

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, August 1, 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 and Dave DeMarois. Council Member Ryan Liang was absent. 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

Vice Mayor Jarriel requested an item be added under item #12b “Food Truck Situation”. Mayor Browning reminded him the Council could not take action on an added discussion item. Attorney Cirullo stated the Council could direct Staff to bring forward something suggested.

Motion: a motion to approve the agenda, as amended, was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

3. PUBLIC COMMENTS

Simon Fernandez, Tangerine Drive, regarding the food trucks, there are a lot of people far out west that are selling out of the trunks of their cars up and down Okeechobee Boulevard as well as the actual trucks. They need contracts with the land owners where they are located.

Santiago Arteaga, Alice Drive, stated his mother owned the food truck currently at the Red Barn. They have certifications to handle food, a health department okay, and have been there for 13 years. He stated there was an online petition signed by 649 people and asked that the Council reconsider allowing these trucks.

Patti Mckelvey, Wellington, asked that the Council not close down the trucks. People make a living from these and we need them.

Julie Campbell, Farmer’s Daughter on Southern Blvd, supported the food trucks as a necessity. If they are licensed and contracted with the owner, then they should be allowed.

Phillis Maniglia, D Road, there were also some home caterers here in Town, which left bags of food hanging in trees. They all need to be licensed, contracted with the property owner and an established business.

Thais Gonzalez, Raymond Drive, supported the food trucks. Some have been here for a long time and are hardworking people. The Council should make this work.

Cupertino Lopez, A Road, (with interpreter) stated he owned a Taco Truck and didn't see why the Town was taking away an opportunity for him to prosper for his children. He sees these trucks supported in other areas, so why not here. He obtained all the licenses he was supposed to have.

Mayor Browning stated the Council would be giving direction later in the meeting.

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)

Council Member DeMarois requested that items #d, #e, #f and #g be pulled from the consent agenda for discussion prior to a vote.

- a. Minutes: July 18, 2017 Town Council Meeting
- b. July Invoices for Goren, Cherof, Doody & Ezrol, PA
- c. RESOLUTION NO. 2017-45 (Termination B Road Agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE TERMINATION OF B ROAD IMPROVEMENT AGREEMENT AND TERMINATION OF MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES, LOXAHATCHEE EQUESTRIAN PARTNERS AND SOLAR SPORTSYSTEMS, INC., ATLANTIC LAND INVESTMENTS, LLC, AND PALM BEACH STATE COLLEGE; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion: a motion to approve the consent agenda as amended was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 4 – 0.

- d. RESOLUTION NO. 2017 – 49 (Collecting Canal Road) (pulled for discussion)

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 COLLECTING CANAL ROAD FROM “A” ROAD TO FOLSOM ROAD, 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 stated his questions were for both item #d and item #e, and asked for a clarification that with adoption of this resolution the Town would accept responsibility for Collecting Canal Road. Staff responded that was correct. Also, FDOT would be providing assistance with services since Collecting Canal would be an access road. Town Attorney Cirullo responded that he had spoken with FDOT and unless it was a State Road, the answer was no. Another option would be they cycle for next year with MPO. Would this now revert to the 50/50 policy then? Staff responded yes. Also the Council needed to make a decision on easement releases. There was nothing for the WCD to maintain.

Motion: a motion to approve the resolution was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 3 – 1, with Council Member DeMarois dissenting.

e. RESOLUTION NO. 2017-50 (A Road) (pulled for discussion)

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 (SOUTH) “D” ROAD FROM SOUTHERN BLVD. TO OKEECHOBEE BLVD., 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.

When asked about funds for maintenance, Manager Underwood stated that funds were in the budget, but it would be a rough year.

Motion: a motion to approve the resolution was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 3 – 1, with Council Member DeMarois dissenting.

f. RESOLUTION NO. 2017-51 (RV Pilot Program) (pulled for discussion)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING A PILOT PROGRAM TO REVIEW TEMPORARY RECREATIONAL VEHICLE USES ON RESIDENTIALLY-ZONED PROPERTIES WITHIN THE TOWN; PROVIDING FOR A ZONING IN PROGRESS CONSISTENT WITH THE PROVISIONS SET FORTH HEREIN TO PERMIT THE PILOT PROGRAM THROUGH MAY 1, 2018, TO ALLOW TOWN MANAGEMENT AND PLANNING STAFF TO STUDY SUCH USES IN ORDER TO POTENTIALLY PROPOSE CHANGES TO THE TOWN’S UNIFIED LAND DEVELOPMENT REGULATIONS TO REGULATE TEMPORARY RECREATIONAL VEHICLE USES WITHIN THE TOWN; PROVIDING FOR THE RULES AND REGULATIONS FOR TEMPORARY RECREATIONAL VEHICLE USES DURING THE PERIOD OF THE ZONING IN PROGRESS SET FORTH HEREIN; PROVIDING FOR APPLICATIONS;

