

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, October 3, 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 Dave 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

1. ORDER OF BUSINESS

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

Addendums #1 through #6 were added to the agenda.

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

2. PUBLIC COMMENTS

Mark Jackson, Don Widing, Frank Sciola, Marge Herzog and David Jury all commented on the condition of the roads, particularly Marcella, A Road, 22nd Street, and Collecting Canal between D Road and Folsom; and hoped the Town would address the problems.

Jeff Kurtz, Attorney for Farmer's Daughter, submitted a letter for the record regarding the ongoing code enforcement issues with his client and requested the Council address these issues. July Campbell, Farmer's Daughter, stated during the hurricane landscaping fell on her power lines; and adding more landscaping, as she was being asked to do, would just bring more problems.

Doreen (?), stated she was thankful that all the debris had been picked up in her area. She also stated she had listened to the last Council Meeting online and was concerned that Council Member DeMarois stated he had not spoken or met with the Town Manager to review the budget prior to the meeting. He needed to put aside any problems and communicate; then when he voted, he would fully understand what he was voting for.

Joyce Batcheler and Marge Herzog both urged everyone to attend the Palm Beach State College meeting tomorrow night to show support for the dental program being moved to the Loxahatchee Groves Campus.

4. PRESENTATIONS – none scheduled

5. COMMITTEE REPORTS – none scheduled

6. CONSENT AGENDA

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

- a. Minutes: September 7, 2017 Town Council Meeting/First Budget Hearing
- b. Minutes: September 19, 2017 Town Council Meeting/Final Budget Hearing
- c. September Invoices for Goren, Cherof, Doody & Ezrol, PA
- Addendum #4: add Consent Item #6d:
- d. Approval to prepare Resolution of Intent to Implement a Road Assessment for FY2018/2019

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

End of Consent Agenda.....

7. RESOLUTIONS

- a. RESOLUTION NO. 2017-70 – (FY2018 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.

Town Attorney Cirullo read the resolution by title. Mayor Browning asked for questions or comments from the Council and then from the public.

Motion: a motion to approve the budget as presented on the agenda was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion failed 2 – 3, with Council Member McLendon, Council Member Liang and Council Member DeMarois dissenting.

The items cut at the last meeting were brought back for reconsideration after researching the ramifications of these cuts. Vice Mayor Jarriel stated he had met with the Town Manager today for two hours and he supported the revised budget adjustments that were presented on tonight's agenda; and stated the Manager would let the Council know if the cuts to P&Z created issues during the year. Council Member DeMarois still felt the shortfall should be taken out of Reserves. Council Member McLendon suggested the Council give up their salaries to cover the shortfall, but Vice Mayor Jarriel stated he would not do that. Council continued to review the line items for additional cuts to balance the budget.

John Ryan, A Road, stated he was disappointed and had concerns with the Management Contract increase of 3% being left in the budget. Mayor Browning responded that the cuts might hurt but the Town could manage, and regarding Management, the excessive frivolous lawsuits pending with the Town took a lot more of their time to deal with.

Connie Bell, 22nd Road N, suggested they look at computer services or office supplies.

Dennis Lipp stated he was on the original Council and felt this Council had become self-serving by not considering cutting their salaries. The Mayor had been on the Council for many years and had served several of those with no salary. Taking the cost of police services out of Reserves was not a good idea. We as a Town have grown up. Now have a Town Hall and a real community. The Council should “suck it up” and take it out of their pockets.

The meeting took a short break so that the Town Manager could revise the budget to reflect the new adjustments to P&Z, travel, town branding, CERT, office supplies and electric.

Motion: a motion to approve the final budget, reflecting the update to the Exhibit to reflect the new adjustments, was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

8. OLD BUSINESS

Addendum #6: New Ordinance provided with revised language:

(continued from September 19, 2017 agenda for first reading)

a. ORDINANCE NO. 2017-15 (FIRST 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.

Planning Consultant Fleischman explained that P&Z Board had agreed with the majority of recommendations from the ULDC Committee, with just a few language variations. The matrix provided was in four columns and showed what the Permitted Uses were, what the ULDC recommended, what the P&Z recommended and what Staff recommended. Most of the eliminated uses were done because the Boards felt they were not consistent with the Town's character. Also, any Ag related items were removed and placed together under "Ag". The two areas of disagreement were:

- 1) mobile homes: ULDC allowed and renamed/P&Z did not allow/Staff agreed with P&Z
- 2) public schools: ULDC and P&Z would not allow/Staff disagreed because public schools were allowed in the Comprehensive Plan and if they were deleted, then a Comp Plan Amendment would be required.

