2018 MUNICIPAL ELECTION, AND ANY RUN-OFF ELECTION, PURSUANT TO THE TOWN CHARTER AND STATE LAW; PROVIDING FOR MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Motion: Councilman Liang Moved, Seconded by Vice Mayor Jarriel to adopt Resolution No. 2017-84. Vote on motion passed, 4/0. Councilman McLendon thanked resident Bill Ford for his willingness to serve as a member of the Canvassing Board.

8. OLD BUSINESS

a. Order of Fine Certification and Authority to Foreclose (Gilberti)

Town Attorney Cirullo explained the process relative to the Fine Certification and Authority to Foreclose on the Gilberti case.

Motion: Councilman McLendon Moved, Seconded by Councilman Liang to authorize the Town Attorney to file the necessary documents on the matter. Vote on motion passed, 4/0.

c. Order of Fine Certification and Authority to Foreclose (Bank of New York)

Motion: Councilman McLendon Moved, Seconded by Councilman Liang to authorize the Town Attorney to file the necessary documents on the Bank of New York property. Vote on the motion passed 4/0.

9. PUBLIC HEARINGS

a. ORDINANCE NO. 2017 - 19 (SECOND READING – FEMA Floodplain)

AN ORDINANCE BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE, PART V ENTITLED “DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS” OF THE TOWN OF LOXAHATCHEE GROVES CODE OF ORDINANCES, CREATING ARTICLE 175 TO BE ENTITLED “FLOODPLAIN MANAGEMENT”; PROVIDING FOR THE ADOPTION OF FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained that in order to participate in the National Flood Insurance Program and allow property owners to obtain federally backed flood insurance, the Town must agree to regulate development in their mapped floodplains.

In addition, the Planning & Zoning Board recommended approval and that Council consider amending the ordinance to establish procedures for determining substantial improvements and substantial damage for purposes of flood insurance claims. The ULDC Committee also reviewed the proposed Ordinance and recommended approval.

Upon question, Town Attorney Cirullo stated that this recommendation by Planning & Zoning Board as well as any other revisions to the ordinance are best addressed at a future date.

Upon question, Town Manager advised that the Ordinance is not retroactive, and there is a cutoff date of October 2018. The Town Council was also advised that Loxahatchee Groves is the only municipality in Palm Beach County that does not participate in program.

Mayor Browning pointed out that there would be no cost to the Town, while also pointing out the adoption of the Ordinance would benefit Town residents.

Upon question from Town Council, Town Manager advised that he would like the Town to consider entering into an ILA with PBC to administer the requirements on future development. Councilman McLendon inquired about the ability to rescind the Ordinance in the future. Town Attorney Cirullo advised that three (3) votes of the Town Council would be needed to rescind as the Ordinance would be amending the ULDC.

Motion: Vice Mayor Jarriel Moved, Seconded by Councilman Liang to adopt Ordinance No. 2017-19 on final reading. After comments below, the vote on the motion passed, 4/0.

Dennis Lipp – North Road, Advised the Council on the special conditions that were discussed and recommended by the Planning & Zoning Board.

Nina Courcing – 2834 E Road, Urged the Town Council to not approve Ordinance 2017-19.

Joyce Batcheler – 760 E Road, Expressed support for the program, and recommended the Town Council adopt the Ordinance as presented.

Mary McNicolas – 12845 Raymond Drive, As Chair of ULDC, she advised that the ULDC Committee is urging Town Council to approve the program, and would hope that the PZ could do there recommended add on at a later date.

Upon question, Town Manager Underwood advised that mortgage company escrow adjustments will be finalized in December.

Bruce Baltz – Forest Lane, He requested the Town Council approve the Ordinance, and explained that his Mortgage Company's quote for a Flood Policy using a private company for his property is \$2400, and if obtained through FEMA the cost will be \$400.