PROVIDING FOR FEES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REVIEW AND REPORT BY THE TOWN MANAGER; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member DeMarois wanted to know if there was a list of the people on the Focus Group listed in the second “Whereas” clause, did any of them own RVs, was there some record of responses or public input? Manager Underwood responded that the list was on page 44 of the agenda packet, and it was a Focus Group, not a formal committee, and the public was aware and quite a few were here tonight to speak on this item.

Vice Mayor Jarriel stated he had some concern that there was not enough time to run this through the P&Z Board. These RVs have been a problem for years and there has to be a way to get rid of the waste caused by them other than what has been seen being drained into the canals. This was a trial program and if it was cancelled, then code enforcement would be an avenue for compliance. Some of these RVs have pads and electric and some do not. The Town has to try something. Council Member McLendon suggested that after the trial period, the program might be modified rather than cancelled.

Valerie Solaas, A Road, stated she was not in favor of this. She saw this as opening up to a zoning change with many problems. It would impact property values. If the property owners are wealthy, they could build a staff house rather than have four RVs per lot. The Town does not have enough Staff to oversee this.

Bob Solaas, A Road, stated he did not move out here to be surrounded by a trailer park. He was in favor of property owner rights, but it was evident that his property values would be decreasing. This was being presented as getting expensive motor coaches, but that is not what will happen. We will get junk. They tear up the roads; the people shoot off guns, do not get rid of sewage properly and are not responsible to this community.

Joyce Batcheler, E Road, stated everyone has their own opinions. She had been here since 1992 and it has always been one residence per 5 acres, with no provision for mobile homes and no RVs, with no option to change. She questioned whether these were grooms quarters. Code Compliance was needed to insure installation of electric, water, control the length of time, sewage discharge, and strict adherence to the number allowed. If this is done, it should be for everyone, not just the equestrians. Why is this any different from any business in Town?

Phillis Maniglia, D Road, stated she was a resident and a realtor and supported this program. There are some beautiful horse farms in Town but now the Town looks like a garbage dump. These need to be regulated for a limited time (4-6 months), with proper permits. The costs will be passed on to the renters. The trailers need to be tagged and roadworthy. The Equestrians are an important part of the Town.

Doreen Baxter, North Road, stated she was on the Focus Group. This was planned as a test study for 5 acre plus sites, not just equestrian. It was looked at carefully with a lot of limitations and fees involved. There would not be a trailer park because there was screening criteria in place. This was worth a test timeframe, and not to be a money driven program.

Virginia Standish, North Road, stated the public did attend the Focus Group and she encouraged support. The Group was diversified and had agreed to compromise. Code

enforcement was built in. There is abuse now because there are no regulations in place. This is a good season to try this program. It should be for all, not just equestrians.

Karen Piesley, D Road, asked why they could not take the RVs to the surrounding camp parks.

Thais Gonzalez, Raymond Drive, stated she is an equestrian and they follow the seasons, moving the horses and staff accordingly. RVs are part of that lifestyle. We have people living in RVs now in Town. The B&B's in Town have RVs on their sites.

Vice Mayor Jarriel asked for a clarification on #3 a) & b) "more than 1 ½ less than 5. Does this mean every two acres they put an RV. Staff responded no, one RV. Anything after 5 RVs is considered a health problem.

Council Member DeMarois stated he believed this doesn't pertain to personal RVs.

Mayor Browning stated that had to be careful what comes in. Too often they don't live here on their properties, but rent them out. This increases traffic. It needs to be seasonal. This is a pilot test only.