Articles 10, 20, 75, 80 and 170 were revised to coincide with permitted uses revisions.

Council Member McLendon was confused with the language that stated "certain" Special Events and then Special Events. After discussion it was decided that the word "certain" would be deleted. Council Member McLendon added that he could go either way with the manufactured homes. The original intent of the Town was to not have harder rules than Palm Beach County. Vice Mayor Jarriel agreed, and asked if the older long term mobile homes could be replaced. Consultant Fleischmann responded that yes there was a section dealing with those older mobile homes allowing replacement if they had been legally permitted and stickered prior to the damage. Mayor Browning stated the County did not allow mobile homes. Manager Underwood added they did only in mobile home parks. Consultant Fleischmann added that they were an accessory use in Bona Fide Ag. Exhibit D stated that they had to be legal and conforming. If legal and non-conforming, they can't make changes or if damaged can't rebuild. The reason for the 15 years old limit was to avoid old derelict trailers being brought into the Town. Council discussed a few language changes and adjustments.

Motion: a motion to approve the amended ordinance on first reading was made by Council Member McLendon and seconded by Council Member Liang. A roll call vote was in favor of approval 5 – 0.

Mayor Browning called a break at 8:14pm. Meeting reconvened at 8:18pm.

b. RESOLUTION NO. 2017-63 (LRM Agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING AN AGREEMENT WITH LAND RESEARCH MANAGEMENT, INC., AND AUTHORIZING THE EXECUTION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood stated that Planning Consultant Fleischmann has a contract which the Town felt was still in effect, but by definition of the IOG was expired. In order to continue moving forward with the many upcoming projects, this new agreement was brought forward. Council was requesting that Mr. Fleischmann obtain insurance coverage, as all other vendors who work for the Town. Planning Consultant Fleischmann stated he had a proposal, but the insurance was not active yet. The insurance companies were finding it difficult to find a category to place his business in, and this was the only city his company worked for that required

this insurance. There was a question as to whether Consultant Fleischmann had to delay work on pending projects until the insurance issue was resolved. Council consensus was that the Consultant, Town Attorney and Town Manager could work this out without delaying the work. Council Member McLendon's only comment was that he wanted assurances that Mr. Fleischmann worked for the Town's interests, not the developers. This was an ongoing concern. Mayor Browning disagreed and felt Mr. Fleischmann was just a nice person and tried to find a solution for all.

Motion: a motion to approve the resolution and agreement, contingent on Mr. Fleischmann obtaining the proper insurance coverage, was made by Council Member Liang and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

c. Approval of Work Authorizations for Land Research Management (LRM)

Manager Underwood listed the projects that Consultant Fleischmann had been asked to work on by the Town Council and policy was that a work authorization be approved prior to the work being billed to the Town.

Motion: a motion to approve the work authorizations was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

d. COUNCIL REPORTS

(continued from August 1, September 7 & September 19, 2017 agenda)

a. Council Member Todd McLendon

1. Discussion of Town Ethics Violation by Council Member David DeMarois

Council Member McLendon stated that Council Member DeMarois, from his first meeting, has attacked him, the Manager, residents and the Council. He sent a demand letter to the Florida League of Cities, using a private email. A records request to the Town showed that this letter was never put in the Town records. Had Council Member DeMarois just gone to the Town Manager, he would have found that this matter had been resolved a long time ago. This negativity was not good for the Town or for the Council. Council Member DeMarois had run a campaign stating he would listen and work as a team, but this was not happening. His Attorney wrote a letter to the Town stating he had the right to write that demand letter; however, that is incorrect. Council Members only have authority when they are on the Dais.

Vice Mayor Jarriel asked if Council Member McLendon had gone to the County Ethics people about this complaint. He regularly went to them for answers, sometimes as a citizen and sometimes as a Council Member. Council Member McLendon responded the Town Code of Ethics is stricter than the County Code and only the Council can act on this issue. He hoped that it would not be necessary to go that route and a change in attitude could happen.

John Ryan, A Road, stated he felt Council Member DeMarois raised legitimate issues and he had written a letter about Council Member McLendon a couple of years ago as well.

2. Discussion on possible RFP for C Road & Collecting Canal Culvert Replacement

The C Road and Collecting Canal Road culverts are in immediate need of repair. Council Member McLendon suggested that the Town use the half cent tax money to repair. Get quotes rather than going to the Town Engineer for engineering design and then out to bid. Council Member DeMarois stated if this was a life safety issue then he supported this. Mayor Browning responded that they had been stabilized for now. Council Member McLendon suggested to save time the Town should have the contractors submit proposals that included the design engineering. Manager Underwood stated that would save time but the current procurement code did not allow design builds; therefore, he would need direction from Council.

