



Town of Loxahatchee Groves

Regular Town Council Meeting and Final Budget Hearing

Tuesday, September 19, 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

2. ORDER OF BUSINESS

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

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

3. PUBLIC COMMENTS

Frank Schiola, Marcella Blvd, commented on the condition of his road and culvert after the storm, and wanted to know when clean up would begin.

Don Widing, Marcella Blvd, thank Management and Staff for their hard work during the hurricane, and presented a letter to be received and filed listing suggestions for emergency plans, and grants for funding and training for FEMA certification.

Motion: a motion to receive and file was made by Council Member Liang and seconded by Council Member DeMarois. Motion passed 5 – 0.

Anita Kane, North Road, thanked Council Member DeMarois for calling the WCD to ask if Staff was on board with voting to Quit Claim Deed the remaining roads to the Town. She advised that Staff is on board and this was seen as progress and a positive move. Ms. Kane hoped they WCD and the Town would continue to work together.

Bill Louda, E Road, stated the loss of Fire Rescue back-up was terrible; the Town needed to purchase a generator for Town Hall; the WCD should become our Public Works Department and regarding roads, he liked the dirt.

Lauree Simmons, Big Dog Ranch, stated she knew everyone was behind because of the hurricane, but her temporary CO's have expired and since she has complied with all outstanding items, she would like to get the permanent CO's issued without further costs to her.

Lisa Elramey, B Road, stated she lost water, as well as power, during the hurricane and she had 7 horses to care for. She requested the Town ask FP&L to prioritize the grids, and possibly put some lines underground.

Connie Bell, 22nd Road N, thanked the council members that went out checking on residents. She also thanked FP&L for restoring power, but they were running the line back down thru the trees, so we will just have the same problems with the next storm.

Marge Herzog, A Road, thanked the council members who helped during the hurricane, as well as Town Staff, the CERT team and LGLA officers who manned the phones. A Thank you to FP&L for the fast restoration.

Phillis Maniglia, D Road, stated the Town Hall needed a generator so that it could function as a home base up and running for resident needs.

Mayor Browning responded that they had "assumed" and were told that they were on the same grid as the hospital. It turns out our breakers were 40 feet short of that grid. FP&L assured them that they would be moving the breaker.

Ken Johnson, Collecting Canal Road, asked that his letter be read into the record, supporting the Town taking all the roads and that the District should just handle the canals.

4. PRESENTATIONS – none scheduled

5. COMMITTEE REPORTS – none scheduled

6. CONSENT AGENDA- none scheduled

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

7. RESOLUTIONS

a. RESOLUTION NO. 2017-68

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING AND ADOPTING THE FINAL MILLAGE FOR THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PURSUANT TO THE BUDGET SUMMARY FOR THE FISCAL YEAR 2017-2018, IN ACCORDANCE WITH CHAPTER 200, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read the resolution by title, and advised that in accordance with Chapter 200, this increase to the rollback would require a unanimous vote from Council. Mayor Brown called for public comment.

Connie Bell, 22nd Road N, was part of the FAAC committee and they had not had time to finish reviewing the budget due to the hurricane; however, her personal opinion was to go with the proposed millage. Don't go into Reserves. That was just a Band-Aid over the problem.

Jim Rockett, 43rd Road N, urged the Council not to approve the millage as proposed. He suggested they use the General Fund to fund the Sheriff and wait for the FAAC to suggest budget reductions. There were opportunities for additional revenues, and they would look at this at their next meeting.

John Ryan, A Road, submitted a memo and letter to be received and filed. The committee had not made any recommendations yet, but suggested the Council use non-committed funds for the Sheriff's costs. The current budget was not enough for the additional roads. The RV Pilot Program was not appropriate. The first six roads were not subject to the 50/50.

Motion: a motion to receive and file the memo and letter was made by Council Member Liang and seconded by Council Member DeMarois. Motion passed 5 – 0.

Joyce Batcheler, E Road, thanked everyone on the council and residents for helping during the hurricane. She would like to see the millage approved as proposed. No one likes taxes raised, but if it gets results then it is worth it if it went for what it was intended. She would never want to see Reserves depleted.