Motion: a motion to approve the resolution was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 4 – 0.

g. RESOLUTION NO. 2017-46 (CODE ENFORCEMENT) (pulled for discussion)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO CODE ENFORCEMENT POLICIES AND PROCEDURES; REPEALING RESOLUTION 2017-25 AND CONFIRMING THAT CODE ENFORCEMENT BE UNDERTAKEN IN A FAIR AND IMPARTIAL MANNER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member DeMarois wanted to make sure that the people could still come to the Council as a last resort. Town Attorney Cirullo responded that was part of the ordinance that was later on the agenda.

Motion: a motion to approve the resolution was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 4 – 0.

7. RESOLUTIONS – none scheduled

8. OLD BUSINESS

a. IGC Rotation Schedule for 2017-2018

A new schedule for rotation attendance by Council Members on the IGC Committee was presented.

Motion: a motion to approve the new schedule was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 4 – 0.

b. ORDINANCE NO. 2017-13 (DRAFT – FLOODPLAIN- for discussion)

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 was FEMA product and they had consultants that would work with municipalities for free for a certain period of time next year to abate exposures and help answer any questions. There were regulations for new development and it was pretty much a “take it or leave it” proposition. Town Attorney Cirullo reminded the Council that if this ordinance was adopted then it would have to be administered. The following questions and comments were brought forward:

- Are farm buildings exempt? No, but the farm building definition was not specific and the consultants could give guidance.
- Farm buildings were not residential and therefore did not need a permit and were exempt in the State Law. It would not need a building permit but would have to be built to Town regulations to confirm elevations and grading. Again, consultants could give clearer guidance.
- Question whether “Jim Walters” type homes on stilts would meet the standards.
- Question about pole barns since they had no floor for an elevation. Photos would need to be provided to send to consultants.
- Mortgages might require this type of insurance
- There were 19 options for additional discounts that would need to be added to the ordinance if the Town chose to include them. There were obligations to be made by Town in order to obtain these discounts. Council would have to decide which ones, if any, they wanted.
- P&Z Board would need to review ordinance prior to first reading.
- Check this program versus private insurance costs to see if discounts were warranted or needed. A local insurance agent should be able to assist.

Town Attorney Cirullo added that the current draft ordinance provided in the agenda had been vetted as acceptable by DEMS and FEMA. If ordinance was amended, the consultants would have to provide the language to be amended and then it would have to go back for additional vetting. When asked how many homes needed flood coverage, Manager Underwood responded about sixty, with fifty being south of Collecting Canal.

Consensus was to get the questions answered first, send to P&Z Board for their review and recommendation; and approve the ordinance as presented and amend later to add any discounts agreed upon.

(These items were continued from the July 18, 2017 meeting)

- c. Council Member Todd McLendon
 - 2. Discussion on using WCD funding methodology to pay for road maintenance

Council Member McLendon stated that the WCD had assessed for road maintenance at \$20 per acre, and the Town had used the non-ad valorem taxes to pay for that maintenance. Those costs should just be shifted from the WCD to the Town. Council Member DeMarois responded that if the work was subbed out to Bergeron, the \$20 per acre will not offset the expenses.

Manager Underwood asked how it would be implemented, send bills or by uniform method on the tax bill. There has to be a benefit for the dollars assessed. The engineer would have to take each segment of each road and determine a cost versus a benefit. Town Attorney Cirullo added that the WCD had different rules from the Town. There would need to be a fair apportionment, since citywide assessments were frowned upon.

Mayor Browning stated he agreed there needed to be some method. The Town used to share the gas tax and part of the WCD assessment for the roads. Maybe those funds could be transferred.

Manager Underwood stated he needed a motion approved for him to proceed with anything to do with this item. Consensus was to wait for the WCD to move toward becoming dependent, which would be a referendum vote by the residents. Attorney Cirullo added that even if they were dependent they would still have to operate by their rules.

3. Discussion on Development Approvals from PBC

Council Member McLendon stated that according to the Town's Comp Plan, the properties were all "AR" town wide; however, Sunsport, Red Barn and Farmer's Daughter, for examples, were other zoning classifications in the County and were never changed after incorporation. These discrepancies needed to be fixed. Manager Underwood added that the many churches in the Town should be institutional, not AR; but there was no institutional in the Comp Plan. Also there were about 10 boxes of property files that had been forwarded from the County that were being reviewed for more discrepancies. The properties needed to be fixed so that uses and zonings were together correctly. Town Attorney Cirullo added that the Town needed to update the zoning and the text in the Code needed to be addressed.