Councilman McLendon advised that he would like the Manager to work with PBC on an ILA so that they would be responsible in order to ensure the Town meets the requirements of the Program as mandated.

c. ORDINANCE NO. 2017-13 (SECOND READING - Code Compliance)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING PART I, ENTITLED "ADMINISTRATION AND DEFINITIONS," ARTICLE 05, ENTITLED "ADMINISTRATION AND LEGAL PROVISIONS," OF THE TOWN'S UNIFORM LAND DEVELOPMENT CODE TO AMEND SECTION 05-045, ENTITLED "COMPLIANCE REQUIRED," TO AUTHORIZE ISSUANCE OF LICENSES, PERMITS OR CERTIFICATES WHEN SUCH ISSUANCE IS NECESSARY TO REMEDY A VIOLATION OF THE UNIFORM LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman Liang Moved, Seconded by Councilman McLendon to adopt Ordinance No. 2017-13. Vote on motion passed 4/0.

c. RESOLUTION NO. 2017-78 (Nuisance Abatement Assessment)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SETTING FORTH THE TOWN'S INTENT TO USE THE UNIFORM METHOD FOR THE LEVY AND COLLECTION OF A NON-AD VALOREM SPECIAL ASSESSMENT TO BE LEVIED UPON CERTAIN REAL PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO, TO RECOVER THE COSTS ASSOCIATED WITH TOWN'S EFFORTS TO ABATE NUISANCES ON SUCH PROPERTIES WHICH CONSTITUTE A THREAT TO THE HEALTH, SAFETY AND WELFARE TO THE CITIZENS AND RESIDENTS OF THE TOWN; STATING A NEED FOR SUCH LEVY; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman McLendon Moved, Seconded by Councilman Ryan to adopt Resolution No. 2017-78. Vote on the motion passed 4/0.

d. RESOLUTION NO. 2017-79 (Road Assessment)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SETTING FORTH THE TOWN'S INTENT TO USE THE UNIFORM METHOD FOR THE LEVY AND COLLECTION OF A NON-AD VALOREM SPECIAL ASSESSMENT TO BE LEVIED UPON CERTAIN REAL PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO, TO RECOVER THE COSTS ASSOCIATED WITH THE IMPROVEMENT, MAINTENANCE AND CONSTRUCTION OF PUBLIC ROADS AND ASSOCIATED DRAINAGE WITHIN THE TOWN; STATING A NEED FOR SUCH LEVY; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman McLendon Moved, Seconded by Councilman Liang to adopt Resolution 2017-79. After comments, motion passed 4/0 passed.

Vice Mayor Jarriel stated he would like the District to provide funding to the Town as they are continuing to assess monies to landowners for services they will not be providing.

Bill Louda - E Road, Advised that he would like the District turned into the Town's Public Works Department at time of dependency.

Nina Corning – 2834 E Road, Requested the Town Council not approve Resolution 2017-79.

10. NEW BUSINESS

a. RESOLUTION NO. 2017-87 (Floodplain Program)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM REGARDING LAND USE AND DEVELOPMENT WITHIN CERTAIN AREAS OF THE TOWN OF LOXAHATCHEE GROVES WHICH ARE DEEMED SUBJECT TO FLOODING AND/OR FLOOD-RELATED EROSION; TO ENACT AND ENFORCE THOSE PROVISIONS SET FORTH IN THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS, PARTS 59, 60 AND 65; PROVIDING FOR CONFLICT T; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman Liang, Moved, Seconded by Councilman McLendon to adopt Resolution 2017-87. Motion passed 4/0.

b. RESOLUTION NO. 2017-88 (Floodplain Agriculture)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A POLICY DETERMINATION AND PROCEDURE FOR FLOODPLAIN PERMITTING AND APPROVAL FOR BONA FIDE AGRICULTURAL PRACTICES AND ANCILLARY NON-RESIDENTIAL AGRICULTURAL STRUCTURES SUPPORTING BONA FIDE AGRICULTURAL OPERATIONS LOCATED OUTSIDE DESIGNED FLOODWAYS THAT DO NOT ALTER THE FUNCTIONALITY OF THE FLOODPLAINS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION'S FLOOD INSURANCE RATE MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman McLendon Moved, Seconded by Councilman Liang to adopt Resolution 2017-88. Motion passed 4/0.