Vice Mayor Jarriel stated that Town needed to think about a road crossing over the canal straight into the Plaza on B Road. D Road and Collecting Canal culverts needed work as well; but the roads were more important and this was premature. Council Member McLendon responded that a crossing over the canal was a bad idea. F Road hated theirs, the culvert on E Road was undersize and restricted water flow.

Motion: a motion to direct the Town Manager and Town Attorney to structure a design/build RFP was made by Council Member McLendon and seconded by Council Member DeMarois for discussion. After discussion, motion passed 3 – 2, with Vice Mayor Jarriel and Council Member DeMarois dissenting.

(continued from September 7, and September 19, 2017 agenda)

b. Vice Mayor Ron Jarriel

1. Discussion and Direction regarding an ILA with the Water Control District for mowing and hedging.
2. Discussion and Direction regarding daily noise code violation against Todd McLendon with Lefkowitz.
3. Discussion and Direction regarding purchase of generator for Town Hall

Vice Mayor Jarriel asked that his three items be continued to the next meeting so there would be sufficient time to complete the balance of lengthy agenda items.

10. PUBLIC HEARINGS

a. ORDINANCE NO. 2017-16 (SECOND READING-Vegetation Removal)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 50, ENTITLED "PUBLIC NUISANCES" OF THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE TO CREATE A NEW SECTION 50-035, TO BE ENTITLED "ROADSIDE AND TRAIL VEGETATIVE NUISANCES PROHIBITED," TO PROHIBIT PROPERTY OWNERS FROM ALLOWING VEGETATION ON THEIR PROPERTIES FROM IMPACTING ADJACENT PUBLIC ROADS AND CERTAIN TOWN COUNCIL DESIGNATED EQUESTRIAN TRAILS WITHIN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Mayor Browning asked for questions or comments from the Council and then from the public. Council Member McLendon stated he hoped the letters would go out soon. Vice Mayor Jarriel stated we should not wait for the residents to do the trimming. There were no comments from the public.

Motion: a motion to adopt on second reading was made by Council Member McLendon and seconded by Council Member Liang. A roll call vote was in favor of adoption 5 – 0.

b. ORDINANCE NO. 2017-17 (SECOND READING-ELECTIONS)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING QUALIFYING DATES SET FORTH IN SECTION 3(3)(D) OF THE TOWN'S CHARTER ELECTIONS PURSUANT TO SECTIONS 100.3605 AND 166.021, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Mayor Browning asked for questions or comments from the Council and then from the public. There were no comments.

Motion: a motion to adopt on second reading was made by Council Member McLendon and seconded by Council Member Liang. A roll call vote was in favor of adoption 5 – 0.

11. NEW BUSINESS

a. Request for Letter of Endorsement Relative to Loxahatchee Groves Water Control District Dependency Request to State of Florida

Manager Underwood explained that the Water Control Board had already voted to draft a bill requesting the district become a dependent district of the Town, and at the IGC Meeting, a request that the Town Council consider a letter of endorsement to the Legislative Delegation, Representative Willhite, Senator Powell and PBC Vice Mayor McCarthy to endorse this request.

Motion: a motion to authorize the Mayor to sign an endorsement letter was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

b. RESOLUTION NO. 2017-71 - Approval of Bid No. 2017-05 – Gravel Road Grading & Other Road Services

Phase II -Tree Trimming & Removal

Phase III -Mowing

Phase IV -OGEM Road Repairs

Phase V - Pavement Markings

Phase VI -Traffic Sign Installation or Repairs

Vice Mayor Jarriel stated he was disappointed with this bid terms; and had hoped that the district roads would be kept separate in the bid and the tree trimming and hedging should not be bid by the tonnage. Then if another contractor won the bid, the Town could compare pricing for when the Bergeron contract expired. Bergeron had given the Town assessments to bring up the WCD roads to Town standards, and the cost was around \$600,000 for material and labor. Council Member McLendon stated he didn't agree with having two contractors working at the

same time and suggested they get Bergeron to do the work on an hourly rate for the WCD roads. Also, the Town can't wait for the vegetation to get picked up to begin grading. Council Member DeMarois stated he had a report from the WCD that stated they had put 680 tons of rock on the roads. Vice Mayor Jarriel responded that the WCD had made the mistake of only grading instead of bring the roads up to grade.

