



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, November 7, 2017 at 7:00 p.m.

### MINUTES

#### 1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Ronald Jarriel and Council Members Todd McLendon, Ryan Liang and David DeMarois. Also present was Town Manager William Underwood, Town Attorney Michael D. Cirullo, Jr., and Town Clerk Virginia Walton.

- b. Pledge of Allegiance & Invocation – Mayor Browning

#### 2. ORDER OF BUSINESS

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

**Motion:** a motion to approve the agenda, including Addendum #1, was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

#### 3. PUBLIC COMMENTS

Phillis Maniglia, D Road, felt the RV Pilot Program should be revised to include properties that have barns but not residential homes. Also, the power of attorney clause in the agreement was not good.

Nancy Fried, B Road, had a non-profit animal sanctuary and had been advised by code enforcement that her signage had to be taken down. She has had the signage on Mr. Googe's fence for eight years and presented a letter into the record requesting this be reconsidered.

**Motion:** a motion to receive and file the letter from Ms. Fried was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

Christina Anzures, Southern Blvd & D Road Animal Hospital, presented photos for her streets, including Tangerine Blvd., showing the poor condition of the roads with large pot holes. She stated the grading of the roads had made the roads higher than the properties and water was draining into her property.

**Motion:** a motion to receive and file the three photos was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

Marge Herzog, A Road, announced that next week the Landowners Meeting would have the Palm Beach County Clerk and Comptroller as their speaker. Also, a grant had been submitted to Palm Beach County for \$2,700 to replace message board signs and the money had been released.

Paul McCrea, B Road Horse Farm, stated he had lived there for 25 years and had never had trouble with the road before, but now had a 10 x 10 ditch 2 feet deep. This was hurting his business and need help.

Marianne Miles, B Road, stated the roads were a mess and needed to be fixed.

Mary McNicholas, representing Bergeron, stated this was the third meeting in a row that they were requesting a release from their contract if the Town was not willing or able to put the proper material on the roads per the rock assessment submitted.

Joannie Hopkins and Darcy Murray submitted letters to be read into the record with concerns about the condition of the roads and the need to keep the original rural lifestyle of the Town.

**Motion:** a motion to receive and file the two letters rather than read both was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 4 – 1, with Vice Mayor Jarriel dissenting. He felt both letters should be read. The letters were read into the record.

Virginia Standish, North Road, stated she felt the RV Pilot Program was important. Also, regarding the B Road emergency grading, she was troubled that a Council member had hired contractor who damaged property.

Sharon Jarriel stated she didn't know who started this lie, but her husband had been out for major surgery and she had his phone while he was recuperating, so there was no chance for him to be hiring anyone. She was upset with Council Member McLendon for using this information against her husband.

Nina Corning, E Road, was concerned about the grading of roads and the vegetation ordinance passed by the Council. Also, the no thru truck traffic signs were missing on several roads.

#### **4. PRESENTATIONS – none scheduled**

#### **5. COMMITTEE REPORTS**

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

Chair Jim Rockett stated the committee had met on October 23<sup>rd</sup> and their next meeting was scheduled for November 20<sup>th</sup>. They had reviewed the September 30<sup>th</sup> financial, but left them unapproved until the actuals were finalized. They did not recommend approval of the proposed budget adjustments. He requested that the FAAC be allowed to review all proposals and bids.

**6. CONSENT AGENDA**

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

- a. Minutes: October 3, 2017 Town Council Meeting
- b. Minutes: October 26, 2017 Special Town Council Meeting
- c. October Invoices for Goren, Cherof, Doody & Ezrol, PA
- d. RESOLUTION NO. 2017-75 (Budget Amendment)

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, 2016 AND ENDING SEPTEMBER 30, 2017; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

- e. RESOLUTION NO. 2017-76 (Budget Amendment)

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.

- f. RESOLUTION NO. 2017-77 (Ratify Emergency Expenditures)

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.

- g. RESOLUTION NO. 2017-80 (ILA with PBC for 5 cent and 6 cent Local Option Gas Tax)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING AND RATIFYING THE INTERLOCAL AGREEMENTS AND ANY AMENDMENTS ENTERED INTO BETWEEN PALM BEACH COUNTY AND THE MUNICIPALITIES WITHIN PAL BEACH COUNTY FOR THE DISTRIBUTION OF THE 5 CENT AND 6 CENT LOCAL OPTION GAS TAX, AS AUTHORIZED BY SECTION 336.025, FLORIDA STATUTES; PROVIDING FOR CONFLITS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- h. RESOLUTION NO. 2017-81 (Amend Schedule of 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.