c. ORDINANCE NO. 2017-20 (FIRST READING-Underground Utilities)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO UNDERGROUND WIRING FOR UTILITIES FOR NEW DEVELOPMENT IN THE TOWN; AMENDING PART III OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE, ENTITLED "SUPPLEMENTAL REGULATIONS," TO ADD A NEW ARTICLE 91, ENTITLED "UNDERGROUND UTILITY LINES," TO REQUIRE ALL NEW RESIDENTIAL DEVELOPMENT AND OTHER LAND DEVELOPMENT PROJECTS TO INSTALL UTILITY LINES UNDERGROUND; PROVIDING FOR THE RECORDING OF EASEMENTS FOR THE INSTALLATION OF THE UNDERGROUND UTILITIES FACILITIES; PROVIDING FOR ARRANGEMENTS WITH UTILITIES SERVICE PROVIDERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning Consultant Fleischmann advised that the ULDC does not currently include

regulations requiring new residential development and other land development projects to install utility lines underground.

The Planning and Zoning Board recommended deleting a section 91.01 entitled Easements, and renumber the balance to conform. Mr. Fleishmann addressed the primary concern of PZ was about the cost of survey to the private owners.

Motion: Councilman McLendon Moved, Seconded by Vice Mayor Jarriel to approve Ordinance No. 2017-20 as amended by Planning and Zoning Board. After comments, motion passed, 4/0.

Nina Corning – 2834 E Road, Urged the Town Council against adoption of Ordinance.

Mary McNicolas – 12845 Raymond Drive, Advised that the ULDC recommended adoption of the Ordinance as amended.

d. ORDINANCE NO. 2017-21 (FIRST READING – Nuisance Abatement Procedures)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO NUISANCE ABATEMENT PROCEDURES AND COST RECOVERY, PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR DECLARATION OF NUISANCE AND MENACE; PROVIDING FOR EXCESSIVE GROWTH OF GRASS, WEEDS, BRUSH, AND OTHER OVERGROWTH; PROVIDING FOR KEEPING OF FILL ON PROPERTY; PROVIDING FOR REMEDYING IMMINENT PUBLIC HEALTH THREATS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR APPEALS; PROVIDING FOR SPECIAL ASSESSMENT IMPOSED TO RECOVER COSTS OF TOWN ABATEMENT; PROVIDING FOR NOTICE OF ASSESSMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager advised that the Town needs to speed up the process to remedy nuisances beyond the slow method involving the special magistrate process. He additionally advised that the proposed ordinance includes many issues, some of which the Council may wish to discuss.

Upon review, the Town Council requested the following changes:

Section 2: Purpose and Intent

(2) Replace as follows:

Excessive and untended growth of grass, weeds, brush, branches, and other overgrowth, that obstruct public roadways within the Town, Trails, with a vertical height of 18', and impeding drainage.

(3) Delete

(4) Delete

(5) Delete

(8) Delete

(9) Delete

Section 3. Definitions

Replace as follows:

Excessive growth means grass, weeds, rubbish, brush, branches, or undergrowth that grows over public roadways in violation of Section 50-035, Town ULDC and a clearance height of 18’.

Grass, weeds, or brush means grass or weeds, or brush that, when allowed to grow in a wild and unkempt manner, impairs roadways, trails, and vertical clearance of 18’ and impeding drainage.

Motion: Following discussion, Councilman McLendon Moved, Seconded by Councilman Liang to approve Ordinance No. 2017-21 on first reading with the changes identified by Town Council, and authorized staff to modify the balance of the Ordinance to conform and incorporate the intent of the Council changes throughout the document, and submit the revised Ordinance to the Planning & Zoning Board, and the ULDC Committee for review and input. After discussion and comments below, motion passed 4/0 to also include the reduction in the height clearance to 14’.

John Ryan – 3508 A Road, Recommended against clearance regarding the vertical plane.

Cassie Sucy – 3685 B Road, Questioned how Town will determine where the roadway lays.

Virginia Standish – 15410 North Road, Advised that she feels this ordinance is over reaching, and would request that the Town review Sections 4, 5, and 6 specifically.