Bill Louda, E Road, stated the presentation by the Town Manager showed that they should go with the millage proposed for the increased services. The 50/50 should be by vote by unit, not acreage.

Vice Mayor Jarriel stated he did not in the past, but does now believe in tax increases. The increased revenue was being seen with the commercial. Connie Bell had a good idea to introduce business tax receipts. However, he wanted to see 2%, not the 2.6% proposed. The Town has enough Reserves to use part of that for one year and see what happens. Vice Mayor Jarriel added that funds could come from Capital Improvements since the Town never uses all of the budgeted amounts.

Town Attorney Cirullo explained the thresholds for millage increases and how many votes would be required for each threshold. The highest it could go above the current millage with only four votes was 1.5128.

Council Member DeMarois stated he agreed with the Vice Mayor's comments. The Town had passed a referendum for \$6 million for roads and hoped some could be used for maintenance. Town Attorney Cirullo stated the bond requirements were that they funds be used for construction of roads, not maintenance of existing roads.

John Ryan, A Road, stated he was disappointed that the FAAC could not meet, and each member was making their own decision.

Council Member McLendon responded that the FAAC did meet, but wasted the meeting deciding how to elect a Chair, and how to set additional meetings. If the Council would not agree with the 2.6 millage, then they needed to go through the budget, and see what was going to be cut. If you use Reserves, then you would be in trouble next year. That was not responsible budgeting.

Vice Mayor Jarriel stated they did not have to cut the budget. He was in agreement with the 2.6 millage; but if the Town used Reserves, they could afford to wait a year and see what happened. He had spoken to the Manager and asked how long before the Reserves were used up. The Town Manager had responded 4 years.

Mayor Browning stated he supported the 2.6 millage. The Town had a reason to do it now, the Sheriff's contract. The Town still did not know what the storm costs would be, or the additional costs for the roads and culverts. The WCD stated they would not to the culverts. The Town would need to spend \$300,000 to get \$500,000. It was scary to use Reserves and he was definitely not in favor of a Line of Credit. The Town was still among the lowest in Palm Beach County for millage. The residents today want the services and good roads. The economy was good now, and if it continues he would like to suggest a debris removal program a month prior to the start of hurricane season. He understood if the millage was cut, then there would have to be cuts to the budget.

Council Member McLendon added that the Town may or may not get reimbursed from FEMA.

Council Member DeMarois stated he would not vote for the 2.6 and the Town should take it out of Reserves.

Connie Bell, 22nd Road N, stated she wanted to make something clear about her suggestion for business tax receipts. The Town had missed the voting deadline to institute this for the current year. This was a 10 year contract for the Sheriff. There was a Cap on the Reserves, so you could only use so much. You would have to cut the budget. She agreed with the Mayor.

Mayor Browning stated that this was the first time the Town would have control of the roads, so there would be no road blocks to get the projects done. He hoped the FAAC could come up with other revenues.

Manager Underwood added that in the last two years the Town had spent 1.5 million on Capital Improvements, and the Town already owned the roads. The WCD was only giving them as easements.

Vice Mayor Jarriel stated going to 1.5128 was ridiculous. Possibly split the difference and go to 2 or 2.1%. Council Member DeMarois said he would meet half way and agree to 2.0%.

Motion: a motion to have a millage rate of 2.0%, which was a 49.9% increase, was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion failed 4 – 1, with Council Member McLendon dissenting.

Motion: a motion to have a millage rate of 2.0%, but with the budget reduced to no salaries for Council members, was made by Council Member McLendon. Motion failed for lack of a second.

Motion: a motion to have a millage rate of 1.99%, which was a 49.2% increase, was made by Vice Mayor Jarriel and seconded by Council Member DeMarois. Motion failed 4 – 1, with Council Member McLendon dissenting.

Motion: a motion to have a millage rate of 2.1%, which was a 57.4% increase, was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion failed 4 – 1, with Council Member McLendon dissenting.

Motion: a motion to have a millage rate of 2.2% was made by Council Member McLendon and seconded by Council Member Liang. Motion failed 4 – 1, with Council Member DeMarois dissenting.

