

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, July 18, 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 Ryan Liang, Todd McLendon and Dave DeMarois. Also present was Town Manager Bill 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

Mayor Browning asked that Item #4b be added – a presentation by Water Control District Supervisor Anita Kane. Council Member McLendon requested that Item #12a(1) be moved to Item #8f. Vice Mayor Jarriel asked that Item #6d be pulled from the consent agenda for discussion prior to a vote.

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

3. PUBLIC COMMENTS

Ken Johnson was not present but had two comments to be read into the record. He felt it was important that roads like Los Angeles and San Diego be given priority for paving, and all property owners should pay their fair share of trash and garbage collection costs, with businesses being assessed accordingly.

Robin McLeod, San Diego Drive, wanted to know when B Road would be graded to prevent flooding issues.

Julia Campbell, Farmers Daughter, gave out a packet of information to each council member on her ongoing code violation issues. She felt her property was grandfathered in and the codes were being arbitrarily used. There were other food trucks around the Town and also other nurseries that were operating illegally.

Marge Herzog, A Road, announced the LGLA Meeting was on July 27th and their speaker would talk about environmental native plants.

4. PRESENTATIONS

a. Palm Beach State College Legislative Update

Provost Maria Vallejo stated the College had made gold status and had gotten some funds in the upcoming budget for their dentistry programs; however Senate Bill 374 Higher Education had been vetoed by Governor Scott, which would mean a \$301 million cut in the new budget. It was felt the bill would come back again for reconsideration. Council Member McLendon congratulated the College and commented that his wife had graduated from their dental technician program.

Add:

b. Water Control District Supervisor Anita Kane

Supervisor Chair Kane, along with additional Supervisors Simon Fernandez and Connie Bell, stated the Water Control District was celebrating their 100th Anniversary and presented the Town Council with commemorative coins and flyers for this event.

5. COMMITTEE REPORTS – none scheduled

6. CONSENT AGENDA

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

- a. Minutes: June 6, 2017 Joint Meeting - Town Council and Water Control District
- b. Minutes: June 6, 2017 Town Council Meeting
- c. June Invoices for Goren, Cherof, Doody & Ezrol, PA
- e. RESOLUTION NO. 2017-42 (PILOT AGREEMENT)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE MUNICIPAL SERVICES PAYMENT AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND BIG DOG RANCH REAL ESTATE HOLDINGS, LLC; AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE AGREEMENT; AUTHORIZING THE RECORDING OF THE AGREEMENT IN THE PUBLIC RECORDS OF PALM BEACH COUNTY; AND, PROVIDING FOR AN EFFECTIVE DATE.

f. RESOLUTION NO. 2017-40 (ROAD COST SHARING)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING ADMINISTRATIVE POLICY 1-17 FOR THE CREATION OF AN ASSESSMENT PROCEDURE FOR LEVY, COLLECTION AND ADJUSTMENT OF NON-AD VALOREM ASSESSMENTS FOR THE PURPOSE OF CAPITAL IMPROVEMENT ROAD/DRAINAGE PROJECTS; AND PROVIDING AN EFFECTIVE DATE.

Council Member McLendon stated there was a word missing in the June 6, 2017 Town Council Meeting Minutes under Item #9b. The word “citations” should be added after the word “traffic” on the first line of comments.

Council Member Liang left the dais at 7:15 pm and returned at 7:18 pm after the consent agenda vote.

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

Pulled from consent agenda for discussion:

- d. Motion to authorize the Town Code Enforcement Magistrate to mitigate code enforcement liens and authorize the Town Attorney to prepare an ordinance to provide for such.

Council asked for a clarification of this proposed ordinance. Town Attorney Cirullo responded that under Statutes the fine was certified, then a lien was filed. As the Town Code is currently, if the Applicant wanted to negotiate a reduced fine or release, they would have to wait for a Town Council Meeting. Most other municipalities would regularly have these appeals go before the Magistrate who had originally heard the case. This ordinance would allow that means to be available to the Town's applicants. If the Council wished, there could be a clause that reserved the final appeals rights as a last resort to the Council.