Ken Johnson - Collecting Canal Road, Complained about the variations in road widths, stagnant water.

Nina Corning – 2834 North E Road – Recommended the Ordinance not be enacted.

Robert Aston – 13845 Hyde Park Road, Advised that the tree canopy on his road is about 14 feet, and suggested that the discussed height of 18’ be reduced to 14.

The Town Council after further discussion generally agreed to the 14’ height clearance as suggested by Mr. Aston.

e. ORDINANCE NO. 2017-22 (FIRST READING-BTR Rate Classification)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING A RATE AND CLASSIFICATION STRUCTURE FOR LOCAL BUSINESS TAX RECEIPTS ISSUED BY THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood advised that the proposed Ordinance creates the business tax receipt system rate classification structure. He further advised the Town established the rate model used by the Village of Royal Palm Beach.

Motion: Councilman McLendon Moved, Seconded by Vice Mayor Jarriel to adopt Ordinance No. 2017-22 on first reading. Following discussion below, the vote on the motion passed 4/0.

Councilman Liang questioned why some of the categories included in Rate Structure Fee Schedule when those business categories are not allowed within the Town.

Connie Bell – 14863 22nd Road North, Advised that some of the categories included in the Royal Palm Beach rate structure are also not allowed within the Village, but, never the less, included because in the future if a municipality were to allow such businesses, adding the categories would require the a study before incorporating new allowed businesses.

Nina Corning – 2834 E Road, Urged the Town Council to not adopt the proposed Ordinance.

f. RESOLUTION NO. 2017-86 (Award Bid)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AWARDED BID NUMBER 2017-06 “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.

Town Manager Underwood advised that bids were opened on November 22, 2017, and the Town received three (3) bids for the services. He advised that all three vendors met the requirements for pricing submissions as follows: Cliffs Trucking, DP Development, and MJC Land Development.

Motion: Councilman Liang Moved, Seconded by Councilman McLendon to award Bid No. 2017-06 for Gravel Road Maintenance Services to MJC as recommended for the 16.420 miles of gravel roads recently turned over to the Town by the LGWCD in the amount of \$370 per mile, and requested the Manager meet with MJC in an attempt to negotiate a reduced unit price in the event the Town chose to exercise its exclusive option to add the additional 25.889 miles to this new Contract in the future. After comments below, the vote on motion was passed 4/0.

Phillis Maniglia – 359 West D Road, Questioned the award for the services.

Mary McNicolas – Sluggett & Associates, Requested the Town Council approve Bergeron letter of October requesting release from its contract with the Town. Town Council advised that this item is included in the Agenda, under Town Manager Reports, 11.i.

Mayor Browning advised that a motion was needed to expend the Meeting to continue after 10:30 pm.

Motion: Vice Mayor Jarriel Moved, Seconded by Councilman Liang to extend the meeting. The vote on the motion passed, 4/0.

11. MANAGER'S REPORT – Town Manager Underwood

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

RV Pilot Program

Town Manager Underwood reported that the RV Pilot Program went into effect in November and to date the Town has received one inquiry, and to date no applications have been received.

Mayor Browning advised about concerns raised with respect to requirement for appointment of a power of attorney, and residence/caretaker on site.

Phillis Maniglia – 359 West D Road, Advised that there are also problems with the inspection and sticker visibility requirements, the length of the program of 179 days, two (2) person occupancy requirements for each RV, no extension period allowed, and the requirement of free access to property for Town representative.

Joyce Batcheler – 760 E Road, Simon Fernandez – 14301 Okeechobee Boulevard, Marianne Miles – North B Road, and Ralph Tufano – E Road all expressed their thoughts on the RV Pilot Program.