Motion: a motion to approve the final millage of 2.15, which was a 61.2% increase, was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 - 0.

Mayor Browning called for a brief break at 8:14pm. Meeting reconvened at 8:17pm.

b. RESOLUTION NO. 2017-69

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

Town Manager Underwood stated the numbers would need to be adjusted in the budget to meet the new millage rate. The total would be \$613,880 with the new millage, which left a deficit of \$113,168 that would need to be cut in order to pass a balanced budget. Council Member McLendon stated that the council members who wanted the reduced millage rate should come up with line items to cut from the budget.

Council Member DeMarois suggested cutting the code enforcement budget in half, from \$129,830 to \$64,915. Manager Underwood advised that there is an existing contract in place.

Marianne Miles, B Road, agreed with cutting the code enforcement costs, and suggested residents needed to start being more civil with each other. This was not a forever budget, just for one year.

Motion: a motion to cut the code enforcement budget in half was made by Council Member DeMarois and seconded by Vice Mayor Jarriel. Motion passed 3 – 2, with Mayor Browning and Council Member Liang dissenting. Council Member McLendon added that when residents called with a code complaint, it would be made clear Council Member DeMarois was the reason for non-response.

Mayor Browning reminded everyone that the ad valorem revenues were \$600,000 and the Sheriff's Contract was \$600,000.

Bill Louda, E Road, suggested they disband the RETGAC and use the trail funds.

Jim Rockett, 43rd Road N, suggested they look at the budget and start with any line item increases and take them back to last year.

Vice Mayor Jarriel stated contributions/donations was not \$6,500 and zero last year.

Town Manager Underwood stated that the insurance line item was budgeted at \$51,000, but had come in later at \$65,000, and final might be more, due to increased litigation the past year. The budget was short \$16,000. Regarding the trails funds, they were in CIP, not General Fund.

Karen Piesley, D Road, stated there were so many code violations here in Town, it makes no sense for Council Member DeMarois to suggest cutting that budget item.

Connie Bell agreed with Ms. Piesley's remarks. She felt Council Member DeMarois and Council Member Liang should have done their homework and come up with some answers.

Council Member DeMarois again stated they should use Reserves.

Manager Underwood reiterated that it was policy to maintain a minimum of 25%, and the national minimum was 18%. The hurricane costs would likely go through several hundred thousand dollars, with only a hope of reimbursement.

John Ryan, A Road, had tried twice to get bank balance information to see what funds were committed, restricted, and unrestricted. He thought there was about \$400,000 in unrestricted funds, and recommended that Council take the short budget balance out of that.

Manager Underwood responded that they only had \$347,000, not \$400,000; and most of the money was restricted for what it could be used for.

Motion: a motion to take Mr. Ryan's suggestion on using unrestricted funds was made by Council Member DeMarois. Motion failed for lack of second.

Council Member McLendon asked if Council Member DeMarois had met with Manager Underwood about this budget. Council Member DeMarois stated he had not.

Don Widing, Marcella Blvd, stated this was an embarrassment to the public, and needs to stop. Respect should be shown on the Dias.

Council Member Liang suggested a 10% cut on every line item in the General Fund. Council Member McLendon asked how to cut the phone bill, legal fees and existing contracts. Council Member Liang qualified that it should be line items like travel, building maintenance.

Manager Underwood suggesting \$20,000 be cut from Comp Plan. Council concurred with suggestion. Vice Mayor Jarriel suggest cutting \$3,000 from line item #53400 Other Services. Also cut were Special Events and Public Works. Manager Underwood stated there was still a shortage of \$1,754. Council Member Liang suggested that be taken from the Special Magistrate budget.

Mayor Browning called for a break at 8:52pm so that Manager Underwood could adjust the budget to ensure it was balanced.

The meeting reconvened at 9:12 pm. Town Manager Underwood then recited all amounts cut from the budget by line item in the amount of \$113,169, and stated the budget was now

balanced as follows: Reduced Code Enforcement - \$55,340; Special Events - \$6,500; Comp Plan - \$20,000; Other Services - \$3,000; General Government - \$8,000; Public Works - \$5,000, Repair & Maintenance Buildings - \$20,000, Contingency - \$11,329, and increase Insurance - \$16,000.