Motion: a motion to authorize the Town Attorney to bring forward an ordinance give the Magistrate authority to mitigate code enforcement liens, with last resort final appeals rights still being the Town Council, was made by Vice Mayor Jarriel and seconded by Council Member DeMarois. Motion passed 5 – 0.

Manager Underwood presented a power point presentation on the history of the revenues, tax values and millage rates for the Town for the past several years. The taxable values were up 23%, but still lower than in 2008. The exempt values were up 20% and the Ag land exemptions were up 20%. The history showed that with the roll back rates during the 2008 – 2010 fiscal years, the millage should have been over 2; however, the Council had voted to keep it lower. This year the millage was proposed at 2.6, based in part due to the increase in law enforcement serves. Waste Pro's agreement was up 2%, even though the solid waste was down. The transportation and infrastructure funds were up due to Town's plans for a bond for road improvements and plans for trails development, culvert and catch basin improvements and paving plans.

7. RESOLUTIONS

- a. RESOLUTION NO. 2017-41 (SOLID WASTE ASSESSMENT)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS ("SOLID WASTE COLLECTION SERVICES") IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A

PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF;
PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

The solid waste rate would remain the same as last year at \$256.27. It was noted that Appendix "A" had been amended to correct the total for solid waste at \$368,516.26, since additional properties were added after the original agenda was published. The final hearing for this item would be on September 7, 2017 at 7:00pm.

Motion: a motion to adopt the solid waste assessment at \$368,516.26 total, and \$256.27 per residence, was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

b. RESOLUTION NO. 2017-44 (PRELIMINARY MILLAGE)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING A PROPOSED OPERATING MILLAGE RATE OF 2.6000 FOR GENERAL OPERATING BUDGET PURPOSES FOR FISCAL YEAR 2017/2018; APPROVING AND AUTHORIZING TRANSMITTAL OF THE FORM DR-420 TO THE PROPERTY APPRAISER; PROVIDING FOR THE ESTABLISHMENT OF AND SETTING FORTH THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE FISCAL YEAR 2017/2018 PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Underwood stated the proposed millage would fiscally maintain the solid waste costs and new law enforcement services agreement.

Vice Mayor Jarriel stated he did not feel the millage increase was necessary, even though he believe the increase law enforcement presence was needed.

Council Member DeMarois read a statement that the Council had only been given a few days of notice, but were being asked to tax the residents almost double what they were not paying. He wanted for information on the amount of unrestricted funds on hand (which would be reserves), wanted more information on the road improvement program, and wanted to better understand the cost of Town Staff and code enforcement. Council Member DeMarois wanted the FAAC Committee to hold an emergency meeting to report their findings and advise Council how to address these issues. Then the Council could hold an emergency extra meeting to review the findings.

Council Member McLendon stated the gas tax money could only be used for roads. Reserves should not be used for the increase to law enforcement services costs because it was a recurring expense. The only option was to raise the millage. Regarding staff costs, the Water Control District has less people on staff but spent more money on staff costs; in-house staff was obviously not better.

Council Member Liang stated everyone knew that the main reason was mostly, not completely, because of the increased law enforcement costs. He did not want to raise the millage as high as proposed. The FAAC should review.

Mayor Browning stated the law enforcement services agreement was the best deal. When the Town was incorporated, the original budget had those costs at one-half million dollars with one full time deputy. The Sheriff had dropped the cost by recommending a floating deputy within the District. This was only talking about \$152 more per year per household. He had spent a long one-on-one meeting with the Manager to go over all the costs, and it might be possible to “widdle” down the proposed 2.6 mills prior to adoption, but all expenses, not just law enforcement, were going up.