**Addendum #1: Add**

- i. Request to change the January 2, 2018 Town Council Meeting date to January 16, 2018.

Council Member McLendon stated on page 27 Nina Corning comment about good paving should be removed since it was not exactly what she had commented. Council Member DeMarois questioned item #e Transportation Fund and asked if the \$5 million was in anticipation of getting the bond money. Manager Underwood responded it was.

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

End of Consent Agenda.....

**7. RESOLUTIONS – none scheduled**

**8. OLD BUSINESS**

- a. ORDINANCE NO. 2017 - 19 (FIRST 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 Attorney Cirullo advised the Council that this ordinance does not exempt Ag. It was a standard form ordinance that had been vetted by FEMA. This would enable the residents to participate in obtaining discounts for flood insurance. Only those homes in a flood area would be impacted and this was not retroactive. This was first reading and the P&Z Board would review prior to second reading in December. There was Council discussion on how many homes were actually impacted in Town and what the cost to implement this ordinance would be for the Town. Manager Underwood stated he did not have an exact number and there was no list. It just required looking each location up on the map.

Henry Lewis, March Circle, stated he did live in a flood zone and found the private insurance was very expensive. Congress had mandated that all homes in flood zones obtain insurance and he was in favor of the Town participating.

Nina Corning, E Road, felt that Sec. 175.100 requirements would place an expensive burden on the Town. Marianne Miles, member of the ULDC Committee, stated their committee had never reviewed this ordinance.

Mayor Browning asked if this would fall under the ULDC. Town Attorney Cirullo responded that the ULDC was looking at existing codes, not new ones. Mayor Browning added that the Town had spent money with the County to get the maps so that some houses could be taken out of the original number.

Jo Siciliano, B Road, stated this needed a closer look. The map looks like an overlay. Only half of her barn was in a flood zone. Marge Herzog, A Road, added that when she acquired an equity line of credit, she was informed that she needed a flood policy.

Christina Anzures, stated that the properties were being flooded because the road levels were raised and were draining into the parcels.

Lauree Simmons, Big Dog Ranch, stated if the Town does not adopt, there would be exclusions for FEMA help in flooding disasters and would exclude people from getting the FEMA insurance.

Vice Mayor Jarriel wanted the P&Z and the ULDC to review this ordinance before the Council voted on second reading. Town Attorney Cirullo responded if they went off schedule, the ordinance would not be adopted until January. The Town would then lose their free FEMA consultation services. There really wasn't much ability to change this ordinance and less than two dozen out of over four hundred municipalities haven't adopted this as yet. Council Member McLendon added that after October 1<sup>st</sup> FEMA would not issue flood insurance without this ordinance in place and then residents would have to go to private insurance. Town Attorney Cirullo also added that it would impact any disaster recovery of costs and add more permit requirements. This ordinance would only be for someone coming in for new development. If adopted, then there would also be a resolution in December to participate in the FEMA insurance program.

**Motion:** a motion to approve on first reading, subject to the ordinance going for review to both the P&Z Board and the ULDC Committee prior to second reading, was made by Council Member Liang and seconded by Council Member DeMarois. Motion passed 5 – 0.

**Mayor Browning called for a break in meeting at 8:11pm. Meeting reconvened at 8:18pm.**

b. COUNCIL REPORTS

(continued from Sept 7, Sept 19 and Oct 3, 2017 agendas)

b. Vice Mayor Ron Jarriel

1. Discussion and Direction regarding an ILA with the Water Control District for mowing and hedging.

Vice Mayor Jarriel stated the Town needed to open the right-of-ways. The resolution that was passed to have residents keep vegetation out of the roads would take 30-60 days to comply and the roads had last been hedged in July 2016. Vice Mayor suggested that an item at the next IGC meeting would be a request that they WCD and the Town have an ILA for mowing and hedging until the new resolution could take effect. Town Attorney Cirullo stated that if the IGC agreed, then the Town Manager and Attorney would come up with an agreement. Council Member McLendon wanted to know where the money would come from to pay for this service. Mayor Browning suggested combining the two. Get the WCD to clean up and put the WCD costs on an assessment.