Motion: a motion to approve the final budget, as amended, was made by Council Member Liang and seconded by Council Member DeMarois. Motion passed 4 – 1, with Council Member McLendon dissenting.

8. OLD BUSINESS – none scheduled

9. PUBLIC HEARINGS

a. ORDINANCE NO. 2017-11 (SECOND READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO CODE ENFORCEMENT LIENS; AMENDING ORDINANCE 2011-009, WHICH CREATED A CHAPTER IN THE TOWN'S CODE OF ORDINANCES RELATING TO CODE ENFORCEMENT; PROVIDING THAT THE TOWN'S SPECIAL MAGISTRATES SHALL CONSIDER APPLICATIONS FOR RELIEF FROM LIENS; PROVIDING FOR APPEALS TO THE TOWN COUNCIL; PROVIDING FOR PAYMENT OF LIENS ADDRESSED THROUGH THE LIEN RELIEF PROCESS; 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 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 Liang and seconded by Council Member McLendon. A roll call vote was in favor of adoption 5 – 0.

b. ORDINANCE NO. 2017-12 (SECOND READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCES 2007-06 AND 2009-01, COLLECTIVELY THE "ETHICS CODE" FOR THE TOWN OF LOXAHATCHEE GROVES, TO DEFINE "PENDING" RELATING TO THE PROHIBITION ON CONTACT BY ELECTED OFFICIALS WITH APPLICANTS, PETITIONERS OR THEIR AGENTS OR REPRESENTATIVES RELATED TO A PENDING APPLICATION OR PETITION; 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 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 Vice Mayor Jarriel. A roll call vote was in favor of adoption 5 – 0.

10. NEW BUSINESS

a. RESOLUTION NO. 2017-52 (Meeting Schedule)

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

Council Member McLendon suggested that for the months of January, February, April, May and June the meetings should be the first Tuesday of the month rather than the third. Vice Mayor Jarriel suggested the meeting in January stay at the third Tuesday because of the New Year holiday.

Motion: a motion to approve the meetings schedules, as amended, was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

b. RESOLUTION NO. 2017-61 (Amend Fee Schedule)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING 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.

Town Manager Underwood clarified the changes from the current fee schedule, which included the costs for the RV Pilot Program, as well as a 5% administrative staff fee for cost recovery accounts, explaining that staff time has increased quite a bit with the applications being brought in and staff time was never factored into cost recovery. Council suggested that a 10% staff fee would be more realistic.

Motion: a motion to approve the Schedule of Rates, Fees and Other Charges, as amended to include the 10% administrative staff fee, was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

c. RESOLUTION NO. 2017-62 (QCD – Balance of Roads)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE QUIT CLAIM DEED FROM THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT FOR THE ROADWAYS AS DESCRIBED HEREIN; PROVIDING AUTHORIZATION FOR THE RECORDING OF THE QUIT CLAIM DEED AND TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member DeMarois asked about the ILA with the WCD. Town Attorney Cirullo stated that the Town paid the WCD to maintain the roads, but they were all public roads. Council Member DeMarois stated he understood that the Town had to have the WCD agreement in order to get the gas tax. Town Attorney Cirullo stated that was incorrect. In 2009, there was

modification made to the ILA's, with the assistance of Attorney Viator, and they clearly stated "public roads". Council Member DeMarois stated at the IGC meeting, Manager Underwood was asked if the \$700,000 was in this budget, and it was stated that it was not. DeMarois questioned if the Town could afford only once a month grading?

Manager Underwood stated what was not in the budget was the truck loads of fill needed s recommended by the Town's road contractor. Council Member DeMarois then handed out a sheet with three Options – the WCD holds the roads one year, and goes for a dependent district was option #3. Council Member DeMarois stated he would not vote in favor of this resolution.

Council Member McLendon stated that was an issue. If you don't raise the taxes, but tell the WCD to raise assessment, it was not right.

Mayor Browning added that there was a group in Town that only paid the WCD assessments, not taxes, so he was okay with them raising them.