Manager Underwood added that he had been teaching elected officials for over ten years at the EMO sessions and one thing that is always stressed is that you never use reserve funds for ongoing expenses.

Virginia Standish, North Road, stated that there was no question that PBSO services was the better option; but was also the reason for millage costs going up. The Town had brought in Publix Center and the College, who did not contribute any money to the Town. Commercial businesses should contribute more. The Town should look at other towns to see if there were other options.

Council Member McLendon responded that the Town could find out the costs associated with the College and get an appropriation bill in Tallahassee to cover those costs.

Mayor Browning added that the Town was new to commercial development and was learning to have these costs considered in future development arrangements.

Marianne Miles, B Road, agreed with previous comments, including Mayor Browning. She liked PBSO, but did not want them sitting on Okeechobee Blvd just looking to give out tickets.

Connie Bell, 22nd Road North, was shocked at the comment that the Council Member had not had time to look at the budget. It had been posted on the website, the FAAC members had looked it over; the residents had looked it over; and the Council knew that law enforcement costs were going up and needed to be paid for. The Town needed this presence. She had attended the Town Manager’s sessions and he was correct that you don’t pull from reserves. The Town needed to stick together.

Council Member McLendon agreed that the Town knew these costs were coming six months ago.

When questioned by Council about unrestricted reserve funds, Manager Underwood responded that there was \$400,000, or 20% in the General Fund.

Motion: a motion to adopt the resolution with a tentative proposed millage of 2.6 was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 4 – 1, with Council Member DeMarois dissenting.

C. Proposed FY 2017-2018 Budget

8. OLD BUSINESS

- a. Appeal of Denial for Category B Special Exception Application – Mobile Home
2820 A Road – Raul Zavala/Ricardo Figueroa

Vice Mayor Jarriel stated that he would abstain from voting on this item since he was one of the surrounding homeowners who had been noticed about possibly being impacted by a property value decrease. The proper paperwork would be filed with the Town Clerk. The Applicants, Manager Underwood and Planning Consultant Fleischmann were all sworn in to give testimony.

Planning Consultant Fleischmann gave a brief overview of the Appeal and the Council's request at the last meeting for mailings to surrounding property owners. The Applicant stated they had collected two letters from surrounding property owners stating they did not have a problem with the mobile or prefab home on this property.

Motion: a motion to receive and file the letters was made by Council Member DeMarois and seconded by Council Member Liang. Motion passed 4 – 0.

Manager Underwood stated he had received a phone call from Mr. Denny at 2804 A Road with a request to deny this appeal. This property was already charged garbage for a property with 5 homes from solid waste and this would make it 6 homes; which would put it to a level of more than one home per acre.

Joseph S (?), A Road, stated he owned the 10 acres on the north side of this property. He had his property on the market and had a buyer until they looked over to this property and saw the chickens, half a mobile home and other debris, then he lost the deal. He presented photos showing a pipe draining sewage from the trailer into the canal. He asked that this appeal be denied.

Motion: a motion to receive and file the two photos showing sewage dumping was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 4 – 0.

Valerie (?), stated this doesn't belong here and was against the mobile home.

The Applicant stated the RV on the property was only used when traveling with the horses and was not lived in.

Council Member McLendon asked if they could consider the comments of the Vice Mayor as evidence. Town Attorney Cirullo responded no. Mayor Browning stated the problem was that trailers had never been allowed on five acres. In the County, they were only allowed on ten acres; but that allowance was now gone. Also, they did not own the land. The Applicant responded that they did own the land.

Motion: a motion to deny the appeal was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 3 – 1, with Council Member Liang dissenting.

b. RESOLUTION NO. 2017-43 (RETGAC APPOINTMENT)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RESCINDING RESOLUTION NO. 2017-35, AND APPOINTING _____ AS A VOTING MEMBER OF THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (RETGAC), TO SERVE THE REMAINDER OF THE ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member Liang nominated Jo Siciliano as a voting member of the RETGAC Committee.