Town Manager Underwood advised that the RV Pilot Program was developed by consensus of a group of residents. He also clarified the requirements that were included in the Application Form mailed to residents as follows:

- Power of attorney requirement was in the event that the landowners was not on site, that the landowner's designed representative would be able to address any issues arising on the property during the Program duration.
- All approved RVs would be required to display a Town sticker, and that sticker would need to be visible from the road so Town staff could see during the program without the need to enter the property.
- The length of the program is governed by the state/county laws, and an extension of the time period would require implementation of those state/county laws and regulations.
- Focus group was specific about a requirement of an onsite resident/caretaker on property for the duration of the program

Upon question regarding electric, water, sanitary sewer disposal, and other permitted requirements, Councilman McLendon advised permits for residential facilities are required as only nonresidential farm buildings are excluded from county and municipal codes. Mr. McLendon also advised application also allows for the use of a tarp with at least two (2) inch raised lip around the entire pad instead of a concrete pad.

The Town Council requested that the ULDC review the RV Pilot Program.

Vice Mayor Jarriel advised that he is in favor of the program would like residents to consider registering for the program.

Roadway Catch Basin Drainage and Installation Project

Randy Wertepny, Keshavarz & Associates reviewed the estimated costs of \$140,000 for services to be provided relative to the roadway drainage project as follows:

- Field Investigation/Windshield Survey
- Drainage Assessment and Prioritization
- Drainage Improvement Options
- Typical Drainage Design
- Custom Drainage Design
- Permitting Services
- Bid Phase Services
- Construction Phase Services

Councilman McLendon advised that he feels the costs was too high, and questioned about looking at other options that would reduce the engineering costs.

Vice Mayor Jarriel would like to cap engineering at \$50,000 to start.

Councilman Liang advised he feels the engineers should begin the windshield survey first to determine those areas identified to be included in the road drainage program.

Motion: Councilman McLendon Moved, Seconded by Vice Mayor Jarriel to approve Resolution No. 2016-90 amending the scope of services proposal for an amount not to exceed \$40,000. After discussion below, the vote on the motion passed 4/0.

Upon question from the Town Council, it was determined that the Town should ask the District to provide the drainage design plans done but never implemented on the 4 OGEM segments improved by the District on North A, South and North C, and D Road.

LGWCD Supervisor Simon Fernandez would like the Town to use the expertise that the District could provide relative to the drainage project, and advised that he would request the item be placed on the upcoming Intergovernmental Committee meeting Agenda.

Road Assessment Fees Study

Town Manager Underwood advised he is requesting the Town Council approve issuing a Request for Proposals for Assessment Study services.

Motion: Councilman Liang Moved, Seconded by Councilman McLendon to approve the Request for Proposals as requested by the Town Manager for a Road Assessment Fees Study. The vote on the motion passed, 4/0.

Impact Fees on Future Development

Town Manager discussed the need for a solution for road improvements and maintenance to address the current and future condition of the Town's roads due to lack of prior maintenance, severe weather impact, and increased traffic. He advised that a study would need to be done for development based on impact to the community with those fees to be paid by new development within the Town.

Vice Mayor Jarriel advised that he would support such impact fees that would be paid by new development.

Town Council took no action at this time.

Solid Waste and Recycling Collection Agreement

Town Manager Underwood advised that the Town's Solid Waste Collection Agreement will expire on September 30, 2018. He also advised that the Town's contract allows for a 1 year renewal if the Town Council so wishes.

Vice Mayor Jarriel advised he would like to exercise the 1 year renewal, but would like to bid for services in 2019.

Mayor Browning concurred with the 1 year extension to the existing contract with Waste Pro.

Motion: Vice Mayor Jarriel Moved, Seconded by Councilman McLendon to exercise the option of a one year renewal with that would extend the contract expiration date to September 30, 2019. After discussion below, the vote on the motion passed, 4/0.

Chris Shule representing Waste Pro addressed the Town Council relative to complaints over the last year. Councilman McLendon inquired about the costs and benefit of implementing a semi-automated or fully automated service within the Town as he feels this type of service could be less expensive than current services provided.

Mr. Schule advised that he would not consider full automated services because of the narrow roads within the community. However, with respect to the semi-automated services, he advised that the only increase would be initial costs of the garbage containers that would be provided to all parcels within the community.

Farms West Workshop Proposal

Town Manager advised that the applicant for a Planned Unit Development (PUD) has been submitted by Atlantic Land. He advised that in order for the PUD process to commence, the Town Council must hold a Workshop meeting. Upon question, Town Manager advised that a Workshop meeting can be scheduled for 6:00 PM on January 16, 2018 prior to the regularly scheduled Town Council Meeting.