**Motion:** a motion to authorize the Town Manager to bring forward this item at the next IGC meeting for the Town and WCD to work together on this ILA was made by Vice Mayor Jarriel and seconded by Council Member DeMarois. Motion passed 4 – 1, with Council Member McLendon dissenting.

2. Discussion and Direction regarding daily noise code violation against Todd McLendon with Lefkowitz

Council Member McLendon recused himself from discussion and voting on this item and stated he would submit the proper form to the Town Clerk. Vice Mayor Jarriel stated this had been going on for years and it seemed the problem was finding an independent code officer to pursue this case. Town Attorney Cirullo stated they had an independent attorney and an independent special magistrate, but not a code officer. Vice Mayor Jarriel stated he knew there was a code officer's retirement meeting in December and he intended to go and find someone to fill this vacancy. Town Attorney Cirullo responded that the Vice Mayor was certainly entitled to attend but was not authorized to negotiate or pursue someone. Council Member DeMarois asked if this case was different from the one the Federal Judge ruled on. Town Attorney Cirullo stated it was a separate proceeding.

3. Discussion and Direction regarding purchase of generator for Town Hall

Vice Mayor Jarriel stated the Town Hall should be a staging EOC area for everyone during all disasters. The Town Manager should get quotes on purchasing a generator or at least an outside hook-up for a generator. Council Member McLendon stated it was not appropriate to keep the A/C going in Town Hall if there was no money for roads. He would rather see the line get moved to the hospital grid and get a price for that. Vice Mayor Jarriel responded Town Hall could be used as a positive site for providing ice and water for those who have no power. Mayor Browning suggested getting a hoop-up outside and leasing a generator when needed. Council Member Liang suggested the Town look at the emergency service contract for renting a generator. Council Member DeMarois stated when Town Hall had no power there was a loss of productivity for the Staff.

Cassie Suchy, B Road, stated clearing the trees and business from the easements would help but needed to be careful with the violations program. Jim Rockett, FACC, stated it would be necessary to identify the funds for this purchase.

**Motion:** a motion to authorize the Town Manager to get three quotes/options for power in Town Hall during disasters: outside hook-up; purchase a generator, or have FP&L move line to the hospital grid; was made by Vice Mayor Jarriel and seconded by Council Member DeMarois. Motion passed 5 – 0.

c. Council Discussion on Road Conditions and Solutions

Vice Mayor Jarriel stated the roads were deplorable and suggested the Town hire a contractor who could stage his equipment at the WCD compound to save money. MJC had graded the WCD roads last week and Bergeron had started on their roads this week. With the assessment from August, pick the worst roads to start and work from there. Start with the catch basins and culverts to get the water off the roads. This could be considered a capital improvement. A motion by Vice Mayor Jarriel to let Bergeron do the assessments failed for lack of a second.

Town Manager Underwood stated the Town was out to bid for roads now, which would be awarded in December; and he would provide funding options at that time. Estimates for the hurricane costs were over \$500,000 so far, with more coming at about \$200,000. A spreadsheet was presented showing funds available for roads, which was only \$69,000. There was \$400,000 available to spend any way the Town wanted. The 1.155 mil was dedicated funds. Council Member DeMarois recommended budgeted limited maintenance for Town roads. The WCD was doing assessments. If private contractors were cheaper, the towns would be using them. Use the WCD equipment, owned or rented. Come October, the Town would be taking on more employees from the WCD.

Council Member McLendon stated grading was not the problem. The WCD was only going to keep smoothing the roads down. He agreed with the Vice Mayor that the Town should get the catch basins and culverts in. B Road & E Road were bad. Also North B Road. Engineers can tell us where the basins should go, and possible turn the canal into a road. Mayor Browning responded the Town could not pay for that with gas funds.

**Motion:** a motion to direct the Town Manager to come back with a plan to make the catch basin at North B Road happen was made by Vice Mayor Jarriel and seconded by Council Member DeMarois. Motion passed 5 – 0.

Town Manager Underwood stated he would like to spend the \$890,000 on the roads and use more than one contractor. Mayor Browning suggested using a different product like on Tripp Road because it drains. Manager Underwood stated if it extended the life of the road, then the funds could be used. Town Attorney Cirullo stated the 5 cent second gas tax could be used for resealing. The Manager would need to prepare a bid.

Council Member McLendon suggested the Engineer make a generic plan for basins and then use that as problems arise. Manager Underwood responded that was a valid point. The engineers could look but not lay out the plans.

Nina Corning and Marianne Miles both added further comments on the road conditions.