Motion: a motion to approve Jo Siciliano as a voting member of the RETGAC Committee was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

(Council Report items continued from June 6 agenda)

c. Councilman McLendon

1. Discussion and direction to reconsider perpetual permit with the LGWCD

Council Member McLendon wanted the Council to consider rescinding or amending the resolution accepting the perpetual permit to exclude Duck Puddle, in hopes the Town could be removed from the pending lawsuit. Town Attorney Cirullo stated regardless of what decision was made on this the Town would still be in the lawsuit until resolved. Mayor Browning asked if any other Council Member was interested in making a motion. There was no consensus.

2. Discussion and direction on Recreational Vehicle Pilot Program

Council Member McLendon stated a year ago Manager Underwood had presented this program for consideration. The RVs come in every year during equestrian season for a limited time span. This program would require permits, inspections and hook-ups to electric, water and sewer. Council Member Liang suggested they talk about this more on next month agenda. Vice Mayor Jarriel agreed to put this on the next agenda and make sure safety and health were taken care of in the program. Consensus was to bring back on the August 1, 2017 agenda for consideration.

3. Discussion and direction on traffic calming measures on Okeechobee Boulevard

Council Member McLendon suggested sending a resolution to the County requesting they initiate traffic calming on both Okeechobee Boulevard and Folsom Road. Along the letter roads, cars were going around other cars waiting to turn and using the easement areas where children were waiting for school buses. This was dangerous. Mayor Browning stated he had met with the County and they were not interested in speed bumps. Council Member McLendon stated there were other options such as rumble strips, outcropping plantings, etc. Consensus was to have a letter prepared for the Mayor's signature requesting traffic calming and asking the County to work with the Town on ideas.

4. Discussion and direction regarding signatories on Town resolutions and ordinances

Council Member McLendon stated the Charter only required that the Council vote and the Mayor sign all ordinances and resolutions. Town Attorney Cirullo confirmed that there was no action taken by any previous Council that could be found requiring all council members to sign.

Motion: a motion to approve that future ordinances and resolutions only require the Mayor's signature was made by Council Member McLendon and seconded by Council Member DeMarois. Motion passed 5 – 0.

5. Discussion and direction regarding removal of code enforcement restrictions

Council Member McLendon stated the current code enforcement has restrictions requiring a signed complaint before action can be taken, which makes for unequitable code enforcement throughout the Town. These restrictions should be lifted so that if the code officer sees a violation he can act on it.

Consensus was to bring forward an amended code enforcement resolution to remove the restrictions.

Mayor Browning called a break at 8:52 pm. Meeting reconvened at 8:58 pm.

d. Vice Mayor Jarriel

1. Annual evaluation of Town Manager for discussion and direction

Vice Mayor Jarriel stated he had spent a long time discussing this with Manager Underwood and the form placed in the agenda for review was the result of their discussions. It was important to have the evaluation on an annual basis so that if any problems arose they could be discussed and rectified, and accordingly if something was done that justified a commendation it could be noted. This procedure would justify to the residents that oversight was being adhered to.

There was discussion on how the evaluations would be completed, with consensus that each council member would complete the form and meet individually with the Town Manager, then the final report would be reviewed as a group. The items on the evaluation would be scored and an average of all scores would be in the final report. Town Attorney Cirullo reminded the Council that public notice would be needed for the final report if done as a group.

Dennis Lipp, P&Z Board Chair, suggested that all standing boards should have the evaluations as well.

2. Generator for Town Hall -- discussion and direction

Vice Mayor Jarriel stated that the Town Hall was on the same grid as the hospital, and other than flooding this was the safest place to be. He felt a generator would be a good addition. Mayor Browning stated this had been considered in the past and he and the Town Manager had gone to look at Stark Warehouse, which sold decommissioned military generators; but it was

determined at that time the expense was not warranted. Consensus was that since the Town Hall was on the same grid as the hospital, this was not a critical expenditure at this time.