Manager Underwood reminded the Council there was only 13 miles left and there was nothing in this budget for the WCD if they kept the roads. Council Member DeMarois responded the Town could still help the WCD out. Manager Underwood stated there could be an option that the WCD lowered their assessment, and the Town can have an assessment to maintain the roads.

Mayor Browning stated he could "put his hat on" both ways, but the Town taking the roads was easier on the residents. Council Member McLendon added that either way, Town residents pay.

Joyce Batcheler, E Road, stated we were all trying to move forward under one hat, and this is a regression and an additional burden on the WCD. They would have to lease equipment and add staff which was probably not in their budget, and asked if it really mattered who charges?

Council Member DeMarois stated Wellington had a dependent district that took care of roads and canals. Let the residents vote first and wait a year.

Council Member Liang stated he had some major hesitation about the cost to bring the roads up all at once. Better to work on the worst roads then piece by piece do the sections one at a time in phases.

Manager Underwood responded if you want to do it in phases then take the existing roads, and put in the drainage culverts and catch basins. This was in the budget. Council Member DeMarois asked if that was for OGEM roads too. Manager Underwood responded, yes they would need drainage too. Vice Mayor Jarriel stated the WCD will be giving us a mess. Bergeron had given a cost estimate. Town roads were in good shape, but D Road and Collecting Canal Road were bad.

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

d. ORDINANCE NO. 2017-14 (FIRST READING-Ban Dispensaries)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING PART II ‘ZONING , DISTRICTS”, ARTICLE 15 “GENERAL PROVISIONS” TO ADD A NEW SECTION 15-030, TO BE ENTITLED “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED”; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member McLendon stated 75% of the voters voted in favor of this and just because the Legislature gave an opt out, he did not think it was proper to go along with this ban. Mayor Browning stated the issues was more about banning or treating them as pharmacies, and we don’t allow pharmacies in our ULDC.

Joyce Batcheler, E Road, stated this issue had lit up Facebook. People she spoke to wanted this but were concerned that medical would turn into recreational. It should be allowed in a commercial/retail setting. Marianne Miles, B Road, hoped the Town turned this down. She did not want this in her backyard, or next to Publix. It doesn’t need to be in our Town. Connie Bell, 22nd Road N, stated this would be a big source of revenue once the business tax receipts were put in ordinance form with a huge fee attached.

Mary McNicholas, Raymond Drive, stated she believed legally they could not be taxes on the business or the building. They had to be treated like medical. If the Publix Pharmacy got in somehow, then that needed to be put in during the PUD process.

Council Member DeMarois stated this was going to be here, but maybe not in our Town. Town Attorney Cirullo stated that this ordinance would not impact delivery.

Motion: a motion to approve the ordinance on first reading was made by Council Member McLendon and seconded by Council Member Liang. Motion failed 2 – 3, with Vice Mayor Jarriel, Council Member McLendon and Council Member Liang dissenting.

e. 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.

Council began discussion on the various changes and recommendations from the ULDC Committee and the P&Z Board; however, due to the late hour they felt it was too large a discussion for tonight.

Motion: a motion to continue this item to the October 3, 2017 agenda was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

Motion: a motion to extend the meeting to cover items #f, #g, #k and #l, and public comment, was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

Mayor Browning called for a break at 10:30pm. Meeting reconvened at 10:33pm.

f. ORDINANCE NO. 2017-16 (FIRST 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.

Mayor Browning asked for public comment. Jim Rockett stated the CERT team had activated after the storm for rapid assessment and invasive plants line the roads was the major issue on the roads. This ordinance will save the Town money and was a great idea.

John Ryan asked that a print out of a Supreme Court Case be received and filed into the record. He stated he would sue the Town if they proceeded with this ordinance. It was noted that this print out was the same one just handed out by Council Member DeMarois to other Council Members.

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

Town Attorney Cirullo clarified that the Case stated “subterranean” not growth onto the road. Perhaps a slight re-wording on the ordinance to state “growth over the graded portion of the roadway” could clarify.