Pat Dean, Shetland Lane, Fox Trail, was not a resident of Loxahatchee Groves but has worked in the drainage business for 35 years. He stated there was no infrastructure and the culverts were old and falling apart. There needed to be more rock material, but every grading cuts the rock down. More planning was needed. Regarding the generator, there were government auctions where they could be obtained very inexpensively.

Mary McNicholas, Raymond Drive resident and representing Bergeron. Regarding the WCD roads, they had given the Town assessment a year ago and from then to now the roads have gotten worse. Some solutions were presented in pilot projects and quotes. There was no reason not to try. East Citrus was done wrong. Stabilization material was needed. What was the criteria for putting the material down?

**Mayor Browning called for a break in meeting at 8:58pm. Meeting reconvened at 9:02pm.**

## 9. PUBLIC HEARINGS

- a. ORDINANCE NO. 2017-15 (SECOND READING-ULDC Amendments)  
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN'S UNIFIED LAND DEVELOPMENT CODE (ULDC): AMENDING PART I, ENTITLED "ADMINISTRATION AND DEFINITIONS", ARTICLE 10, ENTITLED "DEFINITIONS, ABBREVIATIONS, AND CONSTRUCTION OF TERMS", SECTION 10-015, ENTITLED "DEFINITIONS"; "PART II, ENTITLED "ZONING DISTRICTS," ARTICLE 20, ENTITLED "RESIDENTIAL ZONING DISTRICTS, SECTION 20-010, ENTITLED "GENERAL PROVISIONS", AND SECTION 20-015, ENTITLED "PERMITTED USES"; PART III, ENTITLED "SUPPLEMENTAL REGULATIONS", ARTICLE 80, ENTITLED "CONDITIONAL USES"; AND PART V, ENTITLED "DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS", DIVISION II, ENTITLED "CERTIFICATE OF CONFORMITY", ARTICLE 170, ENTITLED "SPECIAL EXCEPTION USES", SECTION 170-010, ENTITLED "APPLICABILITY"; AND ADDING SECTION 20-017, ENTITLED "PROHIBITED USES"; SECTION 80-065, ENTITLED "MODULAR HOME OR FACTORY BUILT HOME"; AND SECTION 80-070, ENTITLED "MANUFACTURED HOME" TO UPDATE THE LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC) BY REVISING THE LIST OF PRINCIPAL USES PERMITTED IN THE AGRICULTURAL RESIDENTIAL ZONING DISTRICT AND ADDITIONAL SECTIONS TO INSURE ULDC CONSISTENCY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planning Consultant Fleischman explained that the ULDC Committee and the P&Z Board had reviewed a series of ULDC amendments for Section 20-15 "Permitted Uses", with some minor differences of recommendations that were outlined on page 157 of the agenda packet. Council Member McLendon noted that one change that had not been corrected was on page 148 with the word "certain" not being deleted before special events. Vice Mayor Jarriel wanted to know why the effective date was October 1<sup>st</sup>, and suggested it be changed to December 1<sup>st</sup> or today's date of November 7, 2017. The Big Dog Ranch building was not on the original site plan, so would therefore be illegal since it was just approved tonight. Town Attorney Cirullo responded that another date could be inserted, and would not impact the status of the property as they were legal non-conforming.

**Motion:** a motion to change the effective date to November 7, 2017 was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

Dennis Lipp, Chair of P&Z Board, stated the Board had worked on this twice and urged the Council to pass the ordinance.

Mary McNicholas, Chair of the ULDC Committee, regarding public schools, she just wanted to make sure it was on the record that they should not be in the AR. The Comp Plan should be amended in the future. Planning Consultant Fleischmann stated that although it was recommended by both groups to delete, the Town's Comp Plan states that they are allowed. There would have to be an ordinance to change this as well as an amendment to the Comp Plan;

and he had not been directed to do so yet. Council Member McLendon suggested that on the next agenda there could be suggestions for comp plan amendments.

John Ryan, A Road, took issue with removing rescue animal care. Mayor Browning responded this was an issue and there were too many rescues now. Town Attorney Cirullo added that the actual list was amended that if they are legal and conforming as of November 7, 2017, then they would remain legal and conforming. If not, they would need to prove they were legal to continue.

Nina Corning, E Road, felt if an animal rescue was for horses it should be permitted.