3. How to reduce traffic hazards on Collecting Canal Rd. between Folsom Rd. & A Rd. -
- for discussion & direction

Suggestions from Council for possible solutions were a four-way stop, additional police details for traffic enforcement and having the road paved.

e. Councilman DeMarois

Council Member DeMarois presented a sheet of questions for the Attorney with reference to items #1, #2 & #3.

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

1. Code enforcement concerns and questions for Town Attorney
2. Question of the use of Underwood personnel and Town equipment by Karen Piesley campaign. Issues for Town Attorney
3. OIG letter and Town responses that were due May 5
 - a. Town Administrative Policy 1-14 re: fully cooperating with OIG
 - b. Standard Town contract provisions regarding cooperating with OIG

Council Member DeMarois wanted to know what authority the Town Council had over management actions. Response was the same as procedure with IOG responses. Provide direction and if necessary pass motions to show concerns.

Council Member DeMarois wanted to know what authority the Town Council had with regard to item #2 above. Response was to send concern to the Florida Election Commission.

Council Member McLendon asked why all of this was being asked at a public hearing? If he had concerns about the Manager, he just went and talked to him. Council Member DeMarois responded he wanted the public to understand that it took three vote to hire Management, but four votes to fire.

Regarding item #3, Mayor Browning stated it was easy to say that they didn't respond; however, the IOG was not reasonable in their response deadlines. They don't like the Town's form of government and acted accordingly.

Moved from Item #12a(1) to Item #8f

- a. Council Member Todd McLendon
 1. Discussion and direction on Town Code of Ethics

Council Member McLendon referenced page 232 of the agenda, specifically Ordinance 2009-01 "Ethics Code", Sec. 1-25 Standards of Conduct (4)(j) and the term "pending application or petition"; and asked for a clarification on when it would be reasonable to allow a council member to reengage with an applicant after an appeal had been denied. The Courts deemed a decision still pending until 30 days after the decision. He has seen council members being

stopped by Applicants after appeals and the council members need to get away from any preserved issues with this.

Town Attorney Cirullo responded that the Council had never actually discussed this type of situation after a denial. Clarity about when to reengage was needed. The legal court process had clear rules, but that was not done with this ordinance; and therefore, if the Council wished it would need to be amended. Vice Mayor Jarriel stated he felt after a denial the issue was finished; but would agree to a clarification. Mayor Browning stated the original intent of the ordinance was so that council members did not receive undue pressure prior to a matter coming before them; but saw now that this was a problem that had not been foreseen and needed clarification. He suggested that as long as there was potential to be brought back before them it would fall under "pending".

Town Attorney Cirullo stated he would work on the language. When the application was submitted, the clock starts on the cone of silence. In question was when the clock ends...30 days or until the next council meeting? Regarding Comp Plan items, this timeframe could be different and he would research.

9. PUBLIC HEARINGS

a. ORDINANCE NO. 2016-09 (RECONSIDERATION-SECOND READING)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3184(3) FLORIDA STATUTES TO ADD SPECIAL POLICY 1.15.7 TO THE TEXT OF THE FUTURE LAND USE ELEMENT RELATING TO FUTURE LAND USE WITHIN THE AREA DEFINED BY THE FOLLOWING FEATURES: COLLECTING CANAL (NORTH); SOUTHERN BOULEVARD (SOUTH); "C" ROAD (EAST); AND "B" ROAD (WEST); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title and advised the Council that three votes were needed, as this was just a text amendment. This ordinance would just create a mechanism for applying for a land use and zoning amendment. Planning Consultant Fleischmann stated that pages 154 through 168 of the agenda contained the Staff Report on this item. The Applicant stated that their justification was that the land surrounding his was previously Ag vacant land and the character of that area had been changed by approved commercial developments. The LPA had recommend approval of this ordinance and it was sent to local, county and state entities as required by Statute. The only two responses were from the State and TCRPC, who both had no issues.