Mayor Browning called for a break at 9:15pm. Meeting reconvened at 9:20pm

Mary McNicholas, representing Bergeron, stated that Bergeron had been very surprised that this had gone out to bid and felt it was the result of misinterpretation of conversations. Bergeron had given the Town assessments for the proposed road not part of their original contract, but did not agree with the \$600,000 cost. They did not provide costs for the job, but just materials. If the Town doesn't fix the roads first then they will only ruin the roads and the equipment. Bergeron had not refused to do the roads, and in fact had done some grading three days later. If Bergeron was failing in their job, then they should be notified of that, not just go out to bid. Also, for hedging and signs, they had done some hedging and trimming in the beginning, but had not been given any of that work since. Manager Underwood responded that he would never use Bergeron for signs since their fees were way too high, and for major OGEM repairs he used Bergeron; but always had the latitude to use someone else.

Ms. McNicholas stated Bergeron should be allowed to follow a plan and have the materials to put on the road. The WCD roads are deplorable and just grading them is a waste of time and money. Bergeron refused to do an inferior job; but never refused to work with the Town. Mayor Browning responded that it was a balancing act for the Town to provide passable roads for the residents with what resources they had available. Bergeron had done an excellent job with the roads they had and the Town did not want to lose them. Mayor Browning stated he hoped Bergeron would work with them. Ms. McNicholas stated they already have pricing in their contract. Manager Underwood stated that the Town had already spent two years' worth of gas tax money and this could not continue. Let him know what they could do for less than the 1,192 loads assessed for now. Ms. McNicholas stated she would see what they could do. Council Member Liang agreed they needed to bring the roads at least up to passable condition

Regarding the bid phase for tree trimming and hedging, the only bidder, MJC President John Choquette, came forward and stated he could not figure out how he could get paid if it was done by the ton. He would rather have a project by project job.

Connie Bell stated that the latest on the debris pick up was they had been to C Road and when she left they were stuck in the ditch on 22nd Road N. Ms. Bell stated the WCD had taken a lot of bashing tonight. She was on the District Board and had voted to give the roads to the Town, but not so that they could be treated any differently than the other Town Roads.

Joyce Batcheler, E Road, agreed with Ms. Bell. Some people paid and some did not for the WCD roads. Some got patched and some never got fill. Things are not the way it used to be and the Town can't just grade. The roads need materials and all roads should be treated the same.

Motion: a motion to reject the Bids for Phase I and Phase II was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

Motion: a motion to approve the bids for Phase III, Phase IV, Phase V and Phase VI, as supplemental contractors to the existing contractor, was made by Council Member Liang and seconded by Council Member McLendon.

Further discussion brought a consensus by the Council to approve \$100,000 for the Manager to spend on bringing the roads up to passable condition.

c. RESOLUTION NO. 2017-72 – (Approval of Conceptual Engineering Plans)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN ENGINEER TO PREPARE ENGINEERING CONCEPTUAL PLANS FOR IMPROVEMENTS ON D ROAD FROM SOUTHERN BOULEVARD TO OKEECHOBEE BOULEVARD TO SUPPORT THE TOWN'S REQUEST FOR A STATE APPROPRIATION OF FUNDING FOR THE PROJECT IN THE 2018 LEGISLATIVE SESSION; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained that these conceptual engineering plans would be for D Road from Okeechobee Boulevard to Southern Boulevard, and would be used to request a State funding appropriation request for the upcoming legislative session beginning in January 2018. The funding was available in the CIP fund for the \$12,000 lump sum fee, and an amount not to exceed \$4,000 for assistance with the grant application. This would be a 50/50 matching grant and the deadline for submittal is November 2017.

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

d. RESOLUTION NO. 2017-73 – (Authorization to Survey Town Lettered Roads)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN'S CONSULTING ENGINEER, KESHAVARZ AND ASSOCIATES, TO PREPARE SURVEYS AND LEGAL DESCRIPTIONS FOR CERTAIN TOWN ROADS FOR PURPOSES OF CREATING RIGHT-OF-WAY MAPS TO BE RECORDED PURSUANT TO SECTION 95.361, FLORIDA STATUTES; AUTHORIZING THE EXPENDITURE OF FUNDS; AUTHORIZING THE EXECUTION OF DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Underwood explained that the Council had budgeted \$200,000 in the CIP Fund to survey town roads for filing pursuant to SS 95.361 (2)(b). Once the surveys and legal descriptions were completed, the Town can file the surveys with the Clerk of the Courts. The roads to be surveyed would be the lettered roadways, Folsom Road, G Road east and west, North Road from A Road to G Road east, and Collecting Canal Road, which would be a total of 27.11 miles.

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

e. ORDINANCE NO. 2017-18 (FIRST 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.