Planning Consultant Fleischmann stated there were two components, Ag Bona fide and Ag, not a business, sections in the code. Just Ag, get Town Council approval. Get a letter from the State. Council Member McLendon stated in the ULDC Chapter 163 – what is development? In Chapter 380 - Ag is not development, so why is it even in the code?

b. ORDINANCE NO. 2017-18 (SECOND READING – Business Tax Receipts)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE LEVY AND COLLECTION OF LOCAL BUSINESS TAXES WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

In response to directive from the Town Council, Staff had researched and implemented a proposed business tax receipt prior to the next state legislative session. The ordinance had been prepared by the Town Attorney. Staff would complete a review of the Palm Beach County and Village of Royal Palm Beach business tax values for coordinating values for the Town at the December meeting.

**Motion:** a motion to approve the ordinance on second reading was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

**Motion:** a motion to extend the meeting from 10:19 pm until the Council finishes the agenda items was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

c. RESOLUTION NO. 2017-66 (Site Plan Amendment)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BIG DOG RANCH SITE PLAN AMENDMENT, FOR LAND OWNED BY BIG DOG RANCH REAL ESTATE HOLDINGS, LLC CONSISTING OF 33.16 ACRES MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND “D” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Applicant Lauree Simmons was sworn in to give testimony and provided a handout for her powerpoint presentation to the Town Council.

**Motion:** a motion to receive and file the powerpoint handout was made by Council Member DeMarois and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

Ms. Simmons stated that three quarters of Phase I was complete and hoped for the rest to be completed by the end of February. As the building progressed they realized some buildings needed relocation and some new ideas were added, which represented the amendment proposed tonight. Ms. Simmons gave an overview by powerpoint of the changes to the buildings, square footages, sidewalks, fencing, splash ponds and preserve areas. Council Member McLendon had several concerns:

- 1) wanted to have an added condition that D Road access would only be for deliveries. Ms. Simmons had no issue with adding that condition.
- 2) concerns about run-offs due to possible infectious residue. Ms. Simmons responded all drains went into the sewers and each had an exfiltration system in place.
- 3) wanted to add a verification if permits were needed from SFWM and Core of Engineers for the lake and preserves. Ms. Simmons responded the lake was private and the preserves were phased in. Also State requirements were for 2 ½ acres or more, which did not apply to them. They had met with both entities and had been told permits would not be required. Council consensus was not in favor of adding this condition.

Planning Consultant Fleischmann stated the current site plan was approved for 59,774 square feet and this amendment added 5,300 square feet, for a new total of 65,077 square feet. The maximum allowable FAR was .15. The existing site plan was 0.04138 and the amended plan was 0.0405, which was still well below limits. Planning & Zoning Board had reviewed the plan twice and had recommended approval, subject to two new conditions:

- 1) a reconfiguration of the parking for the education center new location
- 2) revised original condition #7 – fencing for the puppy runs from closed fencing to open style noted in the new condition #7 on the agenda.

**Motion:** a motion to approve the resolution and amended site plan was made by Council Member McLendon and seconded by Council Member DeMarois. After discussions, motion passed 3 – 2, with Mayor Browning and Council Member McLendon dissenting.

## **10. NEW BUSINESS**

### **a. ORDINANCE NO. 2017-13 (FIRST 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.

Town Manager Underwood stated that the current Town's Unified Land Development Code prohibited the issuance of any licenses, permit or certificates for any premises where there is a violation of the ULDC. This eliminated several alternatives for resolving the code violations. The ordinance would allow property owners to have an avenue to obtain a permit for the resolution of the violation and code compliance.

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

b. Approval of Invoice from Frank Smith for Road Maintenance

Invoices had been submitted by Frank Smith for road maintenance work in the amount of \$7,125.00 that was not authorized by the Town Management. Emails were provided showing that requests for quotes were requested but never received.

**Motion:** a motion to pay the invoices was made by Council Member DeMarois. Council Member Liang seconded the motion for discussion. After discussion the motion failed 0 – 5.

Council Member McLendon stated he had expected to receive something from Frank Smith as explanation of what happened and how he felt authorized to do the work. The invoices had the Vice Mayor's name and phone number on the top; however, Vice Mayor Jarriel stated he had not authorized anything to be done. Council Member DeMarois added that it appears he did not properly bill.

Virginia Standish, North Road, commented on the work being done during and after the hurricane.