There were council concerns about the number of properties included in this amendment, access to B Road from this property, and whether conditions could be put on any requests to prevent combining of properties to meet the zoning amendment requirements or properties with existing zoning requesting changes. Planning Consultant Fleischmann stated they could put a size limitation of 15 acres or greater as a possibility; however, any change to the heading of the

ordinance would require that they start over. A suggestion was also that commercial could not extend a certain number of feet from Collecting Canal, such as 300 feet.

Attorney for the Applicant, Al Malafato, stated they just wanted the opportunity to come back with a compatible plan. Mr. Malafato stated regarding the properties in question, changed could be limited to properties with less than five acres; the applicant's two parcels were much larger; and no commercial within 300 feet from Collecting Canal could alleviate a lot of concerns. He asked that they wait until a plan was presented to deal with the issue of traffic off B Road. Vice Mayor Jarriel stated they would not reconsider the issue of traffic on B Road. Planning Consultant stated the only option was multiple land uses, with one as conservation.

Council Member DeMarois left the dais during council discussions at 10:08pm and returned at 10:11pm. Vice Mayor Jarriel left the dais during council discussions at 10:10 and returned at 10:12pm.

Keith Harris, C Road, stated there were valid points for both pro and against. Traffic on B Road was a concern. Why not ingress and egress onto Southern Boulevard. The Town should give this a change to see what they present.

Nina Corning, E Road, stated traffic will flow both ways no matter what. Multi-land uses have ore people who can vote and change things in the Town. Multi-Land Use should come to the RETGAC for review. You can't put a 300 foot buffer onto someone else's property. It was not okay to continue this trend.

Ken Johnson, not present but wanted comments read into the record, stated no commercial business on B Road.

Council Member McLendon asked if they could make a condition that no access to B Road. Town Attorney Cirullo responded that they had to avoid "impossible" restrictions. Council Member McLendon added that this was just too broad and concerns were not addressed.

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

Motion: a motion to extend the meeting to hear items #9a, #10b and final public comment was made by Council member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

(this item was continued to the August 1, 2017 meeting)

b. 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.

10. NEW BUSINESS

This item was continued to the August 1, 2017 agenda

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.

b. ORDINANCE NO. 2017-10 (FIRST 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 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 approve the ordinance on first reading was made by Council Member McLendon and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

11. MANAGER'S REPORT – Town Manager Underwood

All items continued to the August 1, 2017 agenda

- a. Palm Beach County Sheriff's Office Monthly Report June 2017
- b. Palm Beach County Fire-Rescue Monthly Report May 2017
- c. Discussion & Direction - Permits for Properties under code violation
- d. Agenda Item Report – Updates on various activities and issues concerning the Town
- e. Non Residential Solid Waste Assessment Study and Report. (continued from June 6th)

12. COUNCIL REPORTS

- a. Council Member Todd McLendon
 1. Discussion and direction on Town Code of Ethics (moved to item #8f)
(these items were continued to the August 1, 2017 meeting)
 2. Discussion on using WCD funding methodology to pay for road maintenance
 3. Discussion on Development Approvals from PBC

4. CLOSING COMMENTS

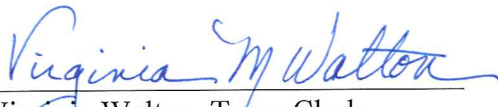
- a. Public

Virginia Standish, North Road, stated she had three items: 1) 10 South B Road double solid line was overkill; 2) south side of B Road was a great spot for a trail; and 3) two council members leaving the dais during discussions on an item does not look good.

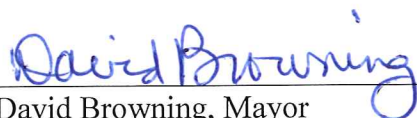
- b. Town Attorney - none
- c. Town Council Members - none

12. 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, August 8, 2017.