Motion: a motion to have the Town Manager and Planning Consultant bring back costs to accomplish this was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

Mayor Browning called a meeting break at 8:42 pm and the meeting reconvened at 8:50 pm.

9. PUBLIC HEARINGS

- a. ORDINANCE NO. 2017-08 (A CUT ABOVE- FIRST READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN'S UNIFIED LAND DEVELOPMENT CODE; AMENDING PART I, ENTITLED "ADMINISTRATION

AND DEFINITIONS”, SECTION 10-015, ENTITLED “DEFINITIONS” BY ADDING THE DEFINITION “LANDSCAPE AND IRRIGATION OPERATIONS”; AMENDING PART II, ENTITLED “ZONING DISTRICTS,” BY ADDING ARTICLE 21, ENTITLED “AGRICULTURAL LANDSCAPING AND SERVICES DISTRICTS”, SECTION 21-005, ENTITLED “PURPOSE AND INTENT OF DISTRICTS”; SECTION 21-010, ENTITLED “GENERAL PROVISIONS”; SECTION 21-015, ENTITLED “PERMITTED USES”; SECTION 21-020, ENTITLED “MINIMUM PLOT SIZE AND DIMENSIONS”; SECTION 21-025, ENTITLED “PLOT COVERAGE, FLOOR-AREA-RATIO, AND PERVIOUS AREA”; SECTION 21-030, ENTITLED “SETBACKS”; SECTION 21-035, ENTITLED “HEIGHT”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning Consultant Fleischmann advised the Council that this ordinance would add a new zoning district to the Town. The Planning & Zoning Board had recommended denial based on their feeling that this would constitute “spot zoning”. He and the Town Attorney did not agree with that and Staff was recommending approval. Council Member McLendon stated the Town wanted Okeechobee Boulevard to stay residential and felt in planning ahead if they approved this they would lose that ability. Consultant Fleischmann responded it would not because each Applicant would need to apply and get a Special Exception Use. This would require a site plan and Council could set conditions that could be addressed with each application. The key ingredient was that the property owner and business owner needed to be the same, which would reduce the number of Applicants. Council Member McLendon responded it didn’t decrease the impact on traffic counts. Consultant Fleischmann responded that other already approved uses have equal traffic impact.

Virginia Standish, North Road, urged the Council not to rush this through and make mistakes. This was a great town for Ag and they needed to be careful not to turn it into an industrial zone. Increased businesses means increased police work.

Phillis Maniglia, D Road, suggested the Council go with commercial low zoning and put in roundabouts to slow the traffic. This should not be changed just for one property owner.

Mayor Browning added felt this would change the character of the Town and they needed to be cautious.

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

b. ORDINANCE NO. 2017-10 (SECOND READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2017-02 TO EXTEND THE MORATORIUM ON THE SUBMISSION, PROCESSING, APPROVAL OR ISSUANCE OF ANY NEW LICENSES, DEVELOPMENT ORDERS OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING,

DISPENSING OR RETAIL SALE OF CANNABIS UNTIL OCTOBER 1, 2017;
PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND
PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised the Council that some regulations had been preempted by State Law adopted in June 2017 for the entire field of treatment centers, cultivation and dispensing facilities. This left local governments with only two options. One, to expressly ban the use; or two, regulate them the same as pharmacies. Legislation continued to be amended. Our ULDC does not have specific regulation for pharmacies. No matter what is decided, deliveries cannot be prohibited. Discussion continued on whether to ban all, allow just cultivation or all cultivation and dispensaries.

Mary McNicholas, stated she was here as a resident, but was an agent for one of the licensed farms. There were now seven in the State. There would be three more by October. Legislation is going to change again and the Town could ban everything for now and undo it after the State finalizes its regulations.

Motion: a motion to direct staff to prepare an ordinance to ban all cultivation, process and dispensing was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