Town Attorney Cirullo explained to the Council that once this ordinance was adopted, a resolution would then come back to Council for approval with the actual rate structure. This structure would be adopted after reviewing surrounding government entities rate structures, such as Royal Palm Beach and Palm Beach County. The Business Tax Receipts for the Town would not become effective until October 1, 2018.

Motion: a motion to adopt on first reading was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

Addendum #1: this item was changed from first reading to discussion only

This item was continued to the November 7, 2017 agenda

f. 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.

Addendum #5: this item was deleted from the agenda

g. Request to Authorize Town Attorney to pursue Legal Action Relative to Collection of Unpaid Code Enforcement Fines – Bank of New York Mellon Trust

h. Request to re-issue Replacement Check to Mark Jackson – Repairs to 8th Place North

A replacement check was required because the original check was never cashed until after the time limit for the Bank. Council requested that this replacement be cashed right away.

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

Addendum #2: add to agenda

i. RESOLUTION NO. 2017-74 (Tangerine/Citrus)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN ENGINEER TO PREPARE AN ANALYSIS OF THE FEASIBILITY AND COST FOR THE IMPLEMENTATION OF PUBLIC WATER, WASTEWATER AND DRAINAGE SERVICES FOR LOXAHATCHEE HOMES PLAT 1 AND 2, AND CITRUS DRIVE AND TANGERINE DRIVE FROM D ROAD TO E ROAD, TO SUPPORT THE TOWN'S REQUEST FOR A STATE APPROPRIATION OF FUNDING IN THE 2018 LEGISLATIVE SESSION; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

This feasibility and cost analysis would allow the Town to request a State Appropriation Grant Funding to solve the major flooding issues in this area.

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

12. MANAGER'S REPORT – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town
- b. Water Control District Elections Move to March

Manager Underwood explained that the Water Control District had requested a letter stating the Town would support their elections being moved to March, to coincide with the Town municipal elections. The only caveat was that they be held in a different location.

Motion: a motion to authorize the Mayor to sign a letter supporting the Water Control District Elections being moved to March was made by Vice Mayor Jarriel and seconded by Council Member McLendon. Motion passed 5 – 0.

- c. Status on Bid No. 2017-0 Grading
- d. PBC Fire-Rescue Monthly Report July 2017
- e. PBC Fire-Rescue Monthly Report August 2017
- e. PBC Sheriff's Office District 15 Monthly Report July 2017
- f. PBC Sheriff's Office District 15 Monthly Report August 2017

13. COUNCIL REPORTS

Addendum #3: Add Item #13a

Council Member McLendon

- a. Discussion and Direction mandating underground utility services for all new development within the Town.

Motion: a motion to require underground utilities on all new development in Town was made by Council Member McLendon and seconded by Vice Mayor Jarriel. After discussion, motion passed 3 -2, with Mayor Browning and Council Member Liang dissenting.

Council discussed if this would include residential as well as commercial. It was noted that the vegetation under the power lines needed to be removed to avoid what happened during the recent hurricane. It was suggested that the Town get with FP&L on this and possibly have fees waved from Waste Pro for this clean up. Consensus was to move forward with this idea.

Council Member McLendon stated the agendas were so long the Council was not able to finish them, which delayed items for months. He suggested that a policy be set up that if any items were left unhandled on the normal Tuesday meeting, then the meeting would automatically be extended to the next night, Wednesday, to finish. It would be the same agenda and same notice for legal compliance. Town Attorney Cirullo stated this would require a resolution to set up an ongoing unfinished business Special Meeting. There was no consensus on this from Council.

Motion: a motion to extend the meeting to finish up the unheard items was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 5 – 0. Council then went back to discuss and vote on items that had not been heard.

14. CLOSING COMMENTS

a. Public

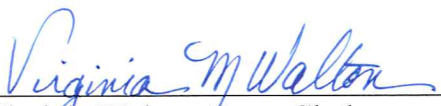
Roman Pliner, Casey Road, stated he was living year round in an RV with solar power and using as a residential facility until he finished college. He asked that he be exempt from the requirements of the RV Pilot Program. Council suggested he meet with the Town Manager to review this request.

- b. Town Attorney - none
- c. Town Council Members

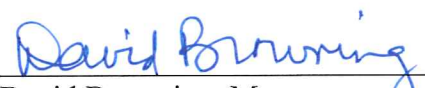
Council wished everyone a safe trip home, thanked them for staying so late and prayers went out to everyone dealing with hard times during the past 3 weeks.

15. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 10:48 PM.



Virginia Walton, Town Clerk



David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, NOVEMBER 7, 2017.