Council Member McLendon wanted to add back in the 10 foot set back taken out at last meeting, but could not get a consensus

Motion: a motion to approve the ordinance on first reading, with amended language, was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

g. ORDINANCE NO. 2017-17 (FIRST 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 explained that the Palm Beach County Supervisor of Elections had requested that all municipalities change their qualifying dates to allow for the 45 day State Law requirement for mailing out of overseas/military absentee ballots. The current qualifying date for the Town was within that 45 day window. Florida Statutes allows for the amending of a Charter for qualifying dates without the need for a referendum.

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

This item was continued to the October 3, 2017 agenda

h. 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.

This item was continued to the October 3, 2017 agenda

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

Add Addendum #1: This item was continued to the November 7, 2017 agenda

- j. RESOLUTION NO. 2017-66 Big Dog Site Plan Amendment

Add Addendum #6:

- k. Discussion relative to PBC Fire Rescue

Vice Mayor Jarriel stated that Fire Rescue had taken all the units from Loxahatchee Groves and moved them elsewhere. The Brush Truck moved was not manned; they upped the Rescue Truck sent elsewhere to 3 personnel, which reduced the level of service for the Town. Vice Mayor Jarriel stated FEMA would have paid for overtime in order to keep our station manned. He asked for Council approval to attend the County Commission meeting to represent the Town about this problem. He wanted to know who approved this transfer. Council Member McLendon stated he did not think we should second guess the Fire Rescue people, but he could attend as a private resident.

Motion: a motion to have Vice Mayor Jarriel look into this issue was made by Council Member DeMarois and seconded by Council Member Liang. Motion passed 4 – 1, with Council Member McLendon dissenting.

Add Addendum #4:

- l. Discussion and Direction relating to Disaster Debris Monitoring Agreement with Witt/O'Brien

Council Member McLendon asked if there was anything preventing the Town from going to someone else since Witt/O'Brien had not shown up yet.

Town Attorney Cirullo stated there was a section in the current contract for “breach of contract”, should the Town Manager decided it was a safety issue. This issue was not uncommon now with a shortage of haulers and monitors.

Vice Mayor Jarriel stated Thompson could handle the job. Manager Underwood stated with the shortage, some companies were hiring people not certified to be monitors. They were all having a hard time. Town Attorney Cirullo reminded them to be mindful of FEMA guidelines.

Mary McNicholas, representing Bergeron, stated that the way it worked was the Town hires a hauler and a monitor and it was not the responsibility to get the monitors here. She suggested the Town continue to pursue a Work Authorization and say “show up this date”. Bergeron would be able to get a monitor on site tomorrow, but the Town needed to choose that option.

Attorney Cirullo suggested the Council give he and the Town Manager authority to terminate, and engage replacement if Witt/O'Brien would not confirm arrival of monitors.

Motion: a motion to authorize the Town Attorney and Town Manager to make a determination based on safety concerns to terminate and engage an alternate debris monitor company was made by Council Member DeMarois and seconded by Council Member McLendon. Motion passed 5 – 0.

These items were continued to the October 3, 2017 agenda

11. 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
- c. Status on Bid No. 2017-0 Grading
- d. PBC Fire-Rescue Monthly Report June 2017
- e. PBC Sheriff's Office District 15 Monthly Report July 2017
- f. PBC Sheriff's Office District 15 Monthly Report August 2017

These items were continued to the October 3, 2017 agenda

12. COUNCIL REPORTS

(continued from August 1, 2017 agenda)

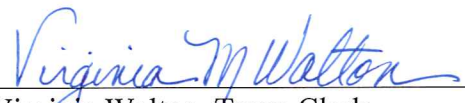
- a. Council Member Todd McLendon
 - 1. Discussion of Town Ethics Violation by Council Member David DeMarois
 - 2. Discussion on possible RFP for C Road & Collecting Canal Culvert Replacement
- b. Vice Mayor Ron Jarriel
 - 1. Discussion and Direction regarding an ILA with the Water Control District for mowing and hedging.
 - 2. Discussion and Direction regarding daily noise code violation against Todd McLendon with Lefkowitz.
 - 3. Discussion on Cone of Silence for Bid No. 2017-05.

13. CLOSING COMMENTS

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

14. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 11:03 PM.



Virginia Walton, Town Clerk



David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, OCTOBER 3, 2017.