10. NEW BUSINESS

(The item was continued from the July 18, 2017 meeting)

a. ORDINANCE NO. 2017-09 (FIRST READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING PART III, ENTITLED “SUPPLEMENTAL REGULATIONS,” ARTICLE 87, ENTITLED “NATIVE TREE PRESERVATION, SOIL STABILIZATION, AND INVASIVE EXOTIC REMOVAL” OF THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE TO AMEND SECTION 87-015, ENTITLED “PERMITTED, EXEMPT AND PROHIBITED ACTIVITIES,” TO PROHIBIT PROPERTY OWNERS FROM ALLOWING INVASIVE, NON-NATIVE VEGETATION ON THEIR PROPERTIES FROM IMPACTING ADJACENT PUBLIC ROADS WITHIN THE TOWN, AND TO AMEND SECTION 87-040, ENTITLED “VIOLATIONS” TO PROVIDE FOR ENHANCED MAINTENANCE REQUIREMENTS FOR PROPERTY OWNERS FOUND IN VIOLATION FOR ALLOWING INVASIVE, NON-NATIVE VEGETATION ON THEIR PROPERTIES TO IMPACT ADJACENT PUBLIC ROADS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff advised the Council that this ordinance would notify property owners that their vegetation could not impact the public roads in Town. If they were found in violation, then they would be required to trim their vegetation back 10 feet from the road. The P&Z Board had recommended approval, but make it for all vegetation, not just invasive non-native, but they did not like the 10 foot requirement. Town Attorney Cirullo stated that if the Council used the P&Z recommendation, then the ordinance would need to be re-written to reference a new location in the code and then return for a first reading. The following comments were noted:

- Council Member McLendon was okay with change to all vegetation but liked the 10 foot setback for non-native invasive
- Vice Mayor Jarriel agreed with all vegetation but did not like the 10 foot setback
- Mayor Browning stated it would be more clear to just state keep the roadway clear than to set an exact amount of feet.
- When Bergeron had done the clearing they went back 2 feet
- Council Member McLendon asked if this should be extended to the Equestrian Trails as well. Council Member DeMarois and Vice Mayor Jarriel agreed it should
- Town Attorney Cirullo clarified it should read Town Approved Designated Trails

Dennis Lipp, Chair of P&Z Board, stated they had long discussion on certain roads, such as G Road and North Road, which had bougainvillea and oak branches encroaching on the roadway. The property owners should be responsible.

Karen Piesley, D Road, there were issues with the narrow roads in Town as well as the right-of-ways by the canals. This should be for all vegetation and the property owners should be responsible.

Virginia Standish, North Road, stated she listened to the P&Z meeting and what Member Close had motioned as it was written would not hold up in Court. A lot of people don't put fences on the property line. Need to be specific on what to remove.

Katie Lakeman, 25th Place N, wanted to know how absentee owners would be held responsible. Staff responded they would be notified through code enforcement.

Joyce Batcheler, E Road, wanted her comment read into the record. For safety reasons, she believed any vegetation impacting the view by drivers should be considered, not thinking just native or exotic matters.

Motion: a motion to amend the ordinance to read "all vegetation and all Town designated Trails", and to delete the 10 foot setback requirement for violators, was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 4 – 0. Town Attorney Cirullo stated this would change the heading and therefore would need to come back again for first reading.

b. ORDINANCE NO. 2017-11 (CODE LIEN-FIRST 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 advised the Council that this ordinance was prepared with Council's direction that the Special Magistrate would hear all mitigation cases for code lien appeals; however, the final appeal, if requested by the resident, would be before the Town Council.

Motion: a motion to approve on first reading was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 4 – 0.

c. ORDINANCE NO. 2017-12 (ETHICS CODE-FIRST 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.

Council Member DeMarois wanted to know if someone went to the Courts to get relief and won, would the Town have to pay Attorney costs. Town Attorney responded no if it was on site plans issues; but if the Town was sued through Federal Law violation of civil rights venue, then there might possibly be attorney fees.

Motion: a motion to approve the ordinance on first reading was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

d. RESOLUTION NO. 2017-48 (CULVERT POLICY)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING ADMINISTRATIVE POLICY 17-02 FOR THE CREATION OF A DRAINAGE IMPROVEMENT AND CULVERTS REPLACEMENT POLICY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Underwood explained to the Council that there had been a culvert policy established in 2016 with regard to culvert replacement under Town roads; however, it did not include culverts in canals that connect two or more Town roads. This amended policy would be more uniform to all Town roads and residents. Council discussed the implementation of the 50/50 policy for costs and since Palm Beach County Fire-Rescue designated which ones were in dangerous condition and they would not cross with their equipment, possibly the Town could request assistance from the County Engineer in looking at these.

Joannie Hopkins, 23rd Ct North, stated the Town had told the residents that culverts were the responsibility of the property owners if the road was private. If the Town takes over all the roads, would the Town now be responsible. Staff responded private roads would still be private and this was only for public roads.