Motion: Vice Mayor Jarriel Moved, Seconded by Councilman McLendon to schedule the Workshop Meeting as recommended. To vote on the motion passed, 4/0.

Hurricane Irma FEMA Reimbursement

Town Manager Underwood provided the Town Council with a brief overview of the status of progress with FEMA representatives relative to the Category A claims in the amount of \$500,000, and Category B and C claims in the amount of \$75,000 for each category through December 1, 2017.

Bergeron Release Letter

Town Manager Underwood reminded the Town Council that Bergeron had submitted a request for Release of its Contract with the Town on October 31, 2017, and to date the Town Council has not addressed this request.

Mary McNicholas, representing Bergeron requested that the Town Council grant Bergeron's request for Release.

Vice Mayor Jarriel would like to include a smooth transition of MJC as they begin grading the 16.420 miles of former District Roads not included in the Bergeron contract, and would like for this item to be brought back to Town Council for action at their February 2018 meeting.

Motion: Following discussion, Vice Mayor Jarriel Moved, Seconded by Councilman Liang to Release Bergeron from its Contract for Gravel Road Grading of Town Roads on January 16, 2018. The vote on the motion passed, 3/1. Councilman McLendon voted no.

PBC League Meeting Funding

Town Manager Underwood advised that the Town had previously agreed to sponsor the PBC League Meeting to be held at the PBSC Loxahatchee campus on February 28, 2018. Town Manager advised that the Town will fund \$500 for the meeting.

Mary McNicholas advised that they are currently soliciting contributions from other area community to assist in the sponsorship of the meeting, and requested a dedicated account be established by the Town to deposit checks for sponsorship of the meeting. She also further advised that it was the intention to dedicate the balance of funds to the PBSC for a scholarship for a Loxahatchee Groves student.

Vice Mayor Jarriel advised that he would be donating \$250, and encouraged all Town Council Member to contribute as well. Councilman McLendon and Mayor Browning agreed to the contribution, and Vice Mayor Jarriel assured that the Councilman DeMarois would also make a contribution.

12. COUNCIL REPORTS

a. Council Member McLendon

1. Discussion and direction on Comprehensive Plan Transportation Element Policy
2. Discussion and direction on Comprehensive Plan School Policy
3. Discussion and direction of Comprehensive Plan Low Impact Non-residential Policy
4. Discussion and direction on no new thoroughfares

Councilman McLendon was requesting that the Town Attorney be authorized to begin work on those items in the Comp Plan to include no new thoroughfares. He would also like these items to be reviewed by both the Planning and Zoning Board, and the ULDC Committee.

Motion: Councilman McLendon Moved, Seconded by Vice Mayor Jarriel to authorize the Town Attorney and the Town's Planning Fleishmann to begin work on this matter. After discussion, the vote on the motion passed, 4/0.

Phillis Maniglia – 359 West D Road, inquired about clarification contained in Section 25-050 relative to the removal of work Collector Road, and requested the definition of a collector road and how that effects Okeechobee Boulevard.

Planning Consultant Fleishmann explained that the Comprehensive Plan identifies Okeechobee Boulevard as an urban collector road. He advised that commercial is allowed on arterial roads (Southern Boulevard).

Upon question, Vice Mayor Jarriel advised that applicants can still apply.

Vice Mayor Jarriel requested that an ILA with the LGWCD for hedging all Town Roads be placed on the upcoming IGC meeting for discussion.

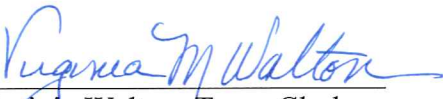
13. CLOSING COMMENTS

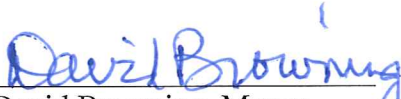
Town Attorney

Reminded all Town Council members regarding the Ethics Training required for all elected officials.

14. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 12:35 a.m.


Virginia Walton, Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, JANUARY 16, 2018