**11. MANAGER'S REPORT** – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town
- b. PBC Sheriff's Office District 15 Monthly Report September 2017
- c. PBC Fire Rescue Monthly Report September 2017
- d. Discussion and Direction on Road Assessment Policy

Town Attorney Cirullo advised the Council that Ordinance 2008-05 "Procurement" had created a new Section "Special Assessments", which gave the Council authority to adopt a special assessment based on a valuable public service. Allowable projects were construction or re-construction, including drainage and road improvement. An intent resolution would need to be adopted prior to December 31, 2017 in order to implement the non-ad valorem assessment as of October 2018. Details that would need to be addressed were describe the lands and location of the designed projects, state the cost of the assessment, the manner of the assessment and how the costs would be paid, such as a grant, or the Town paying a portion. If the Council wished to begin collection of the assessment prior to October 2018, it would need to be direct billed to the residents. Vice Mayor Jarriel stated he believed the assessments from the Water Control District had been 60% for roads and 40% for drainage. Council Member DeMarois responded he believed the percentages were reversed.

**Motion:** a motion to authorize the Town Attorney and Town Manager to move forward with the intent resolution and a plan of action to implement was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

## **12. COUNCIL REPORTS**

### **a. Council Member McLendon**

1. Discussion and Direction on bollard placement on 6<sup>th</sup> Court N between D Road and E Road; and between F Road and Folsom Road

Council Member McLendon suggested placing bollards and closing off 6<sup>th</sup> Court North to help reduce the cut-thru traffic issues. Vice Mayor Jarriel stated that first they needed to check with PBSO and Fire-Rescue on what impact this would have for their response times. Mayor Browning added that traffic going south on Folsom turned onto 6<sup>th</sup> Court North, not Collecting Canal. Vice Mayor Jarriel suggested putting up a gate with a lock. Town Attorney Cirullo stated there were strict statutes for obstructing public roads and he would have to bring back the legal process for this action to the Council.

2. Discussion and Direction on Solid Waste credit for parcel, not unit.

Town Attorney Cirullo advised the Council that deleting the credit could not be done this year as it had already been budgeted and sent to PAPA. There was no legal issue for next year if it was okay with PAPA. The Council could also look at changing the methodology of per parcel vs. per unit. Mayor Browning stated they may have been premature in giving the credit this year.

3. Discussion and Direction on Road Impact Fees

Town Attorney Cirullo advised the Council there was a Statute regarding Impact Fees which he could bring back for discussion and direction. The Statute limits how impact fees could be adopted and used and specialized studies needed to be completed.

### **Addendum #1: Add**

4. Discussion and Direction relative to policy governing Town Committees

Council Member McLendon stated there appeared to be some misunderstandings on policies regarding quorums and voting for committees and felt that policies and the Charter should match for both the Town Council and all Committees. After Council discussion, the matter was left as is for now.

5. Discussion and Direction relative to including a ballot question on the March 2018 Election Ballot amending the Town Charter to provide Town Council Term Limits

Council Member McLendon stated he felt it was time to place term limits on Council Seats and asked that a ballot question be put on the March 2018 elections. Town Attorney Cirullo stated he thought it might be too late to institute a ballot question for March 2018 and this would require a referendum of the voters. This could be placed on a future agenda for the March 2019 election ballot.

b. Vice Mayor Jarriel

1. Discussion and Direction on placing road rock material on new additional roads from LGWCD.

Vice Mayor Jarriel felt that they should let Bergeron put the road rock down per their assessment.

**13. CLOSING COMMENTS**

a. Public

Nina Corning had a final comment on the horse trails for E Road.

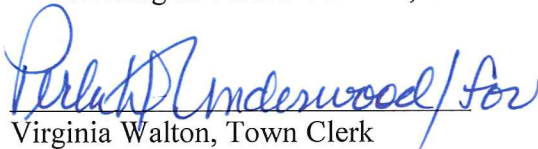
b. Town Attorney - none

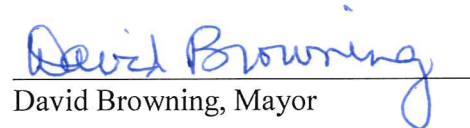
c. Town Council Members

Council thanked everyone for staying so late and wished everyone a Happy Thanksgiving. Council Member McLendon added that code enforcement need to be applied to all equally.

**14. ADJOURNMENT**

Hearing no further business, a motion to adjourn the meeting was made at 12:06 AM.

  
Virginia Walton, Town Clerk

  
David Browning, Mayor

*These minutes were approved by the Town Council on Tuesday, December 5, 2017.*