Motion: a motion to approve the resolution and policy was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

e. Attorney's Memo 2017-010 Local Business Taxes

Town Attorney Cirullo stated if the Town Council wished to institute business tax receipts, an ordinance would need to be adopted prior to the end of December in order to be effective as of October 1, 2018. Procedures would need to be established, with some Ag related businesses being exempt. Regarding rates, the Town could look at adjacent local governments and their rate structure studies, such as Royal Palm Beach and Palm Beach County. The Town could possibly use these studies to create rates, unless they were unreasonable.

Motion: a motion to instruct the Manager to proceed with reviewing rate structures was made by Vice Mayor Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

f. Traffic Calming Letter to Palm Beach County for Okeechobee and Folsom Roads

Motion: a motion to approve sending the letter presented in the agenda to Palm Beach County officials was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

Motion: a motion to extend the meeting in order to hear items #11, #12b and final public comment was made Vice Mayor Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

11. MANAGER'S REPORT – Town Manager Underwood

a. Discussion & Direction – Permits for Properties under code violation

Manager Underwood explained that there was currently in the ULDC a section which stated a permit could not be issued to any property that had a current code violation on it; however, several properties needed a permit in order to complete certain repairs to bring their property into compliance. This clause in the ULDC was counterproductive.

Motion: a motion to direct Staff to bring forward an ordinance amending this section of the ULDC to allow permits for code violation compliance was made by Council Member DeMarois and second by Council Member McLendon. Motion passed 4 – 0.

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

c. Water Control District Elections Move to March

d. Non Residential Solid Waste Assessment Study and Report. (continued from 6/6 & 7/18)

The initial study clearly indicated that it was not worthwhile to do a rate structure changes. Staff asked that Council authorize the Manager and Town Attorney to use the balance of the funds from the Study and Report that were not used, approximately \$9,000 to work with PRMG to establish ordinances to mitigate underlying solid waste problems by establishing restrictions and charges for violations, possibly a franchise agreement with waste hauler to make dumpster rentals from Town Waste Hauler mandatory.

Motion: a motion to approve the use of balance of funds to come up with solutions for inequities for commercial/non-commercial properties was made by Council Member DeMarois and seconded by Council Member McLendon. Motion passed 4 – 0.

12. COUNCIL REPORTS

- a. Council Member Todd McLendon (continued to Sept. 7, 2017 agenda)
 - 1. Discussion of Town Ethics Violation by Council Member David DeMarois
 - 2. Discussion on possible RFP for C Road & Collecting Canal Culvert Replacement

Add:

- b. Vice Mayor Jarriel
 - 1. Food Trucks

Vice Mayor Jarriel stated the truck at Red Barn had been there for 13 years and previously these trucks had gotten special permits through the County prior to incorporation. These were good for business. It should be necessary for them to be inspected by the Health Department, get a Town permit and have a contract between the owner of the property and the truck owner. Mayor Browning added that they needed to be only on commercial property. Council Member McLendon stated this was too big an issue for brief discussion tonight. Discussion continued on how to allow, but regulate, these trucks.

Motion: a motion to declare a zoning in progress, but allow the food trucks to continue that are on commercial, recreation, and nursery retail on Okeechobee or Southern Boulevards, then have the Town Manager and Town Attorney bring suggestions for a regulation ordinance back to Council after going to ULDC and P&Z, was made by Vice Mayor Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

13. CLOSING COMMENTS

- a. Public

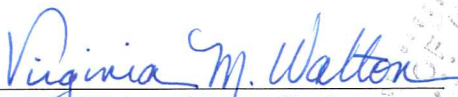
Phillis Maniglia, West D Road, thanked the Council for keeping the food trucks and the trial program for the RVs, with inspections for all RVs. The regulations should be for throughout the Town, not just the equestrians. Also, since the Water Control District was no longer, someone needs to maintain weed spraying. Council Member McLendon suggested getting a contract with the County prisons to use the prisoners, as several other towns do.

Marge Herzog stated the next landowner's meeting would have a speaker from the Palm Beach State College on gaining support for having a dental school as part of their campus. Vice Mayor Jarriel asked for a consensus to prepare a resolution in support of the dental school. Council agreed.

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

14. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 10:49 PM.


Virginia Walton, Town Clerk


David Browning, Mayor

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